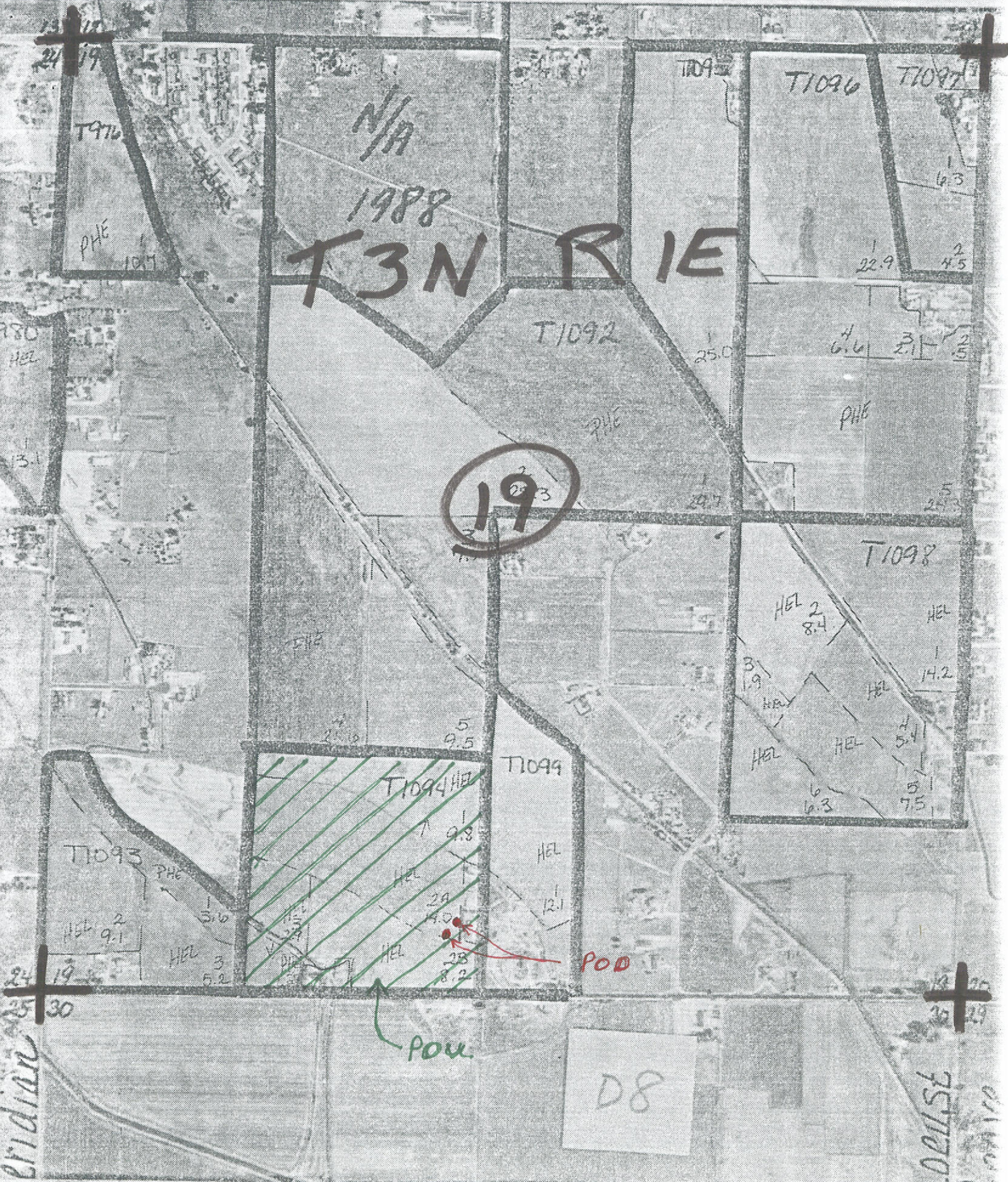




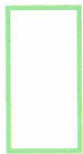
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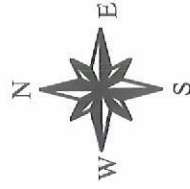
MICROFILMED

AUG 18 1992

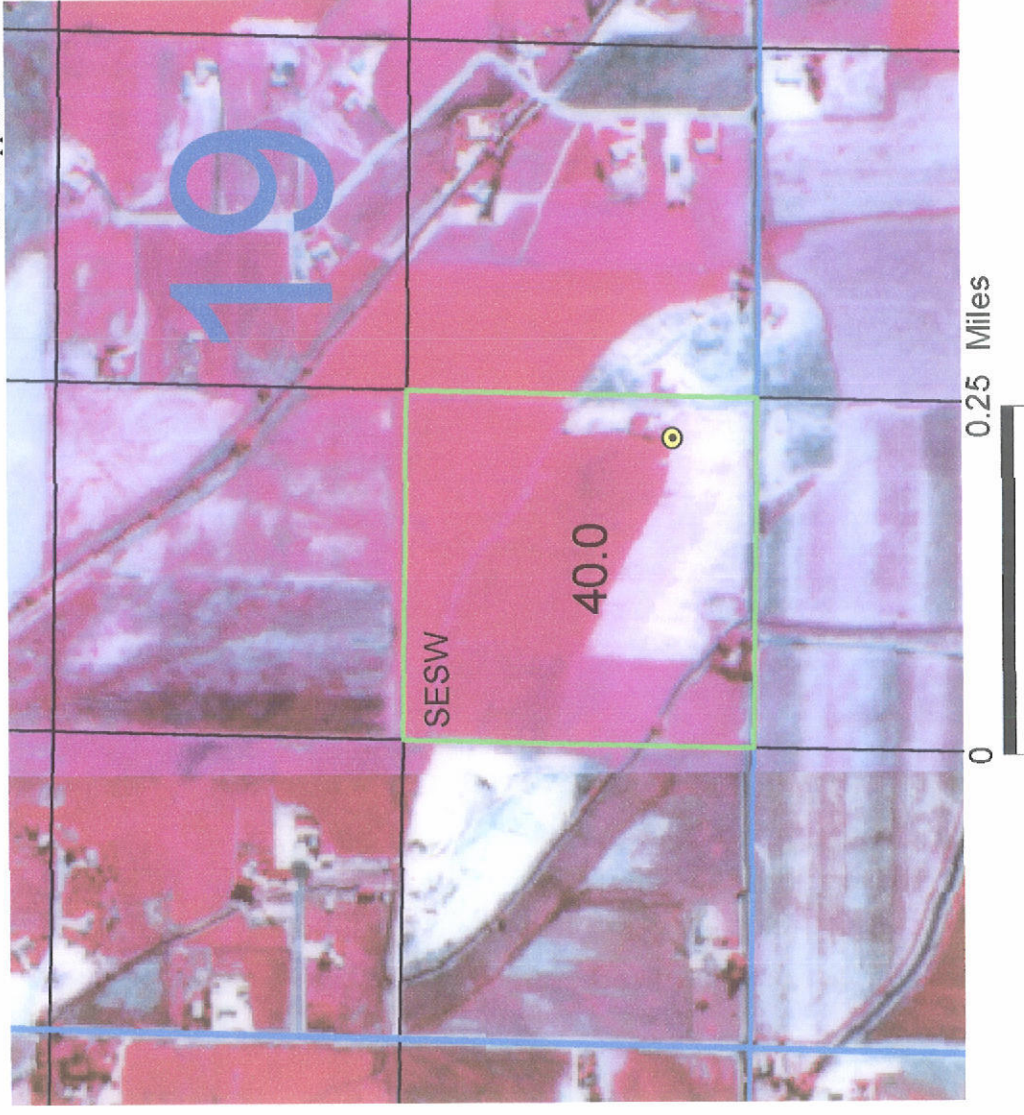
Idaho Department of Water Resources

Claim Number: 63-02902
Legal: T03N, R01E, S19
Reviewed By:

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



1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-02902
Legal: T03N, R01E, S19
Reviewed By:

● Point of Diversion



Place of Use



Section Lines

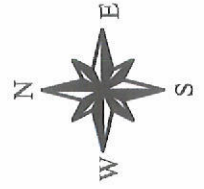


Quarter Quarter Lines

1987 Napp Photo



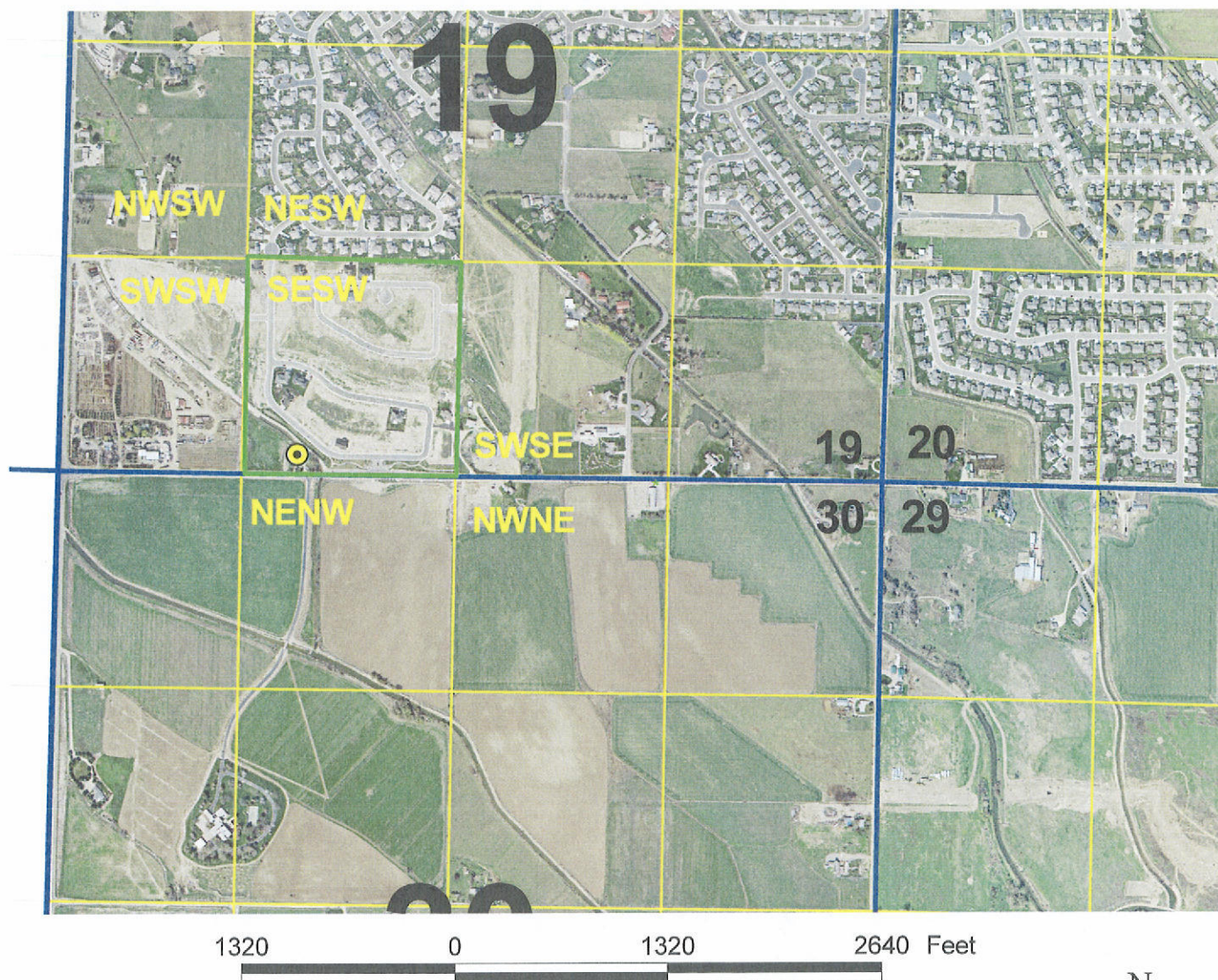
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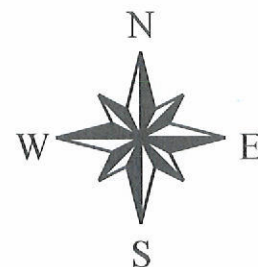


State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 19
Water Right(s) : 63-2902



IRRIGATED ACRES = 40



GIS Place of Use Illustration
2003 Aerial Photography
Prepared By: Vicky Music
Date: March 2005

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

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: **A63-02902**
Date Received: 9/ 1/1989
Receipt No: W005368
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DEAN E PETERSON 208-888-3855
Address: 780 EAST VICTORY
MERIDIAN ID 83642

OR

Name: BEVERLY KAY PETERSON 208-888-3855
Address: 780 EAST VICTORY
MERIDIAN ID 83642

2. Date of Priority: SEP 23, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	19	SE	SW			ADA

5. Description of diverting works:

WELLS, 210' DEEP, 10" CASING, 10HP PUMP, 154' DEEP, 6" CASING, 3/4HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00
DOMESTIC	01/01	12/31	0.020		0.60

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or) 180.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

ONE DOMESTIC HOUSEHOLD, 12 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	19	SE	SW		DOMEST	
			SE	SW		IRR	40.0
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
IRRIGATION DISTRICT WATER

14. Remarks:

THE SECOND WELL WAS DRILLED IN 1969 AS A SUPPLEMENTAL WELL FOR THE DOMESTIC AND STOCK WATER USES. THERE ARE TWO PODS IN THE SE SW.

STOCK REMOVED FROM POU, NOT CLAIMED AS A WATER USE. 9/3/97 LH

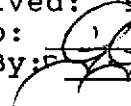
15. Basis of Claim: LICENSE

Water Right Number: 22798

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: A63-02902
Date Received: 9/01/1989
Receipt No: W005368
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN E. PETERSON 208-888-3855
Address: 780 EAST VICTORY
MERIDIAN, ID 83642

OR

Name: BEVERLY KAY PETERSON 208-888-3855
Address: 780 EAST VICTORY
MERIDIAN, ID 83642

2. Date of Priority: SEP 23, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	19	SE	SW			ADA

5. Description of diverting works:

WELLS, 210' DEEP, 10" CASING, 10HP PUMP, 154' DEEP, 6" CASING, 3/4HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00
DOMESTIC	01/01	12/31	0.020		0.60

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or) 180.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

ONE DOMESTIC HOUSEHOLD, 12 HEAD BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	19	SE	SW		STOCK	
			SE	SW		DOMEST	
			SE	SW		IRR	40.0
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
IRRIGATION DISTRICT WATER

14. Remarks:
THE SECOND WELL WAS DRILLED IN 1969 AS A SUPPLEMENTAL WELL FOR
THE DOMESTIC AND STOCK WATER USES. THERE ARE TWO PODS IN THE SE
SW.

15. Basis of Claim: LICENSE
Water Right Number: 22798

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 P 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): *Alan Peterson* Date: Sept 1-89
Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of Sept. 19 89

Seal

Melvin Gene Gibson
Notary Public
Melvin Gene Gibson, Notary Public
Residing at Boise, Idaho
Residing at My Commission Expires September 2, 1994
My Commission Expires

JN 1E JEC 19-
 T1091 T1092 T1093
 T1094 T1095 T1096
 T1097 T1098 T1099
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AUG 18 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2902

WATER RIGHT NUMBER: 63-2902

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	R L JOHNSTON MERIDIAN, ID 83642

Priority Date: 09/23/1954

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	180.00 AF
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
	<u>Total Diversion:</u>	0.800 CFS	180.60 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 19, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S19 SESW 40.0

Total Acres: 40

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2902

Dates and Other Information:

Licensed Date: 8/28/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 22798/63-2902 Priority Sept. 23, 1954 Amount 0.8 cfs

THIS IS TO CERTIFY, that R. L. JOINSTON
of Meridian, Idaho, has complied with the terms and conditions of Permit
No. 22798/63-2902 issued pursuant to Application for Permit dated May 19, 1952
and has submitted proof to the Department of Water Administration on Sept. 27, 1954
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 0.8 for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)
Amount 0.02 for domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 SW 1/4 Sec. 19, Twp. 3 N, Rge. 1 E, B.M.
in the county of Ada; and that the amount of water so diverted and to which such
right is hereby confirmed and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
1.5 acre feet per acre. for irrigation purposes and 0.6 acre feet per year
for domestic purposes, with the total amount not to exceed 180.6
Description and location of place of use: acre feet per year.

TWP	RANGE	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	
3 N	1 E	19												40					40
Domestic Use:																			
3 N	1 E	19												X					

Total number of acres irrigated 40

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of
November, 19 71.


Director

63 2902

APPLICATION FOR PERMIT 63-2902

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 30526
Permit No. G- 22798
District No.

1. Name of Applicant: R. L. JOHNSTON
Postoffice address: Rt. 2, Meridian County: Ada State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 0.8 or Idaho
Miners' inches 110 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean from a well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19
Twp. 3 N. , Rge. 1 E. , B.M., County of Ada
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 3,500.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Two (2) years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 15 $\frac{1}{4}$ inches in Nampa-Meridian
Irrigation District
 - (a) 15 $\frac{1}{4}$ (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 24-3/4 (cubic feet per second, inches or gallons per minute) is for new lands.

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

Agent.

Corrected application received:

MARK R. KULP
State Reclamation Engineer.

By LEN JORDAN
Governor

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 $\frac{1}{4}$	
3 N.	1 E.	19																	40
LICENSE ISSUED FOR <u>0-8</u> SEC. FT. LICENSE PAGE NO. _____																			

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

Permit No. G-22798

This proof is for Completion of works & Beneficial Use In Water District No.

1. Name of applicant R. L. Johnston, Route 2, Meridian, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19T. 3 N. R. 1 E. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: The well is 210' deep by 8" diameter. Water is 450'. Small open shed over the pump and motor. Motor is a 10 h.p. U. S. Motor 3 phase No. 900150. Pump is a turbine type Berkeley No. 5210448. Column is 70' by 6". 6" bowls, 3 stage. Delivery to the West through a pipe 6" by 5' long into a ditch 2' wide on the bottom by 12" deep.

Gravity irrigation

5. Water is used for: Irrigation and domestic purposes6. State whether or not water has been turned into works of diversion: Yes

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, Twp. 3 North, Range 1 East, B. M.See the map.28 acres primary irrigation12 acres supplementary irrigation

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

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

Remarks: This is high ground above the Nampa-Meridian Canal. Crop is mostlyhay and pasture.

Fields show evidence of good and sufficient irrigation.

This examination was made on the 18th day of March, 19 55.(Signed) E. N. Humphreys Examiner.

22798

R. L. Johnston
Rt. 2, Meridian, Idaho

Permit No. G-22798

Examination for Completion of works
and Beneficial Use

County Ada

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
JUN 19 55
MAP 19 55

Department of Reclamation

40' X 6'

50' X 6'

10' X 6'

10' X 6'

10' X 6'

10' X 6'

10' X 6'

10' X 6'

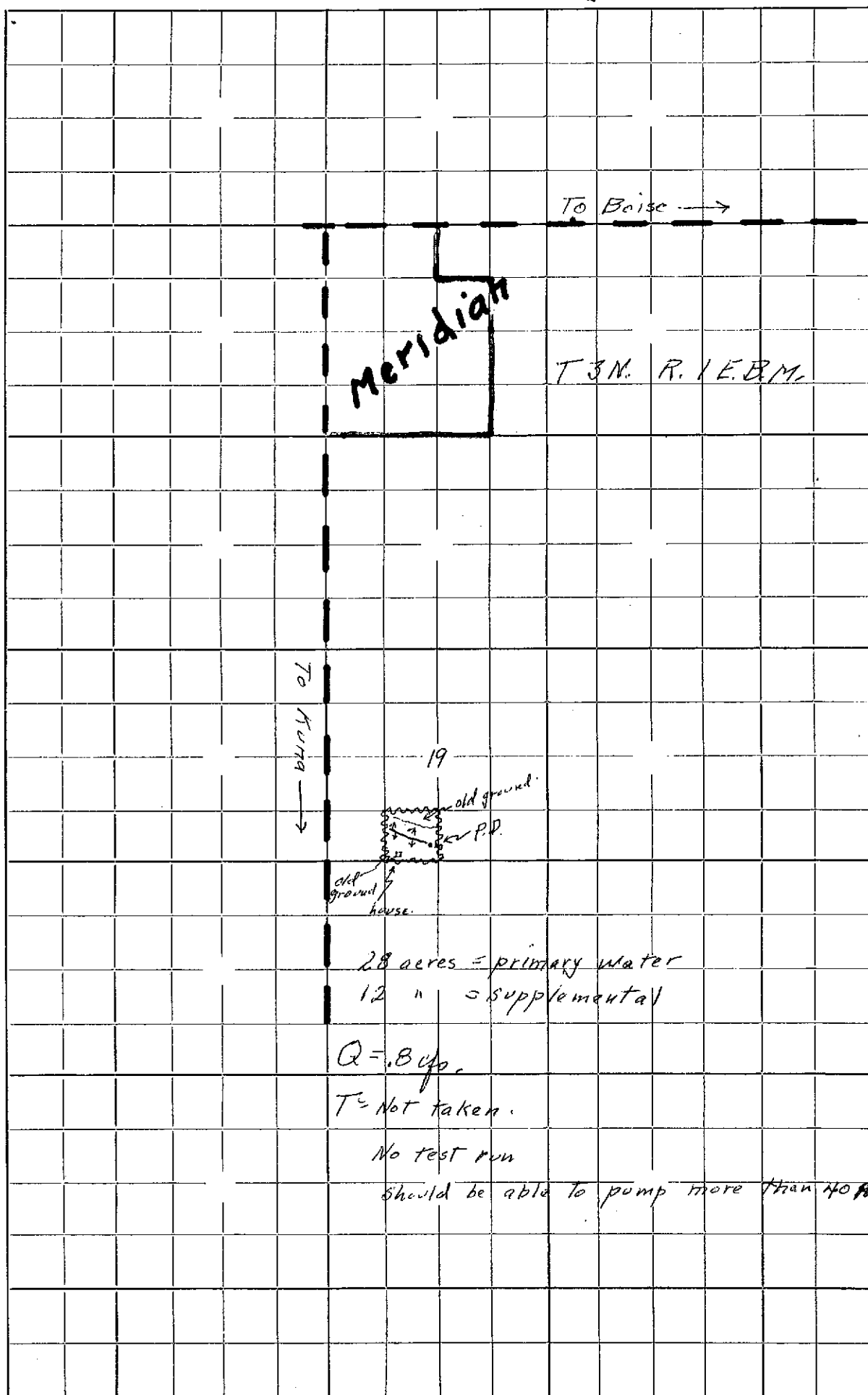
10' X 6'

10' X 6'

10' X 6'

10' X 6'

10' X 6'



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22798

REPORT ON PROOF OF Completion of works & Beneficial Use
R. L. JOHNSTON, Route 2, Meridian, Idaho

0.8 cfs
mark

afs 0.8 cfs

However

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-02902 Date: 3-11-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	19											40						40
GIS														40						40
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 40

Overlapping POU Claim #'s:

Total GIS Acres: 40

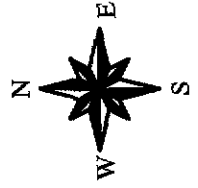
COMMENTS:

Idaho Department of Water Resources

1987 Napp Photo



0 0.25 Miles

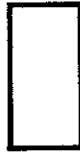


Claim Number: 63-02902
Legal: T03N, R01E, S19
Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines

Idaho Department of Water Resources

Claim Number: 63-02902

Legal: T03N, R01E, S19

Reviewed By:

☐ Point of Diversion

☐

Place of Use

☐

Section Lines

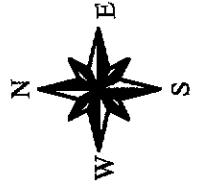
☐

Quarter Quarter Lines

1987 Napp Photo



0 0.25 Miles



05/06/2005

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

RIGHT NUMBER: 63-2902

NAME AND ADDRESS: VICTORY 41 LLC
6874 FAIRVIEW AVE
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
180.000 AFY

PRIORITY DATE: 09/23/1954

POINT OF DIVERSION:

T03N R01E S19 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.800 CFS 180.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S19 SESW 40.0

40 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: License

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

a

After specific notification by the Department, the right holder shall install

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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.

The right holder shall accomplish the change authorized by Transfer No. 69598 within one (1) year of its approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Use of this right is combined with water from Nampa Meridian Irrigation District.



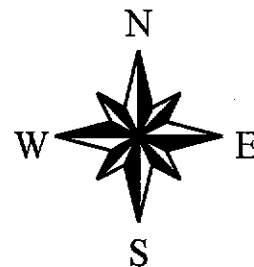
State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 19
Water Right(s) : 63-2902



1320 0 1320 2640 Feet

IRRIGATED ACRES = 40



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

GIS Place of Use Illustration
2003 Aerial Photography
Prepared By: Vicky Music
Date: March 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2902

WATER RIGHT NUMBER: 63-2902

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DEAN E PETERSON 780 E VICTORY MERIDIAN, ID 83642 (208)888-3855
Original Owner	BEVERLY KAY PETERSON 780 E VICTORY MERIDIAN, ID 83642 (208)888-3855
Current Owner	VICTORY 41 LLC 6874 FAIRVIEW AVE BOISE, ID 83704 (208) 761-0120

Priority Date: 09/23/1954

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 19, Twp 03N, Rge 01E, B.M.
ADA 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	01E	19												40.0					40.0

Total Acres: 40

Conditions of Approval:

1. 01M 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water

from the appurtenant surface water rights cannot be delivered to the right holder.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2902

4. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. R65 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:Comments:

1. psdaggs 9/5/2002 7:40:13 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 69598

Dates and Other Information:

Claim Received Date: 9/1/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4.5
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: True

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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WATER RIGHT NO. 63-2902
As Modified by Transfer No. 69598

In accordance with the approval of Transfer No. 69598, Water Right No. 63-2902 is now described as follows.

Right Holder: VICTORY 41 LLC
 6874 FAIRVIEW AVE
 BOISE ID 83704

Priority Date: 09/23/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.80 CFS	180.0 AF
			0.80 CFS	180.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER SWSESW Sec. 19 Twp 03N Rge 01E ADA 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 01E 19												40.0					40.0

Total Acres: 40

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

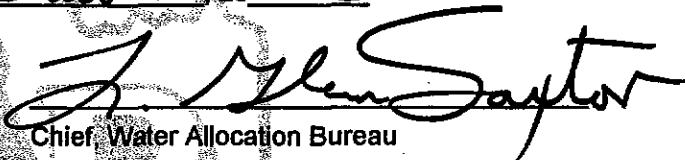
WATER RIGHT NO. 63-2902
As Modified by Transfer No. 69598

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of September, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69598

RECEIVED

SEP 06 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: VICTORY 41 LLC
6874 FAIRVIEW AVE
BOISE ID 83704
(208) 761-0120

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-2902	AJC/License	09/23/1954	0.8 cfs	180.6 af		40.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	PQU	Add POD	Period of Use	Nature of Use
63-2902	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-2902	63-2902	0.80 cfs	180 af	N/A	40.0		N/A	N/A	N/A	N/A
TOTALS		0.80 cfs	180 af	N/A	40.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of September, 2002

[Signature]
Chief, Water Allocation Bureau

PART 1

6. General Information:

a. Description of diversion system 8' Well

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X 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:

The irrigation of the land wll serve residential lots instead of farm land.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

 For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2902

WATER RIGHT NUMBER: 63-2902

Owner Type Name and Address
Current Owner R L JOHNSTON
MERIDIAN, ID 83642

Priority Date: 09/23/1954

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	180.00 AF
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
	<u>Total Diversion:</u>	0.800 CFS	180.60 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 19, Twp 03N, Rge 01E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T03N R01E S19 SESW 40.0

Total Acres: 40

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2902

Dates and Other Information:

Licensed Date: 8/28/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

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:

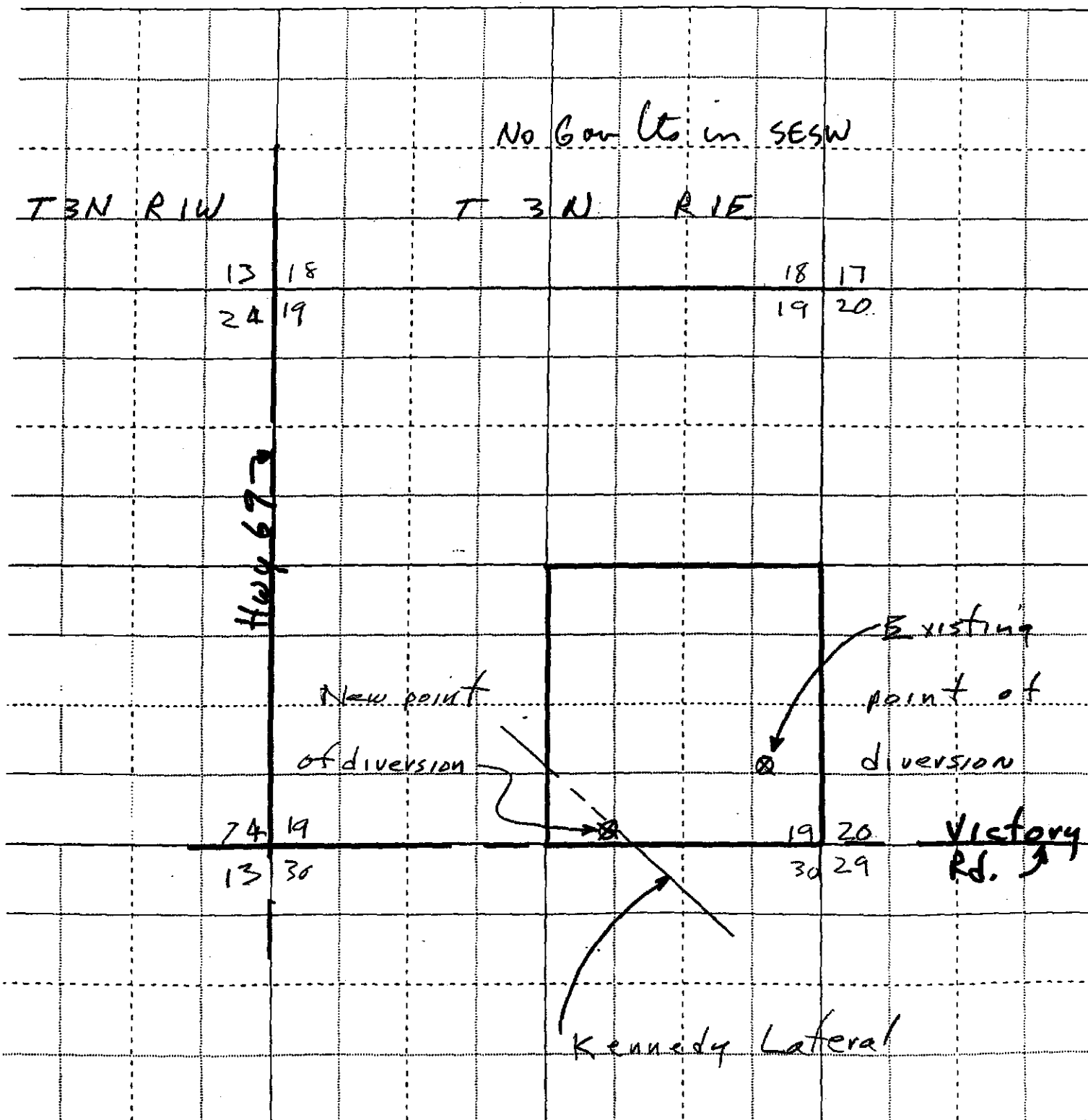
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



PART 3

B. CHANGES IN NATURE OF USE N/A

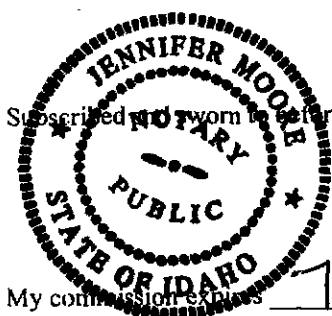
1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____

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.



[Signature]

(Signature of Applicant)

Subscribed and sworn to before me this

12TH

day of

OCTOBER

, 20 01

[Signature]
 (Notary Public)

OFFICERS: Mike Cave
Jerry Cave

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by J. Masig Date 10-19-01

Protest filed by _____

Prelim. Check by ly Fee \$250.00

0057203

Received by J. Masig Date 10-19-01

Published in Id Statesman

Copies of protest forwarded by _____

Pub. Dates 1-17+24-02

Hearing held by _____ Date _____

Watermaster recommendations requested on _____

Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Victory 41 LLS Transfer No. 69598
Reviewed by LG Date 12/12/01
Data entered by LM

1. Right number(s) 63-2902

2. Type of right ☐ Decree ☒ License ☐ Stat. Claim ☐ BU Claim

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

4. Check Existing
Right

☒ Source	☐ Priority	☐ Amount
☒ Purpose	☐ Period	☐ SRBA Claim
☒ Description of original point(s) of diversion		
☒ Description of original place of use		
☐ Overlapping rights for original P/D &/or P/U		

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

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. N/A Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. N/A Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. ☒ Overlapping rights for current & proposed scenarios

Current surface water NMID
Proposed _____

l. ☒ SRBA Claim(s) _____

m. ☒ Comment letters ☒ No _____ Yes as follows:
_____ Water District # _____ IDFG _____ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval See Lori Brave's memo dated 12/12/01.
Abandonment of well required.

4. Recommended by Gary S Date 2/20/02

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): Yes _____

2. File forwarded to S.O. by _____ Date _____

MEMORANDUM

DATE: 12/12/01

FROM: Lori Graves *LG*

TO: Transfer File No.69598

Attachments

A. Ownership Documentation

Brief

Applicant proposes to change the location of a licensed irrigation well because the existing well location is going to be developed into a subdivision lot.

Overlaps

Nampa Meridian Irrigation District water is also used on the property. In 1955, the field examiner found that the well supplemented 12 acres of lower ground, where district water could gravity flow and was used as the primary irrigation source on 28 acres of higher ground. Applicant's engineer stated that the applicant is in the process of purchasing additional district shares so that the well can then be used as supplemental irrigation for the entire 40-acre tract.

SRBA

The claim was filed as licensed, with the exception of adding an additional well for domestic use. Domestic use for .02 cfs and .6 afa was listed on the license however applicant's engineer stated that the licensed well has historically been used for only irrigation and is not physically plumbed for domestic use. He stated that the domestic use has been abandoned and that the applicant does not wish to pursue domestic use with an additional well as listed on the SRBA claim. As a result, the transfer lists only irrigation use for 40 acres, .80 total cfs and 180 afa. The licensed domestic amounts were not included.

SRBA staff were consulted on the validity of claim 63-2902. Based on 1987 and 2000 aerial photos, the majority of the property has obviously been irrigated. Although a lateral and roads are obviously not irrigated in the 40-acre tract, SRBA staff said they would still recommend the right as licensed.

Misc.

Applicant stated that the irrigation water will serve residential lots instead of farmland. I asked the applicant's engineer about the property's destiny and he stated the land was going to be developed into Observation Point Subdivision consisting of 82 homes. Once the development is completed, I mentioned the availability of the water bank for the water that no longer will be used for irrigation due to development.

Recommendations

Approve the transfer as filed.

Require proper abandonment of existing well prior to approving the drilling permit for the proposed well.