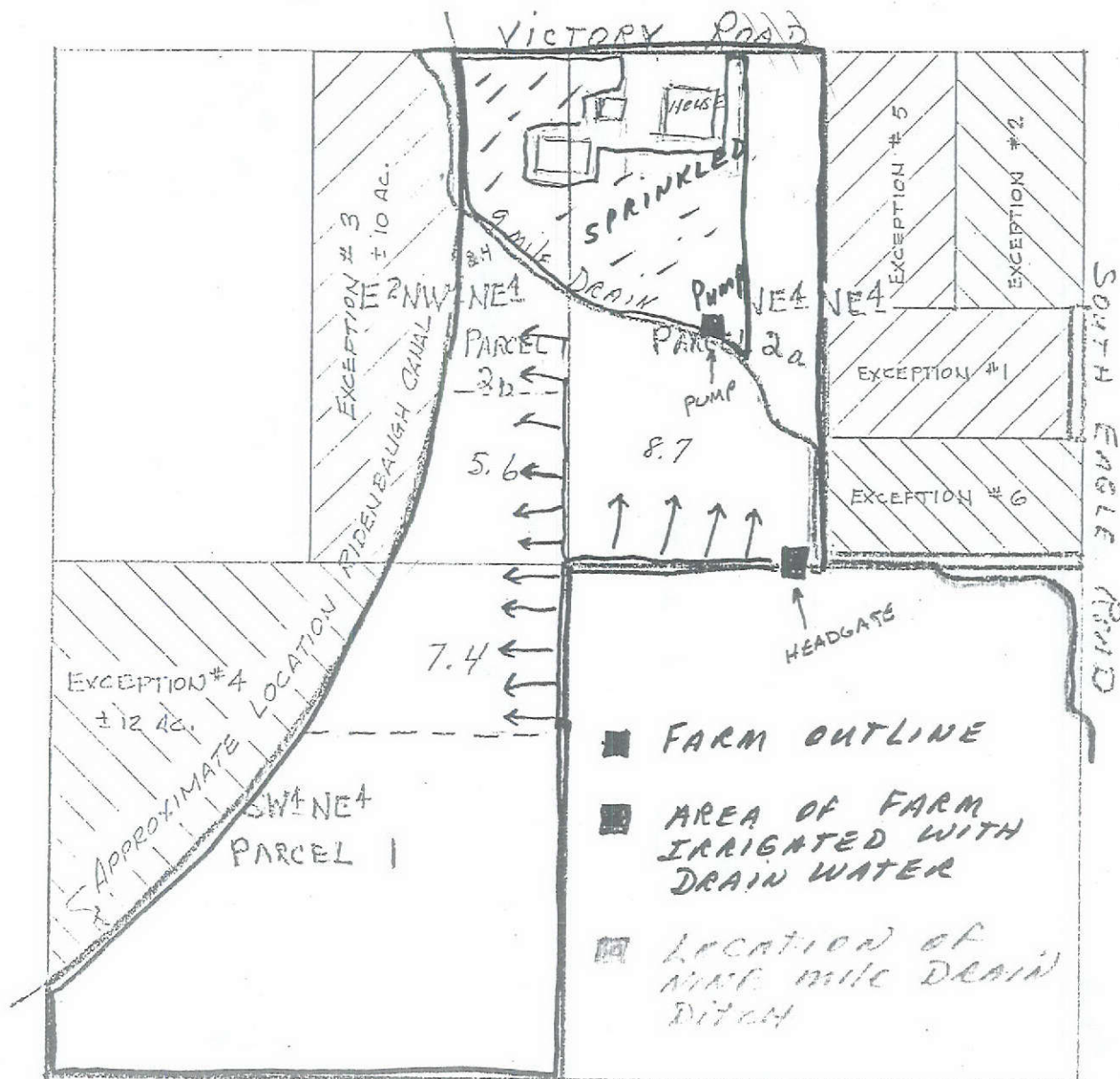


10/29/76

NE 1/4 OF SECTION 29, T. 3 N., R. 1 E., B.M.



EXCEPTION #1	± 4.4 ACRES
EXCEPTION #2	± 5.0 ACRES
EXCEPTION #5	± 5.1 ACRES
EXCEPTION #6	± 5.0 ACRES

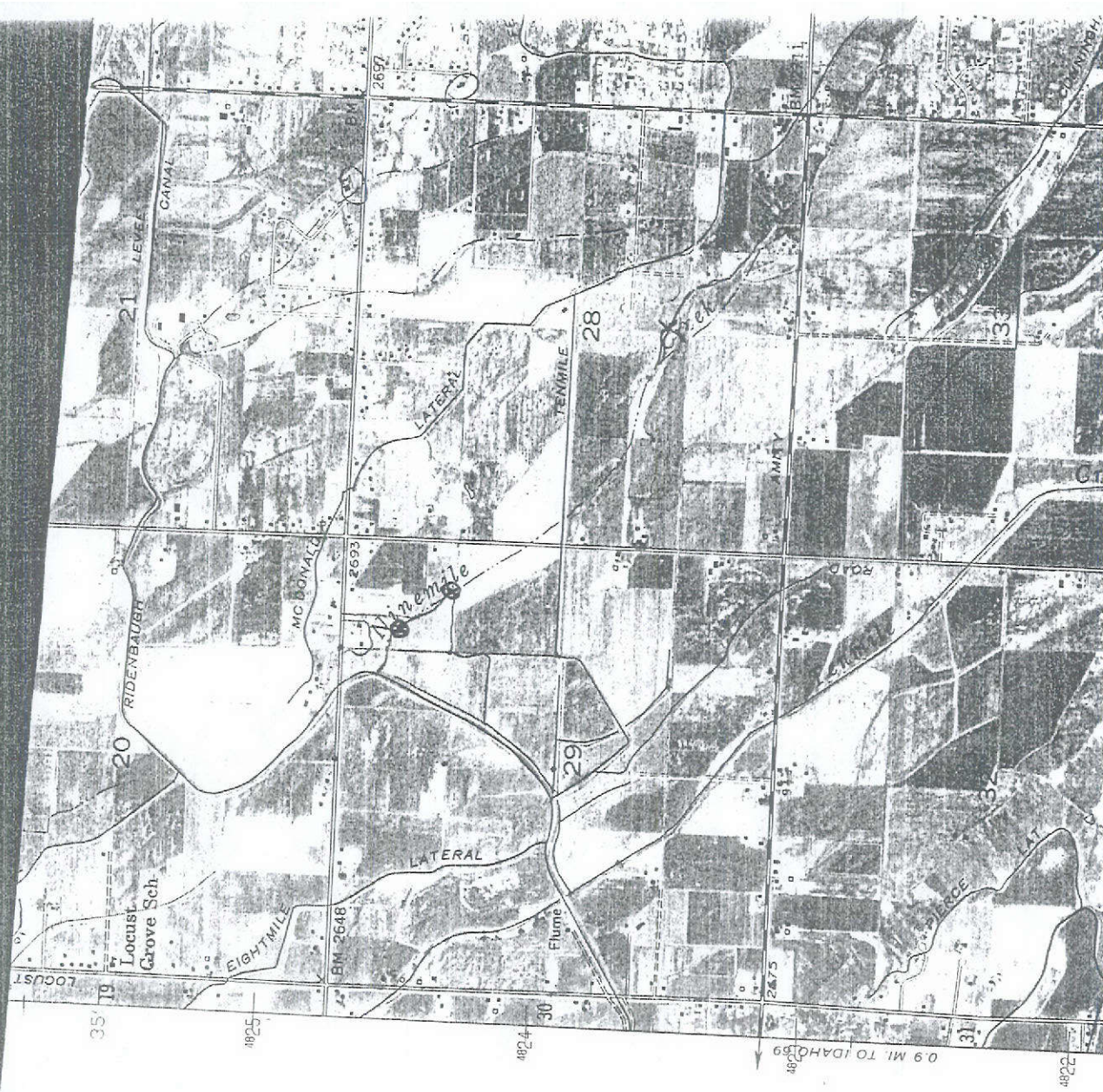
VERY APPROX. { EXCEPTION #3 ± 10 ACRES
EXCEPTION #4 ± 12 ACRES
± 41.5 ACRES

± 100 ACRES
± 41.5 "

NET ± 48.5 ACRES

MICROFILMED

AUG 23 1992



34 17 17 52 115 58

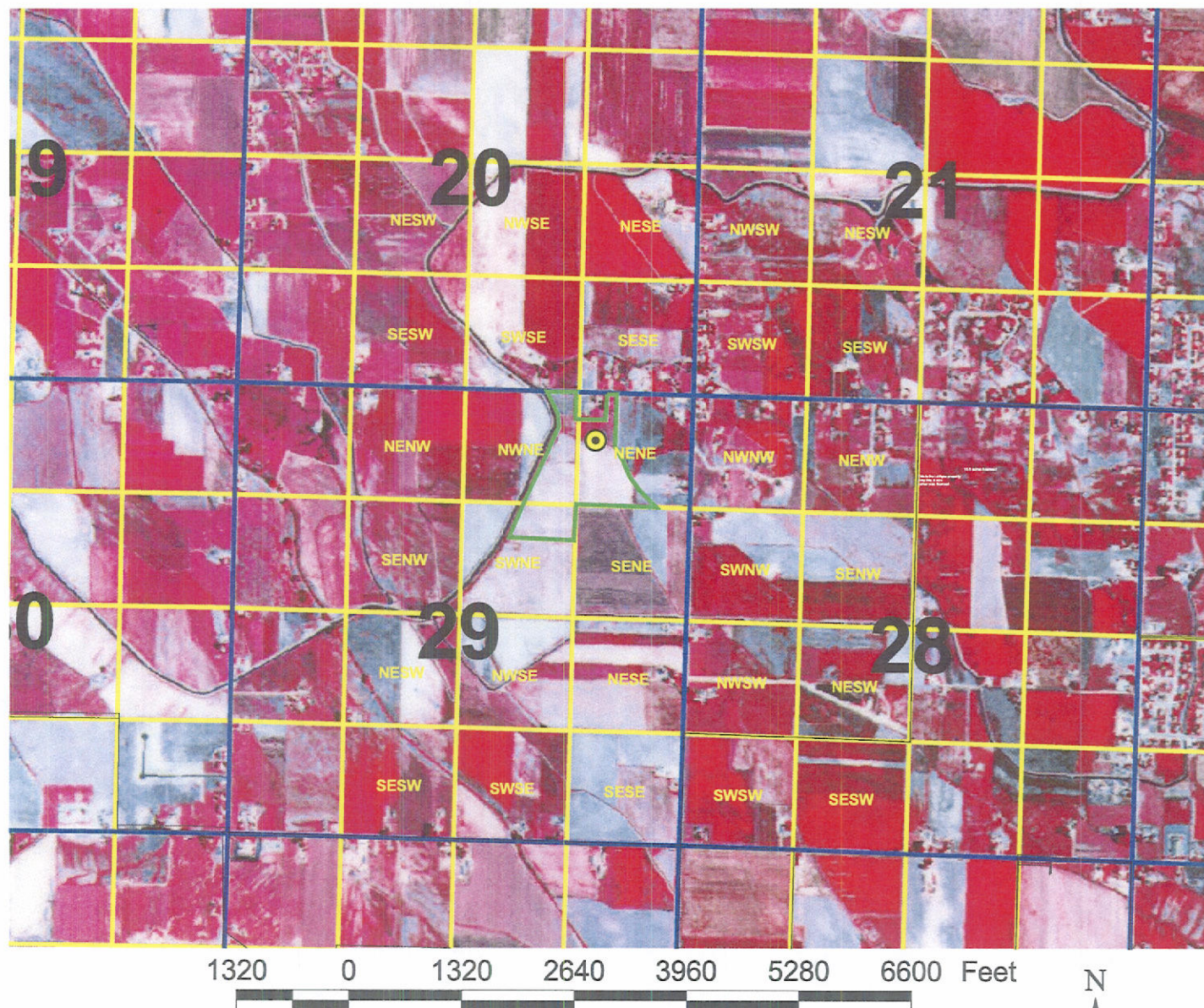
1965

MICROFILMED
AUG 25 1992



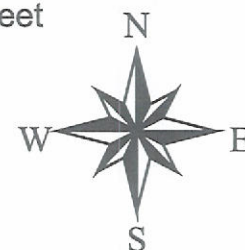
State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 29
Water Right (s): 63-4626



TOTAL IRRIGATED ACRES = 32

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

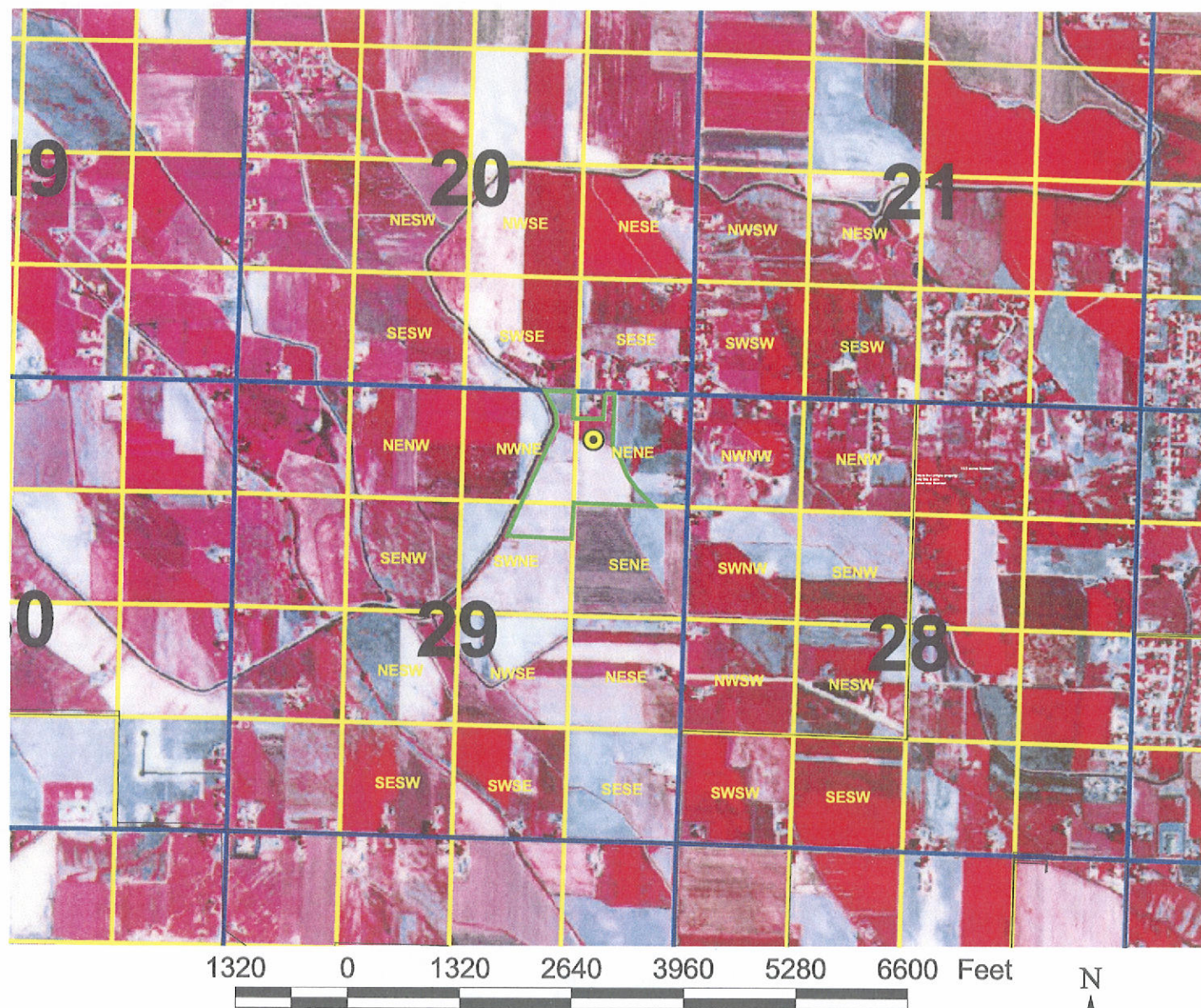


GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: July 2005



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 29
Water Right (s): 63-4626



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: July 2005

Idaho Dept of Water Resources

Calim No. 63-4626

T03N, R01E, S 29

Prepared by: Sue Bock

Date: 07/10/2002

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



0 0.06 0.12 Miles

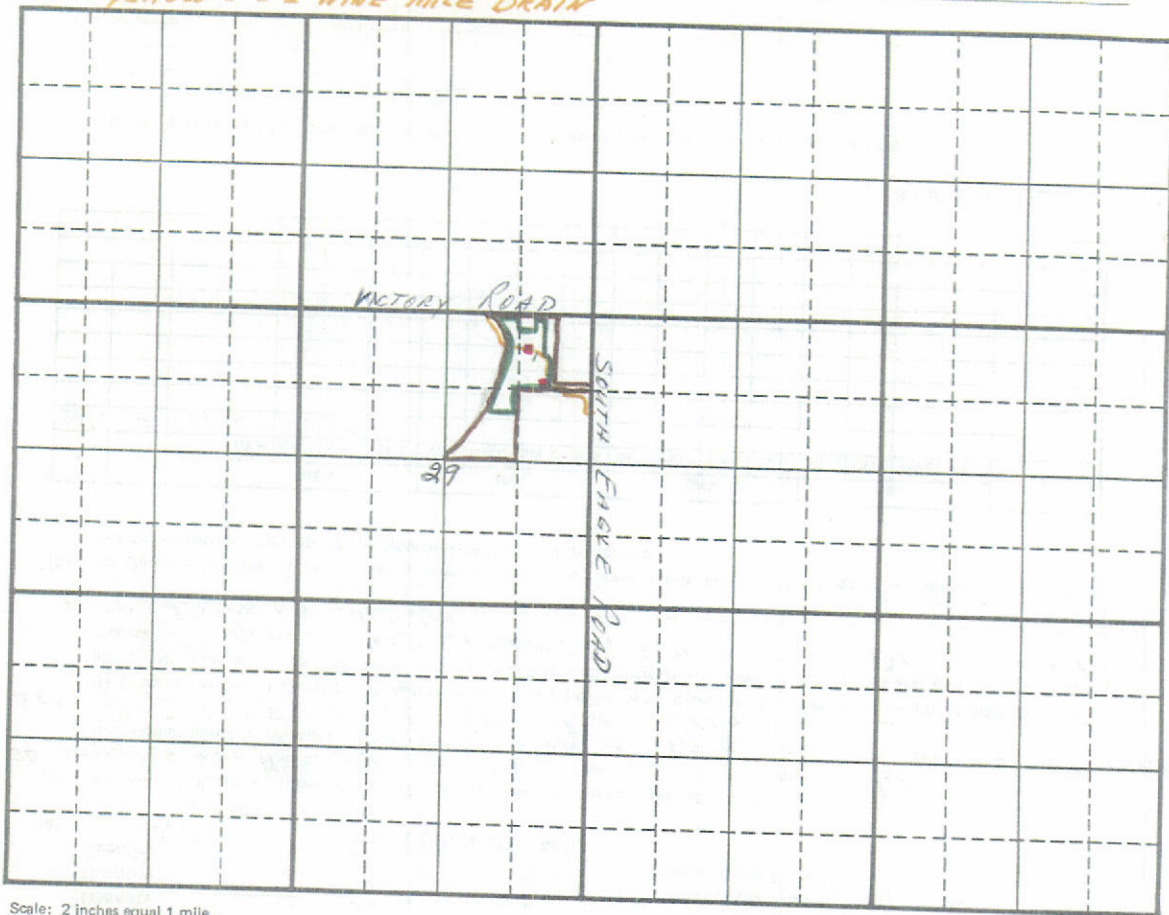


1987 NAPP



(8) Remarks

BROWN --- FARM OUTLINE
GREEN --- AREA IRRIGATED FROM DRAIN WATER
PINK --- POINTS OF DIVERSION
YELLOW --- NINE MILE DRAIN



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of) ss.

Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 16th day of

August

19 78.

(Claimant)

Notary Public

Residing at

Boise, Idaho

My commission expires

8-22-78

FOR DEPARTMENT USE ONLY

Received by

BK

Date

8-16-78

Exception filed by:

Forwarded to

Date

claimant by:

VNC 10 1978

Prelim. check by

92-151

Date

Published in

Statutes

Dates

8-31 9-7 9-18

1978

RECEIVED

Idaho Dept of Water Resources

Calim No. 63-4626

T03N, R01E, S 29

Prepared by: Sue Bock

Date: 07/10/2002

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



0 0.06 0.12 Miles

1987 NAPP



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: A63-04626
Date Received: 9/ 5/1989
Receipt No: C010837
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEAN R. BURNETT 801-375-4850
Address: 1408 E 2300 N
PROVO UT 84604

AND/OR

Name: DOUGLAS W. BURNETT 801-375-4850
Address: 1408 E 2300 N
PROVO UT 84604

2. Date of Priority: JUL 29, 1904

3. Source: NINEMILE DRAIN Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	29	NE	NE			ADA

5. Description of diverting works:

NINEMILE DRAIN, CONCRETE HEADGATE FOR FLOOD, PUMP FOR SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 112.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01E	29	NE		NE		IRR	12.0
			NW		NE		IRR	12.0
			SW		NE		IRR	8.0
							Section Acres	32.0
							Total Acres	32.0

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:
NAMPA-MERIDIAN IRRIG. DIST.

14. Remarks:
THIS CLAIM IS BASED ON WATER LICENSE NO. 755 (63-02008)

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

APRIL 9, 1994

POOR ORIGINAL

L. GLEN SAXTON

IDAHO DEPT. OF WATER RESOURCES

1301 NO. ORCHARD ST.

BOISE, IDAHO

RECEIVED
APR 13 1994
Department of Water Resources

Re: WATER RIGHTS

A 63-04626

A 63-18420

DEAR MR. SAXTON:

ANY CORRESPONDENCE PERTAINING
TO THE ABOVE MENTIONED WATER
RIGHTS SHOULD BE DIRECTED TO
ME AT THE FOLLOWING ADDRESS:

DOUGLAS W. BURNETT

1408 E 2300 N

PROVO, UTAH 84604

TEL. 1-801-375-4850

THANK YOU,

Douglas W. Burnett
(OVER)

MICROFILMED

JUL 25 1994

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: A63-04626
Date Received: 9/05/1989
Receipt No: CO10837
Received By: 9/

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS W. BURNETT 208-325-8242
Address: P.O. BOX 179
DONNELLY, ID 83615

AND/OR

Name: JEAN R. BURNETT 208-325-8242
Address: P.O. BOX 179
DONNELLY, ID 83615

2. Date of Priority: JUL 29, 1904

3. Source: NINEMILE DRAIN Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	01E	29	NE NE		ADA

5. Description of diverting works:

NINEMILE DRAIN, CONCRETE HEADGATE FOR FLOOD, PUMP FOR SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is 112.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01E	29	NE		NE		IRR	12.0
			NW		NE		IRR	12.0
			SW		NE		IRR	8.0
							Section Acres	32.0
							Total Acres	32.0

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:
NAMPA-MERIDIAN IRRIG. DIST.

14. Remarks:
THIS CLAIM IS BASED ON WATER LICENSE NO. 755 (63-02008)

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): Douglas M. Durnett Date: Sept 5, 1989
Jan R. Burnett Date: Sept. 5, 1989

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 5TH day
of SEPTEMBER 19 89

Jeff Peppersack
Notary Public

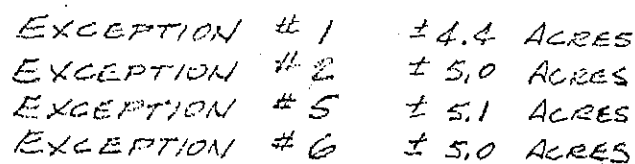
Seal

Residing at _____
My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

Sheet _____ of _____
Prepared by _____
Checked by _____

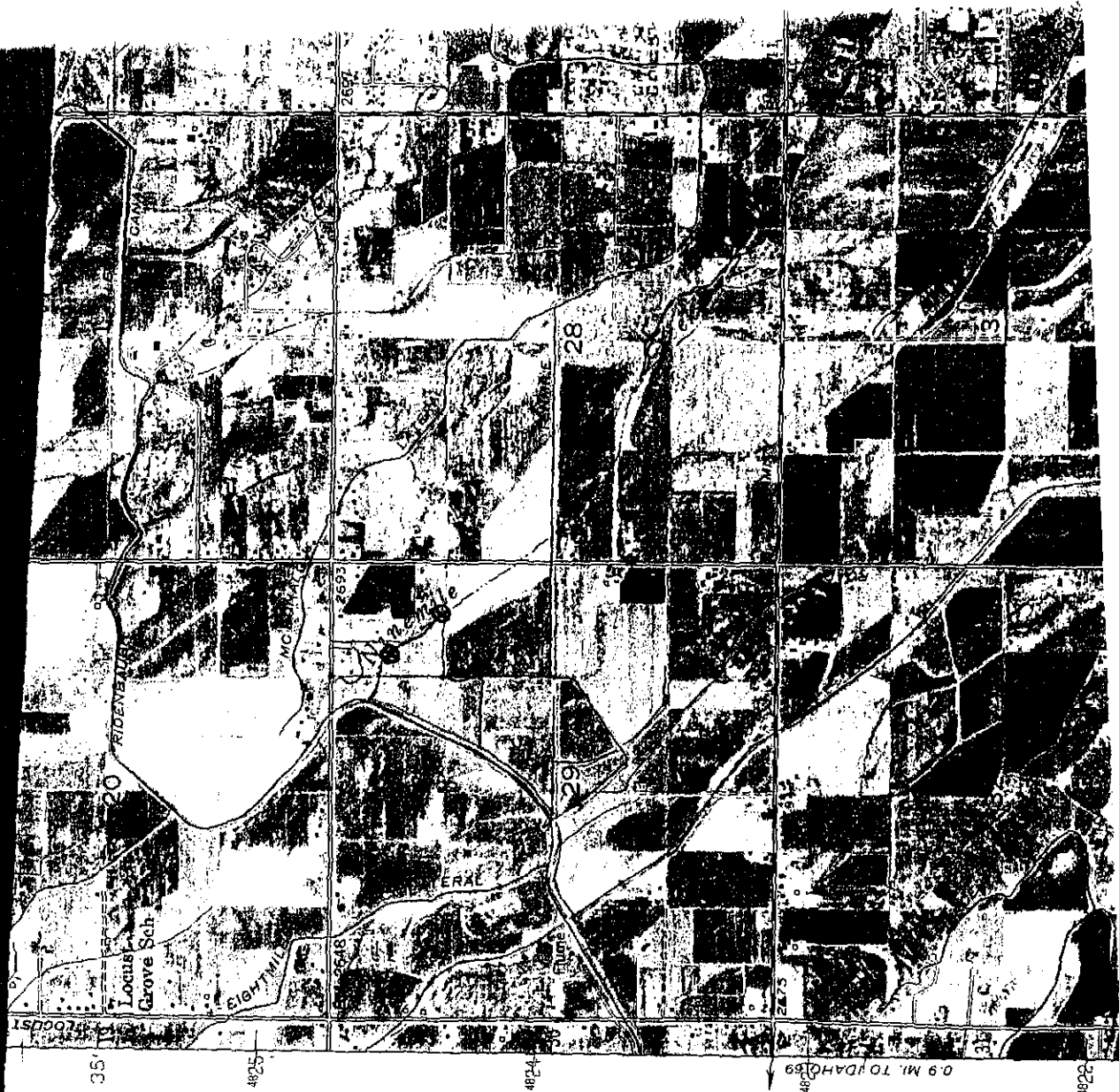
10/29/76



± 100 ACRES
± 41.5 "

NET ~~585~~ MICROFILMED

AUG 20 1992



341 17 17 52 115 54

1965

MICROFILMED

AUG 20 1992

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

In Re SRBA)

Case No. 39576)

A. Subcase **63-4626**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation:
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

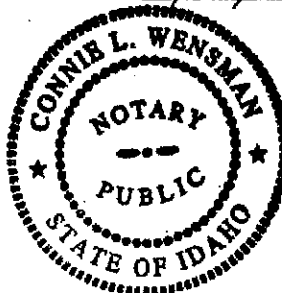
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Jean R. & Douglas W. Burnett
Address: 1408 E 2300 N
Provo, UT 84604

3. One copy to the party who filed the objection at the following address:

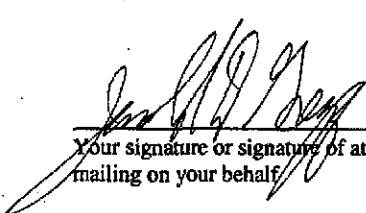
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

RECEIVED

107 2 1 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 63-4626

(Insert water right no.)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Jean R Burnett
Douglas W Burnett

Address: 1408 E 2300 N
Provo, UT 84604

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See below.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of the claimed water right is a drain that is owned, operated, maintained and controlled by NMID. The water in said drain, and the source of this claim, is NMID's seepage and/or waste water from NMID's prior or senior water rights and is subject to NMID's right to recapture said water, cease wasting it or to change the place and manner of its use.

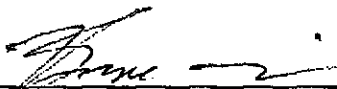
F.

VERIFICATION (must be completed)

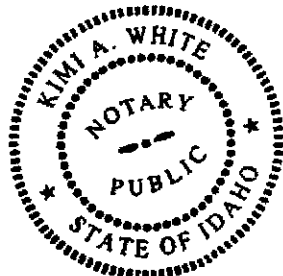
State of Idaho)
) ss.
County of Ada)

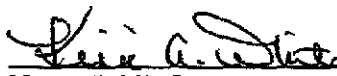
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2014




Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 8/1/12

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

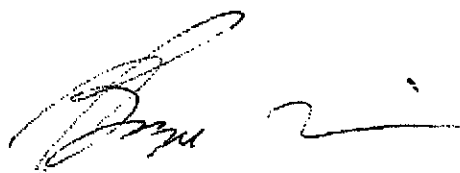
Name: Jean R. Burnett
Douglas W. Burnett
Address: 1408 E. 2300 N.
Provo, UT 84604

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

07/28/2005

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

RIGHT NUMBER: 63-4626

NAME AND ADDRESS: JEAN R BURNETT
1408 E 2300 N
PROVO UT 84604

DOUGLAS W BURNETT
1408 E 2300 N
PROVO UT 84604

SOURCE: NINEMILE CREEK

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 0.640 CFS

PRIORITY DATE: 07/29/1904

POINT OF DIVERSION:

T03N R01E S29 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS 0.64 APY

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S29	NENE	12.0	T03N R01E S29	NWNE	12.0
T03N R01E S29	SWNE	8.0			

32 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: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Middleton Irrigation Association.



State of Idaho
Idaho Department of Water Resources
Western Region

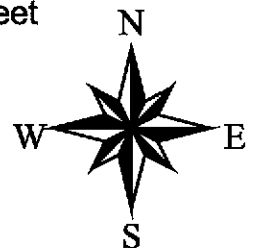
T3N R1E SECTION 29
Water Right (s): 63-4626



1320 0 1320 2640 3960 5280 6600 Feet



TOTAL IRRIGATED ACRES = 32



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: July 2005

11-16-05

Mr. Archer,

This mail was forwarded to me from my home in Provo, as I have just had a knee replaced, and I am staying at my daughters in St. Louis.

This property was sold back in early 2004, as I remember. I do not have access to the file here & I will not be home until January 7, 2006.

If you need further information please call Howard Barlow at 801-489-0421. He handled the sale and could get you any information you might need.

Sincerely,

Glen R. Busnett
16112 Pine Terrace Dr.
Ballwin, MO 63021
636-527-8439



Note for you



RECEIVED

NOV 18 2005

WATER RESOURCES
WESTERN REGION



BM 714-5

© HALLMARK LICENSING, INC.
MADE IN U.S.A.

www.hallmark.com

TE OF IDAHO
ARTMENT OF WATER RESOURCES
STERN REGIONAL OFFICE
15 AIRPORT WAY
ISE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004389393 NOV 04 201
\$ 00.83
MAILED FROM ZIP CODE 8371

DOUGLAS W BURNETT

JEAN R BURNETT
1408 E 2300 N
PROVO UT 84604

63- 4626

Messina ~~W~~ Village Homeowners Assoc.
6223 N Discovery Way Ste 100
Boise 83713

Meridian Joint School Dist No 2
911 N Meridian Rd
Meridian 83642-2241

ADDRESS SERVICE
REQUESTED

2 Rene Terrace NW.
Bever, MO 63021



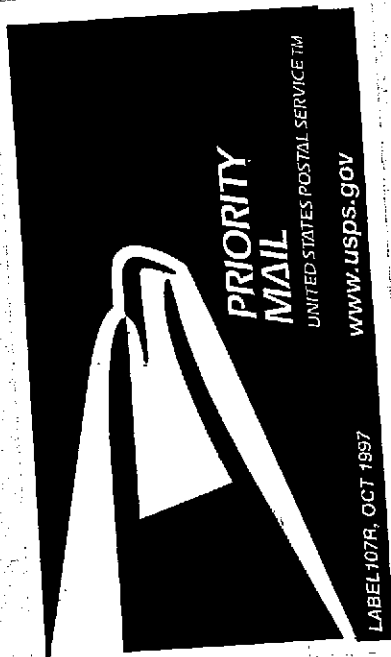
0000



83705

U.S. POSTAGE
PAID
BALLWIN, MO
63011
NOV 16, 05
AMOUNT

\$3.85
00031736-10



RECEIVED

NOV 18 2005

WATER RESOURCES
WESTERN REGION

State of Idaho
Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho
83705

Trans. to Mr. [unclear]

11/02/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-4626

JEAN R BURNETT

1408 E 2300 N

PROVO UT 84604

Telephone Number: (801)375-4850

DOUGLAS W BURNETT

1408 E 2300 N

PROVO UT 84604

Telephone Number: (208)325-8242

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

11/02/2005

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

RIGHT NUMBER: 63-4626

NAME AND ADDRESS: JEAN R BURNETT
1408 E 2300 N
PROVO UT 84604

DOUGLAS W BURNETT
1408 E 2300 N
PROVO UT 84604

SOURCE: NINEMILE CREEK

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 0.640 CFS

PRIORITY DATE: 07/29/1904

POINT OF DIVERSION:
T03N R01E S29 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.000 CFS 0.64 AFY

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S29	NENE	12.0	T03N R01E S29	NWNE	12.0
T03N R01E S29	SWNE	8.0			

32 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: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Middleton Irrigation Association.

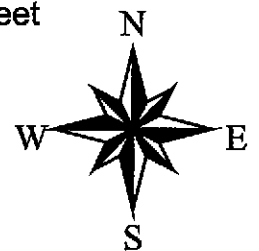


State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 29
Water Right (s): 63-4626



1320 0 1320 2640 3960 5280 6600 Feet



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: July 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 1, 2005

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court later in 2005.

Please review the preliminary recommendation carefully. If there is any information on the printout that you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with review are enclosed. For water rights with an irrigation water use, a map produced from Geographic Information System (GIS) computerized images of the place of use for your water right is also enclosed.

If you have questions concerning your recommendation, please contact the Department's Western Regional Office at (208) 334-2190. If needed, an appointment with a water resource agent can be made. Please bring any and all information you have which could help IDWR understand your claim(s) and recommend the claim(s) accurately, which is my directive to the staff.

This preliminary recommendation process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary and appreciated by IDWR to provide accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



JOHN M. MELANSON
PRESIDING JUDGE
(208) 736-2011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

John M. Melanson
Presiding Judge
Snake River Basin Adjudication

INSTRUCTIONS FOR COMPLETING THE NOTICE OF ERROR REPLY FORM

- Please review the preliminary recommendation carefully. Your name, water right number and address have been pre-printed on this reply for your convenience. Check to be sure that the pre-printed information on this form is accurate. This is an important opportunity to review the Idaho Department of Water Resources (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered before the report is finalized for the Snake River Basin Adjudication (SRBA) Court.
- If you no longer own the property represented in the water right, please forward this mailing to the new owner or contact IDWR-Western Region Office, Adjudication Section, (208) 334-2190.
- If your address has changed correct the information on the Notice of Error form, sign it and return to IDWR. Or you may write a letter, signed by the claimant of record, describe the address change, and list the water rights involved.
- If there is any portion of the preliminary recommendation which is inaccurate or with which you disagree, please complete item number 1, 2 and 3 on the reply, sign where indicated, and return the reply in the envelope provided to the Western Region Office. This reply must be mailed before **November 18, 2005**. If IDWR has questions about the information included in your reply, a staff member will be in contact with you to set up an appointment. If you have questions you may also call our office listed below to speak to or make an appointment with a water resource agent.
- If you do **not** provide a reply, IDWR will submit the information contained in the enclosed preliminary recommendation as a Director's Report to the District Court. At that stage, making changes will require you to file court papers and attend court hearings.
- If you have questions or do not understand this process, please feel free to call the the IDWR Western Regional Office, located at 2735 Airport Way, Boise, Idaho, telephone number: **208-334-2190**.

EXPLANATION OF ELEMENTS OF A WATER RIGHT

To assist you in reviewing the preliminary recommendation of your claim are the following explanations:

Water right number: This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

Name and address of claimant: This is the name and address shown on the notice of claim form, or on the most recent *Notice of Change of Water Right Ownership* (see enclosed form if you need to change this information) that was filed with IDWR as required by statute.

Source: The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

Priority Date: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

Purpose of Use: Purpose of use indicates the general type of use made on the water, such as irrigation, domestic, or stockwater.

Period of Use: The period of use is the portion of the calendar year when water may be used for a particular purpose.

Quantity: The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

Non-irrigation Uses: If your preliminary recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

Point of Diversion: The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Place of Use: The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

Remarks: Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY.

Basis of Right: The basis of right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to permit).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) _____

4. New Owner/Claimant(s) _____
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address _____
 City, State and ZIP Code _____
 New Telephone Number () _____
5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

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

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Gem Park II
West Park Co.
PO 344
Meridian
83680

John L. Scott
323-4000
323-4008
4188

Stacey
leftmsg
7110

Field Exam Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4626

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Mrs Burnett called - She doesn't know who owns it. Her husband handled the land & she doesn't know anything about the property.

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Disagreed with Jan. Based on license 63-2008. Appears sufficient

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See claim**OVERLAP REVIEW**

Other water rights with the same point of diversion:

none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different UsesUse IVV From 3-1 To 11-15 Amount .64 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount N/A CFS _____ AFA _____☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

looks like property is being subdivided.
owned by Gary Barton Homes
Tuscan.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: none

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: NA

Delivery System Narrative: see claims

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

W50 water from NMID

① claim states it is based on license 63-2008 (sic²⁷)
However 63-2008 source is from Troutville Creek.
② Wampa-Mandan filed exception to start claim.

AFTER EXAM THE FILE SHOULD CONTAIN:

- NAC
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

- 7-28-05

FIELD EXAMINER:

Wesley Wells

Idaho Dept of Water Resources

Calim No. 63-4626

T03N, R01E, S 29

Prepared by: Sue Bock

Date: 07/10/2002

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



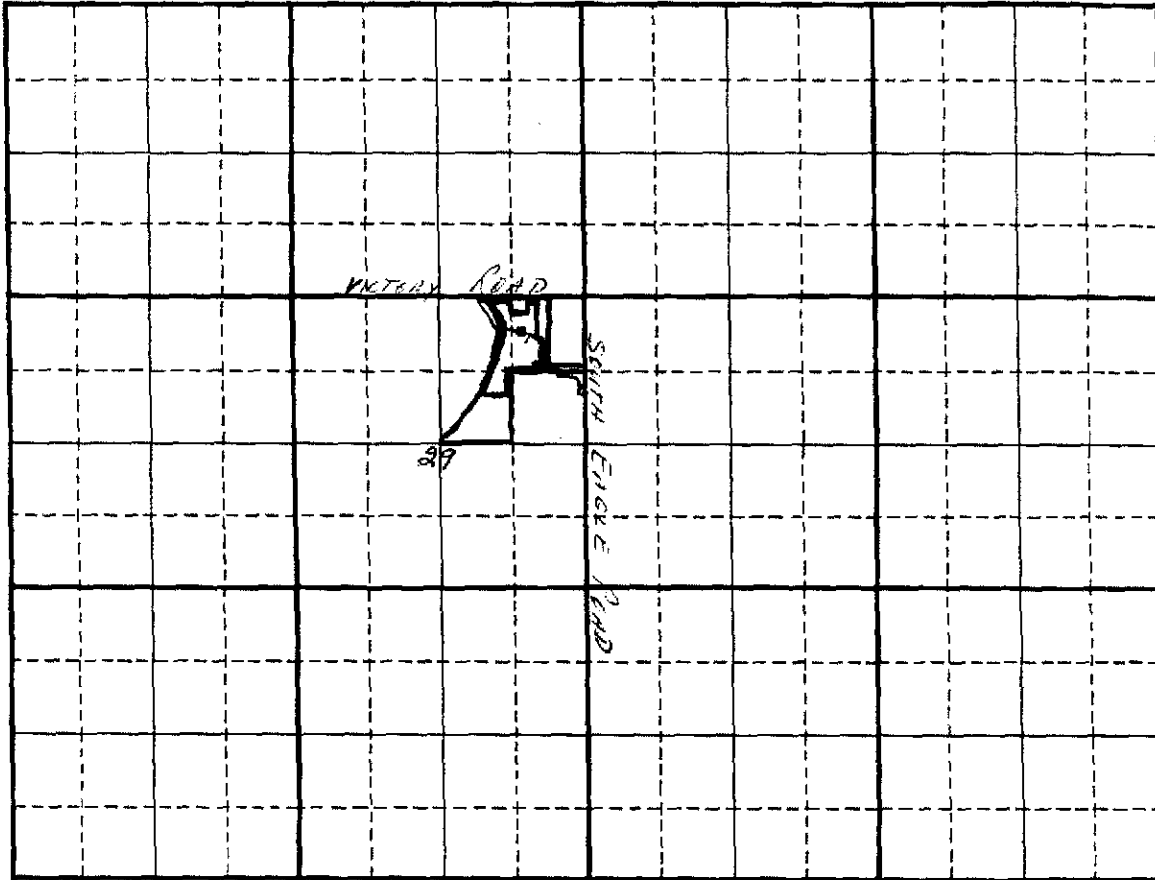
0 0.06 0.12 Miles



1987 NAPP

(8) Remarks

BROWN --- FARM OUTLINE
GREEN --- AREA IRRIGATED FROM DRAIN WATER
PINK --- POINTS OF DIVERSION
YELLOW --- NINE MILE DRAIN



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 16th day of August, 19 78.

Charles M. Brown
(Claimant)
Charles M. Brown
Notary Public
Residing at Boise, Idaho

My commission expires 8-22-78

FOR DEPARTMENT USE ONLY

Received by BK Date 8-16-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by _____ Date _____
Published in Boise _____
Dates 8-31-77 9-18 1978 _____

ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH

Nampa, Idaho 83651

PHONES: OFFICE: NAMPA 466-7861

BOISE 343-1884

SHOP (Superintendent) 466-0663

1978 BOARD:

JOHN J GALE
President
EDWARD J SCHMIT
Vice President
OTTIS PETERSON
Director
JOSEPH C VOIGHT
Secretary-Treasurer
W DENNIS HEAPS
Water Superintendent
WILLIAM F RINGERT
Attorney

6 September 1978

RECEIVED

SEP 11 1978

Department of Water Resources

C Stephan Allred
Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Dear Mr Allred:

Please reference Application No 63-4626, of Douglas
W Burnett, for irrigation use from the Boise Project's
Nine Mile Drain.

The lands described in the application have a
sufficient water right on the tax rolls of this
District. Delivery is made by the Boise Project
Board of Control.

The purpose of this letter is to object and/or
protest this application.

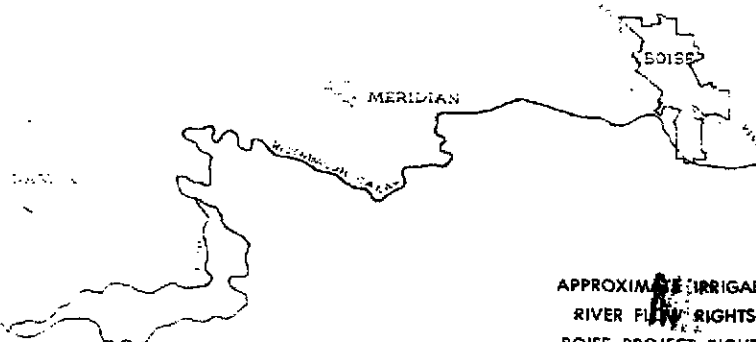
Sincerely,



Joseph C Voight
Secretary of the Board

cc Each Director
Boise Project Board of Control
File

JCV/jb



APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS—23,000
BOISE PROJECT RIGHTS—40,000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11687

Proposed Priority: March 4, 1992 Maximum Diversion Rate: 1.30 CFS
This is to certify, that DOUGLAS W BURNETT
PO BOX 179
DONNELLY ID 83615
has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.30 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 29, Township 03N, Range 01E
NWNE , Sec. 29, Township 03N, Range 01E
ADA County

<u>PLACE OF USE:</u> IRRIGATION	<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
	03N	01E	29	NENE 20	NWNE 15	SWNE 30	65
Total number of acres irrigated:							65

CONDITIONS/REMARKS:

1. This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
3. This right to divert groundwater is void if the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
5. The permit holder must employ reasonably efficient methods of water application to conserve the water of the State of Idaho.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. This right is subject to all prior rights.

RECEIVED

AUG 08 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11687

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

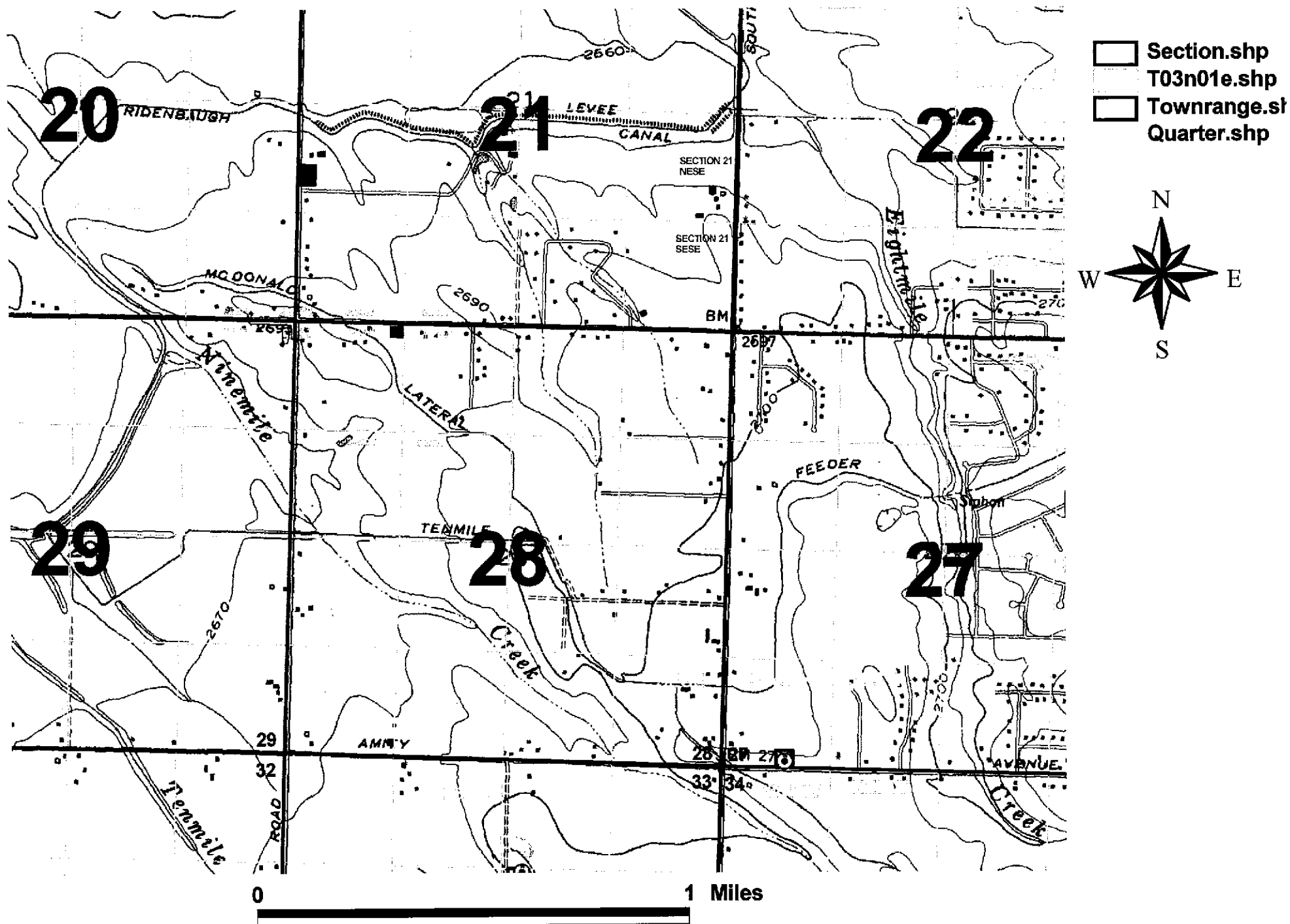
26 th day of May, 1992

[Signature]
for R. Keith Higginson, Director



[Faint stamp]

AUG 08 1994



63-4636 -- STATUTORY CLAIM STATES SPLIT FROM LICENSE 63-2008 W/ PRIORITY DATE OF 1904.
 LICENSED SOURCE IS WEST EIGHT MILE CREEK

 Ada County *
 West Fork of Eight Mile Creek *
 and an Unnamed Draw *
 2.6 cubic feet per second *
 Irrigation and Domestic *
 Priority July 29, 1904 *

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

Water License No. 755

WHEREAS, On the 29th day of July, A. D. 1904, JAMES W. CATO and DAVID M. BEERY, of Meridian, County of Ada, State of Idaho, duly made application (No. 1068) to me for a permit to use three and five-tenths (3.5) cubic feet per second of the waters of WEST FORK OF EIGHT MILE creek, and an UNNAMED DRAW, County of Ada, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 6th day of August, A. D. 1904, Permit No. 755 was issued to said applicants for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 6th day of August, A. D. 1906, and for the application to beneficial use of said water on or before the 6th day of August, A. D. 1910; and,

WHEREAS, On the 6th day of August, A. D. 1906, JAMES W. CATO and DAVID M. BEERY, the holders of said permit, duly made proof of the completion of adequate works for the diversion of 2.6 cubic feet per second of said waters, as evidenced by my Certificate no. 755, dated August 23, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two and six-tenths (2.6) cubic feet per second of water, with date of priority of July 29, 1904; and,

WHEREAS, On the 23rd day of July, A. D., 1910, David M. Beery transferred to Perry G. Lewis four-fifths of one cubic foot per second of said water; and,

WHEREAS, On the 22nd day of August, 1910, David M. Beery transferred to Daniel Barker one-fifth of one cubic foot per second of said water; and,

WHEREAS, On the 3rd day of August, 1910, David M. Beery transferred to M. Z. Davidson one-fifth of one cubic foot per second of said water; and,

WHEREAS, James W. Cato transferred to John M. Simmons all his right, title and interest in and to said permit; and,

WHEREAS, On the 20th day of August, A. D. 1910, John M. Simmons, M. Z. Davidson, Perry G. Lewis and Dan Barker, the holders of said permit, duly made proof of the application to beneficial use of 2.6 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to John M. Simmons of Boise, M. Z. Davidson, Perry G. Lewis and Dan Barker, of Meridian, County of Ada, State of Idaho, the holders and owners of said Permit No. 755, a perpetual right, dating from July 29, 1904, to the use of two and six-tenths (2.6) cubic feet per second of the waters of WEST EIGHT MILE CREEK and an UNNAMED DRAW, in the County of Ada, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northwest quarter of the southwest quarter (NW4 SW4) of section 28, township 3 north of range 1 East of Boise Meridian, and conducted to and upon about 190 acres as follows:

(80 acres in East half of Northwest quarter (E2 NW4), 30 acres in Northwest quarter of

Northwest quarter (NW4 NW4), 30 acres in Southwest quarter of Northwest quarter (SW4 NW4), 20 acres in Northwest quarter of Northeast quarter (NW4 NE4), 30 acres in Southwest quarter of Northeast quarter (SW4 NE4), all in Section 29, Township 3 North of Range 1 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 28th day of April, A. D. Nineteen hundred and eleven.

A. E. Robinson,

(SEAL)

State Engineer.

Recorded April 28th, 1911.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 755
 Date of first receipt of application 3 P. M. July 29, 1906
 Returned to applicant for correction 190
 Corrected application received 190
 Recorded in Book 3, Page 555
 Approved August 6, 1906

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 grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before August 6, 1906

The whole of said work to be completed on or before August 6, 1906

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to

August 6, 1910

Witness my hand this sixth day of August, 1906

James D. Livingston
 State Engineer.

Form 103. Notice of Proof of Completion of Works mailed applicant May 1, 1906
 Notice of Proof of Completion of Works received June 6, 1906 fixing August 6, 1906
 as the date and Meridian, Ada Co as the place of Proof. Notice of Publication sent
 to the Meridian Tribune July 3, 1906 also blanks for holder and witnesses with
 instructions at same date W. J. Dehority of Meridian requested to examine
 works and report on same Report received August 13, 1906. Depositions
 of holder and witnesses received August 8, 1906 Notice of publication and fee
 of \$5 received Aug 8, 1906 All papers being in certificate of Completion was
 duly issued August 23, 1906

This Indenture, Made this 2nd day of August in the year
 of our Lord one thousand nine hundred and ten between
 David M. Beery, and Ida Beery, his wife, of Meridian, County
 of Ada, State of Idaho the parties of the first part and
 Daniel Barker of Meridian, County of Ada, State of Idaho,
 the party of the second part.

Witnesseth, that the said parties of the first part, for
 and in consideration of the sum of One Dollar and
 other valuable consideration, lawful money of the United
 States of America, to them in hand paid by the said
 party of the second part, the receipt whereof is hereby
 acknowledged, have quit-claimed and by these presents
 do quit-claim unto the said party of the second part,
 and to their heirs, and assigns forever, to-wit:-
 One-fifth ($\frac{1}{5}$) of a cubic foot of the waters of eight mile
 creek being a portion of the waters represented by
 permit number 755, as the same appears of record in
 the State Engineer's office at Boise, Idaho, said water
 to be applied and used on the west half ($\frac{1}{2}$) of the
 North-west Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$)
 Section Twenty-nine (29) Township Three (3) North of
 Range One (1) East of Boise Meridian, Ada County
 Idaho.

Together With all and singular the tenements,
 hereditaments and appurtenances thereto be-
 longing or in anywise appertaining and the
 reversion and reversions, remainder and re-
 mainders, rents, issues and profits thereof,
 and all estate, right title and interest in
 and to the said property, as well in law

CONVERSATION MEMORANDUM

TO: CLAIM FILE NO. 63-4626
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN REGION
SUBJECT: ADDITIONAL INFORMATION NEEDED FOR RECOMMENDATION
DATE: 3/21/2005
CC:

I received a call from Jean Burnett, former owner of the property. Her husband is deceased and he handled all matters related to the property. They sold the property about 1 – 2 years ago. She does not know the name of the company that owns it now but has called and left a message for someone who was involved in the transaction who can follow up on my request. I told her that a change of ownership needed to be done and let her contact know that I needed additional information to recommend this right to the court.

I asked her about the old license and the west tributary of Eightmile Creek and she really could not provide any information. They bought the property at least 20 years ago [she is not sure when], leased to Darwin McKay who formed it and then turned it into a sod farm. She said he would know more about the use of the water and the property.

VLM



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 14, 2005

JEAN AND DOUGLAS BURNETT
1408 E 2300 N
PROVO, UT 84604

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-4626

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a printout of the claim(s) for your reference only. You indicated, when these claims were filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Idaho Department of Water Resources (IDWR) since there is no decree, license, or permit on file to verify the use of this water. For this reason, IDWR is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of this priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Please submit the required evidence supporting the priority date(s) by March 28, 2005.

Please let me know if have questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Sincerely,

Vicky L. Music
Water Resource Agent

Enclosures: Notice of claim report for A63-4626 and "Evidence of Priority" brochure

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4626

WATER RIGHT NUMBER: 63-4626

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS W BURNETT 1408 E 2300 N PROVO, UT 84604 (801)375-4850

Priority Date: 06/01/1904

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NINEMILE DRAIN <i>5/10/15</i>	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	<i>3/1</i> <i>11/15</i>	~~4/01~~ to 10/15	1.000 CFS	<i>264</i> <i>264</i>
		<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

NINEMILE DRAIN	NE1/4NE1/4	Sec. 29, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S29	NENE	12.0	T03N R01E S29	NWNE	12.0
T03N R01E S29	SWNE	8.0			
Total Acres: 32					

Conditions of Approval:Remarks:Comments:Dates and Other Information:

C18
W-Nampa Meridian

Idaho Dept of Water Resources

Calim No. 63-4626

T03N, R01E, S 29

Prepared by: Sue Bock

Date: 07/10/2002

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



0 0.06 0.12 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4626

Dates and Other Information:

Licensed Date:
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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4626

07/10/2002

1

*Licensee
disputed*

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4626 ✓	Claim	03N	01E	29	NE	NE		IRRIGATION	12/32	JEAN R BURNETT
9843	Claim	03N	01E	29	NE	NE		IRRIGATION	7/7	VICTOR A KUNZ SR
30181 ✓	Claim	03N	01E	29	NE	NE		IRRIGATION	~~N 1/4~~	
4626 ✓	Water Right	03N	01E	29	NE	NE		IRRIGATION	12/32	DOUGLAS W BURNETT
9843 ✓	Water Right	03N	01E	29	NE	NE		IRRIGATION	7/7	ERMA KUNZ
3635	Water Right	03N	01E	29	NE	NE		IRRIGATION	12/12	JOSEPH L SUTTON
4626 ✓	Claim	03N	01E	29	NW	NE		IRRIGATION	12/32	JEAN R BURNETT
10181 ✓	Claim	03N	01E	29	NW	NE		IRRIGATION		
4626 ✓	Water Right	03N	01E	29	NW	NE		IRRIGATION	12/32	DOUGLAS W BURNETT
2008	Water Right	03N	01E	29	NW	NE		IRRIGATION	20/190	DAN BARKER
4626 ✓	Claim	03N	01E	29	SW	NE		IRRIGATION	8/32	JEAN R BURNETT
10181 ✓	Claim	03N	01E	29	SW	NE		IRRIGATION		
4626 ✓	Water Right	03N	01E	29	SW	NE		IRRIGATION	8/32	DOUGLAS W BURNETT
2008	Water Right	03N	01E	29	SW	NE		IRRIGATION	30/190	DAN BARKER

3635 → 8 mile CR.

2008 → 8 mile CR, unnamed stream
no claim filed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4626

WATER RIGHT NUMBER: 63-4626

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEAN R BURNETT 1408 E 2300 N PROVO, UT 84604 (801)375-4850
Current Owner	DOUGLAS W BURNETT 1408 E 2300 N PROVO, UT 84604 (208)325-8242

Priority Date: 07/29/1904

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NINEMILE DRAIN	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

NINEMILE DRAIN	NE1/4NE1/4	Sec. 29, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S29	NENE	12.0	T03N R01E S29	NWNE	12.0
---------------	------	------	---------------	------	------

T03N R01E S29	SWNE	8.0
---------------	------	-----

Total Acres: 32

Conditions of Approval:Remarks:

- General THIS CLAIM IS BASED ON WATER LICENSE NO. 755 (63-02008)

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-11687

WATER RIGHT NUMBER: 63-11687

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS W BURNETT 1408 E 2300 N PROVO, UT 84604 (208)325-8242
Representative	L DARWIN MC KAY 3220 E LAKE HAZEL RD MERIDIAN, ID 83642 (208)888-3760

Priority Date: 03/04/1992

Basis:

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	1.300 CFS	
	<u>Total Diversion:</u>	1.300 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 29, Twp 03N, Rge 01E, B.M.
ADA County		
GROUND WATER	NE1/4NE1/4	Sec. 29, 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	29	20.0	15.0	30.0														65.0

Total Acres: 65

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. 066 Prior to diversion of water under this right, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to use power records to determine the amount of water diverted from each point of diversion listed under this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-11687

4. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
6. 069 Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.

Remarks:

1. General This right shall not be used 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 permit does not authorize the development and irrigation of land not previously irrigated under prior temporary approval of this application.
Single point of diversion located on or near line between NENE and NWNE, S29, T03N, R01E.
Water bearing zone to be appropriated is 30 to 210 feet.

Comments:

1. VAULT 2/15/1996 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

63-4626 – check admin basins

season of Use for PLS in Basin 63 - 3/1 to 11/15

Headgate Requirement for PLS is 4.5 AF/Year/Acre

Consumptive Use for PLS is 3.5 AF/Year/Acre

PLS falls within Water District 63

PLS falls within the ALI MERIDIAN HEIGHTS WSA DEQ Source Water Plume

PLS falls within the ALI MERIDIAN HEIGHTS WSA DEQ Source Water Plume

PLS falls within the ALI MERIDIAN HEIGHTS WSA DEQ Source Water Plume

PLS falls within the ALI MERIDIAN HEIGHTS WSA DEQ Source Water Plume

PLS falls within the MARY MCPHERSON ELEMENTARY DEQ Source Water Plume

PLS falls within the MARY MCPHERSON ELEMENTARY DEQ Source Water Plume

PLS falls within the MERIDIAN Municipal Service Area

PLS falls within the NAMPA MERIDIAN IRRIGATION DISTRICT Irrigation
Company

PLS falls within the NEW YORK IRRIGATION DISTRICT Irrigation Company