



POOR ORIGINAL

Place of Diversion and Use

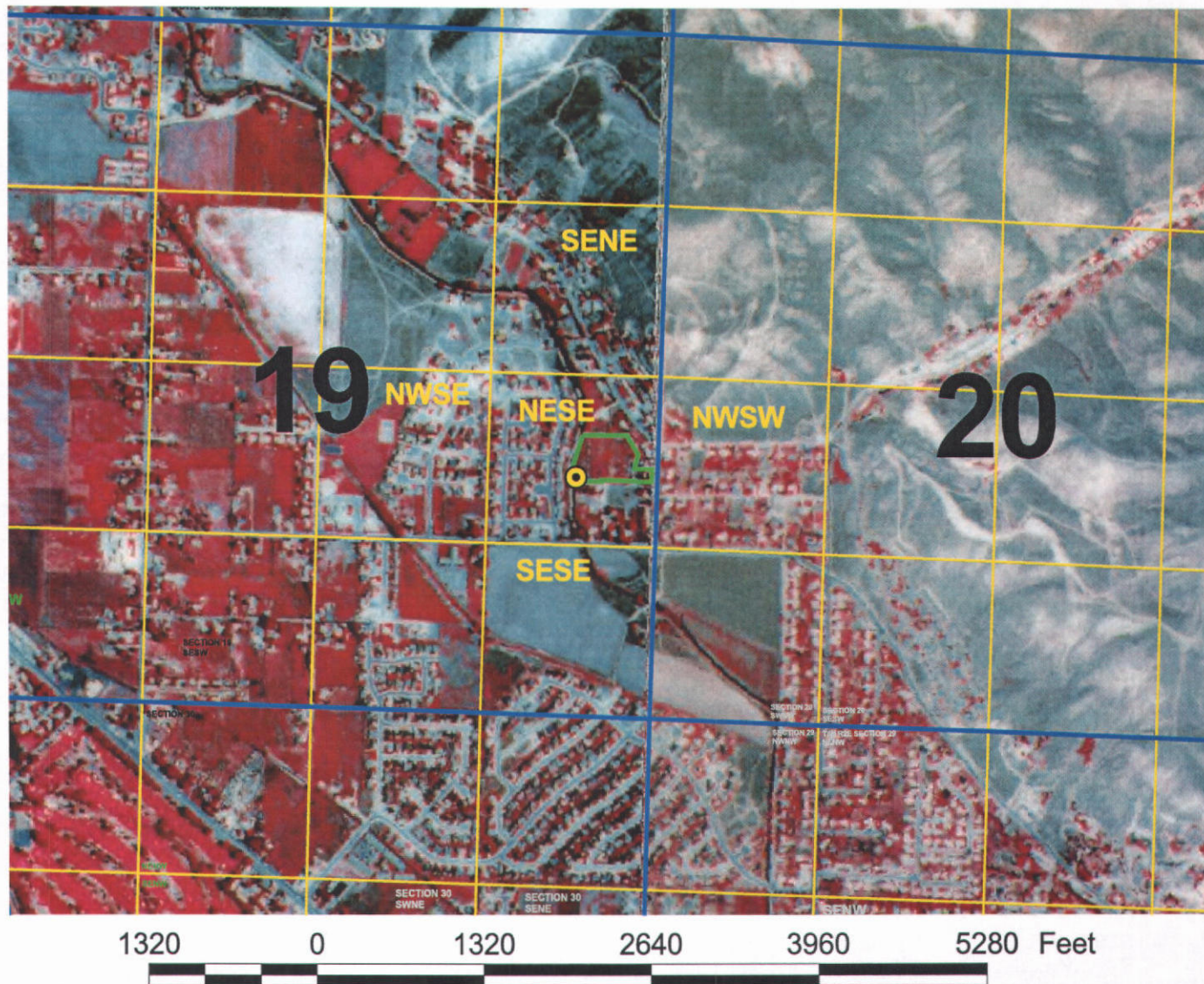
Place of Origin Edwards Nursery

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JUL 23 1968



State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 19
Water Right(s) : 63-8584



TOTAL IRRIGATED ACRES = 4.0

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

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

Idaho Department of Water Resources

Claim Number: 63-08584
Legal: T4N, R2E, S19
Reviewed By:

 Point of Diversion

 Place of Use

 Section Lines

 Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles



A horizontal scale bar with markings at 0, 0.25, and 0.5 miles.

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: A63-08584
Date Received: 7/28/1989
Receipt No: W003885
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD F THUMMEL 208-336-3963
Address: 5211 HILL RD
BOISE ID 83703

2. Date of Priority: MAR 11, 1977

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	19	NE	NE	SE		ADA
		29	SW	SW	NE		ADA

5. Description of diverting works:
TWO 1/2 HP PUMPS FROM FARMERS UNION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	10/15	04/15	0.080		18.00

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) 18.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	19	NE	SE		IRR	4.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

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:

5 SHARES OF BOISE VALLEY IRRIGATION DISTRICT.

14. Remarks:

IRRIGATION WATER FOR PERIOD 4/15 TO 10/15 IS 5 SHARES UNDER BOISE VALLEY IRRIGATION DISTRICT, BUT DELIVERED BY THE FARMERS UNION DITCH. MY PROPERTY IS ALSO LEGALLY DESCRIBED AS LOT 6-12 AND 14 AND 15, BLOCK 3 AND LOTS 9-14 AND N1/2 OF VACATED STREET SOUTH AND ADJACENT TO BLOCK 4, ALL IN SEAMAN'S THIRD SUBDIVISION AT NE1/4 SE1/4, SEC. 19, T4N, R2E, B.M.

15. Basis of Claim: LICENSE

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: _____

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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 _____

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 10/15 to 4/15 amount 0.08 or 18.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) 18.0 (acre feet)

8. Total consumptive use claimed is 18.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Frost protection sprinkling for orchard. Probably considered to be an irrigation use.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	2E	19													4				4

Total number of acres irrigated 4

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
5 shares of Boise Valley Irrigation District or None ()

14. Remarks: Irrigation water for period 4/15 to 10/15 is 5 shares under Boise Valley Irrigation District, but delivered by the Farmers Union Ditch. My property is also legally described as Lot 6-12 and 14 & 15, Blk 3 and Lots 9-14 & N $\frac{1}{2}$ of vacated street south and adjacent to Blk 4, all in Seaman's Third Subdivision at NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19. T4N, R2E, B.M.

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JUL 25 1994

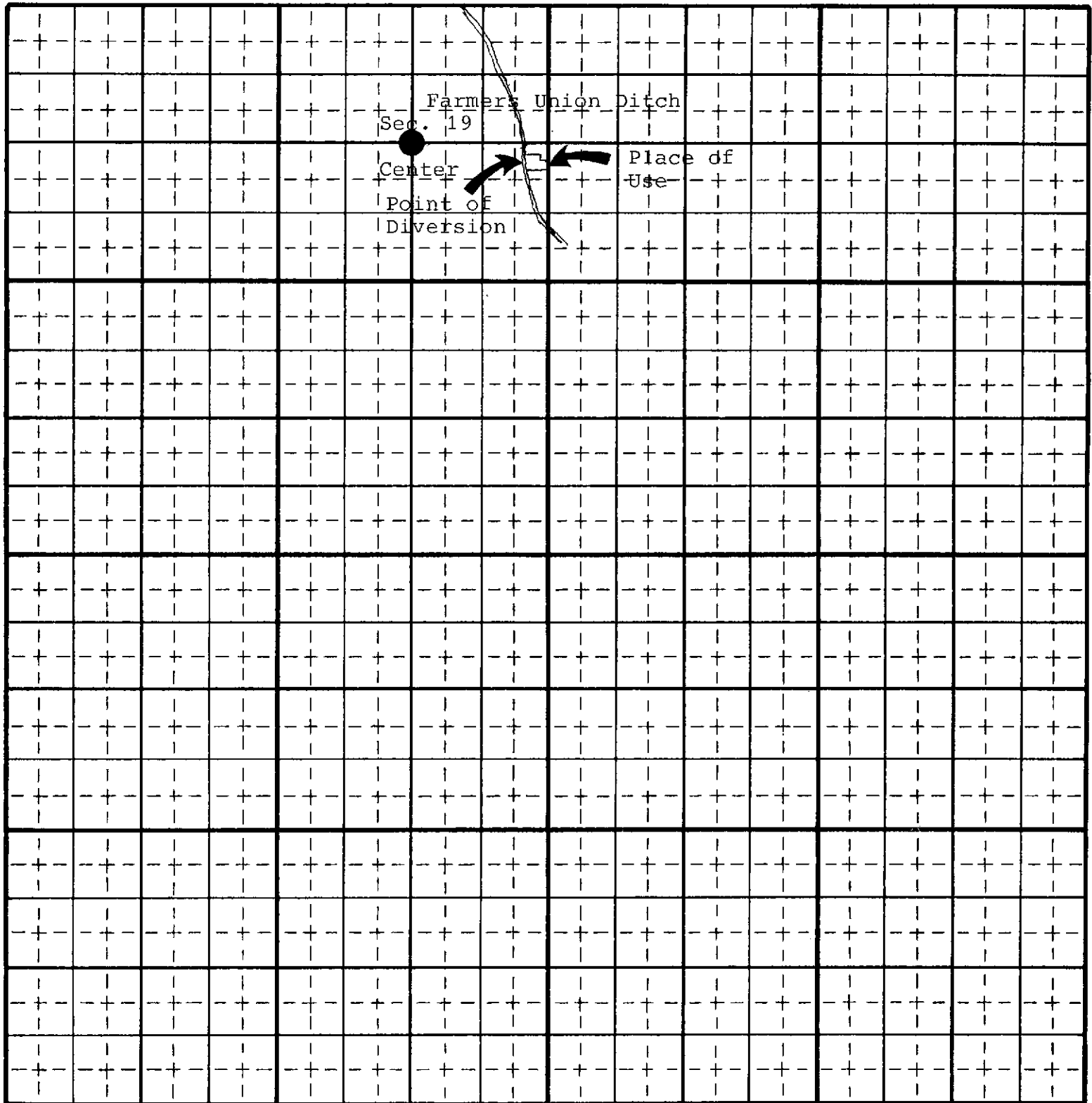
Last Name Thummel Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

Sec. 19, 4N, 2E, B.M.



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Last Name Thumme1 Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-08584

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____

Date July 26, 1989

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 26th day of July 19 89

SEAL

Notary Public Jeta Scott

Residing at Boise, Idaho

My Commission Expires August 26, 1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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Last Name Thumme l Ident. Number _____

Copies White-State, Yellow-Claimant

LEGAL DESCRIPTION

Lots 6 thru 12 and Lots 14 and 15 in Block 3, plus Lots 9 thru 15 in Block 4 of Seamans Third Subdivision in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 4 North, Range 2 East, Boise Meridian.

SEAMAN'S THIRD SUBDIVISION

OF NE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 19 T.4N R.2E, B.M.

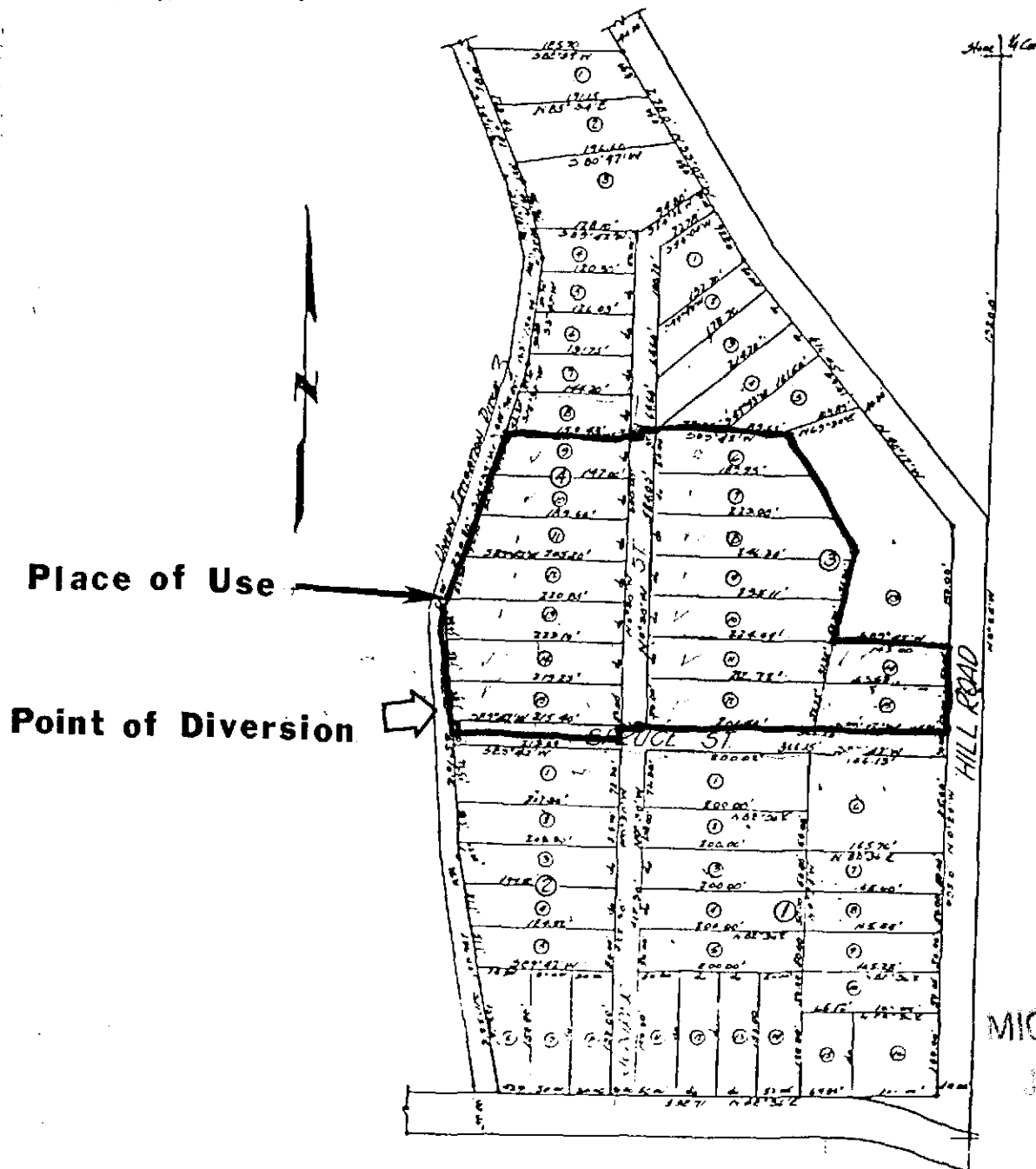
ADA COUNTY, IDAHO

J.L. HOFFMANN & C.C. FISKE, CONSULTING ENGINEERS

106 South 4th St.

Boise, Idaho

While this is a photographic reproduction of the recorded plot, the Company assumes no liability for variations, if any, with a re-survey.



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JUL 25 1994



Water Right Number - 63-08584 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
THUMMEL G. F. 1 - 5211 HILL RD.
2 -
3 -
City- BOISE State- ID Zip- 83703
Phone -

+ - - Priority Date - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +
03/11/1977 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
WASTE WATER BOISE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04N 02E 19 NE SE (1) ADA

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 10/15 04/15 0.080 18.00

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - +
0.080 18.00 0.190

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

04N 02E 19 NE SE 4.0 01 IRRIGATION (1) ADA

Total Acres: 4.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - - +
00/00/0000

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JUL 25 1994

WATER RIGHT

- - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 11/07/88 CURTIS 12/06/88 CURTIS

Water Rights Dates and Flags Area

Proof Due Date	- 05/01/1982	Field Exam Made	- 08/01/1984	Field Exam Fee	-
Approved/Denied	- 05/31/1977	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 03/09/1982	Warning Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 03/09/1989	Appl Received	- 03/11/1977	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		-

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JUL 25 1994

CLAIMANT'S NAME Thurman, Gerald A. IDENT. NO. ALB-08584DATE RECEIVED 7-28-89 RECEIPT # 10023885 AMOUNT \$ 54.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

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23. Should this claim be entered?

YES

NO

☒

☐

Claim reviewed by:

led

Date

5-4-92

Claim data entered by:

led

Date

11-9-92

Claim is being returned to claimant:

☐ (Yes) ☒ (No)

Claimant is being notified of modifications:

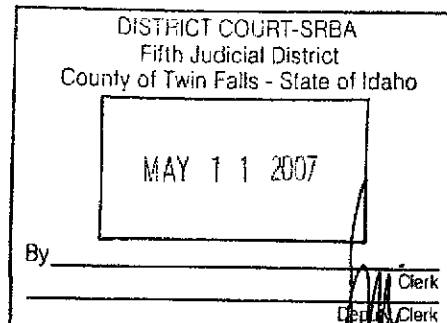
☐ (Yes) ☒ (No)

Comments:

Proof report attached, claimant has additional

POD.

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W003885	54.00	63	8584		Claim



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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 63-08584
	)	
	)	

On March 7, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 8, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 63-08584

NAME AND ADDRESS: GERALD F THUMMEL
5211 HILL RD
BOISE, ID 83703

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.08 CFS
18.00 AFY

PRIORITY DATE: 03/11/1977

POINT OF DIVERSION: T04N R02E S19 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	10-15 TO 04-15	0.08 CFS 18.00 AFY

The irrigation use is for frost protection of fruit trees.

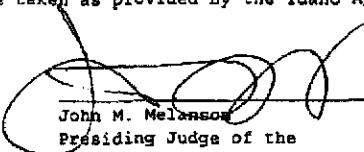
PLACE OF USE: Irrigation Within Ada County
T04N R02E S19 NESE 4.0
4.0 Acres Total

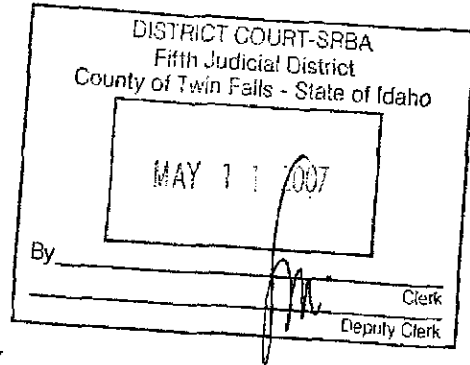
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



2007 MAY 11 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-08584

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-08584 was mailed
on May 11, 2007, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GERALD F THUMMEL
MICHAEL JONES
5211 HILL RD
BOISE, ID 83703

JULIE MURPHY
Chief Deputy Clerk

RECEIVED

JAN 31 2007

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED _____

2007 JAN 30 AM 10 27

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

) Subcases: 63-8584

Case No. 39576

) ORDER TO SHOW CAUSE
)
_____)

This matter came before this Special Master pursuant to a *Notice Setting Subcases for Initial Hearing* issued September 26, 2006. Gerald F. Thummel (hereinafter "Claimant") was notified of the hearing via first class mail sent to his last known address. The Claimant failed to appear at the January 23, 2007, initial hearing either in person or through counsel.

On April 21, 2006, Ada County Drainage District No. 2, through their attorney of record S. Bryce Farris, filed an objection to the *Director's Report* for this water right claim asserting that the water right claimed should not exist.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **March 6, 2007, at 9 A.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by Ada County Drainage District No. 2 -- seeking disallowance of the claim -- should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objection despite failing to appear at the initial hearing.

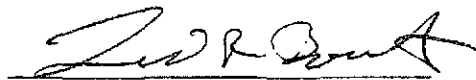
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the disallowance of the water right claim.** If the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master

whether he intends to oppose the objection, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcases(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this *Order to Show Cause* shall be served upon the Claimant not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated January 29, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on January 30, 2007, with sufficient first-class postage to the following:

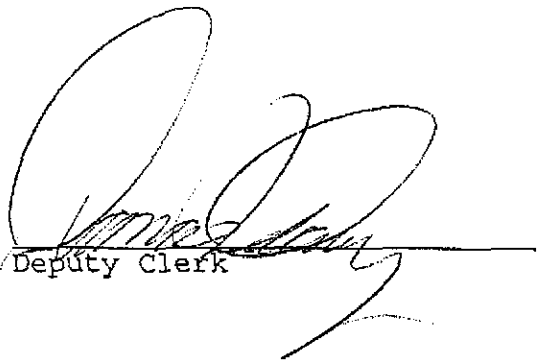
ADA COUNTY DRAINAGE DISTRICT

Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GERALD F THUMMEL
MICHAEL JONES
5211 HILL RD
BOISE, ID 83703

*Michael Jones
5211 Hill Rd
Boise, id 83703*



RECEIVED

APR 21 2006

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)

Case No. 39576)

A. Subcase 63-8584

(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ADA COUNTY DRAINAGE DISTRICT NO. 2

Address: 455 S. Third Street
Boise, Idaho 83701

Daytime Phone: 208-342-4591

Name & Address of Attorney, if any:

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

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

Name: Gerald F Thummel

Address: 5211 Hill Rd
Boise, Idaho 83703

SCANNED
OCT 06 2006

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

1. X **Name and Address**
Should be: Disallowed. See below.
2. X **Source**
Should be: Disallowed. See below.
3. X **Quantity**
Should be: Disallowed. See below.
4. X **Priority Date**
Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
Should be: N/A
7. X **Purpose(s) of Use**
Should be: Disallowed. See below.
8. X **Period of Year**
Should be: Disallowed. See below.
9. X **Place of Use**
Should be: Disallowed. See below.
10. X **I object because:**
 - X 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 Ada County Drainage District No. 2 ("DD#2") and the source of said claim is a drain which was constructed or enlarged by or for DD#2. Said drain is owned, operated, maintained and controlled by DD#2 and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by DD#2. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

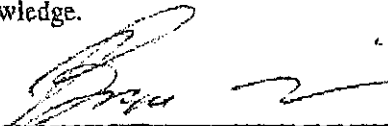
F.

VERIFICATION (must be completed)

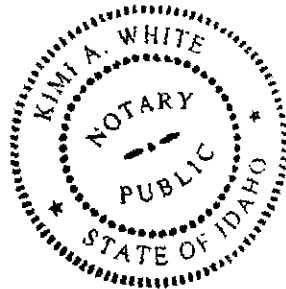
State of Idaho)
) ss.
County of Ada)

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, 2006




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/10/12

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:

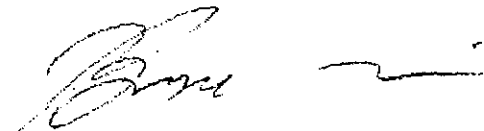
Name: Gerald F. Thummel
Address: 5211 Hill Road
Boise, Idaho 83703

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

11/24/2004

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

RIGHT NUMBER: 63-8584

NAME AND ADDRESS: GERALD F THUMMEL
5211 HILL RD
BOISE ID 83703

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 03/11/1977

POINT OF DIVERSION:

T04N R02E S19 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	10/15 04/15	0.080 CFS 18.00 AFY

The irrigation use is for frost protection of fruit trees.

PLACE OF USE: IRRIGATION Within ADA County

T04N R02E S19 NESE 4.0

4 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

PARCEL NOS. R778902310, R778902515, R7789020530, R7789020555.

THE SOURCE OF THIS RIGHT IS GEOTHERMAL WASTE WATER ORIGINALLY DIVERTED BY EDWARDS GREENHOUSES PURSUANT TO RIGHT NO. 63-14.



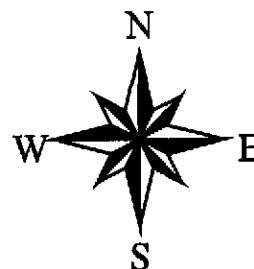
State of Idaho
Idaho Department of Water Resources
Western Region

T4N R2E SECTION 19
Water Right(s) : 63-8584



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 4.0



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

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8584 V1

WATER RIGHT NUMBER: 63-8584 V1

Owner Type Name and Address
 Current Owner GERALD F THUMMEL
 5211 HILL RD
 BOISE, ID 83703
 (208)336-3963

Priority Date: 03/11/1977

Basis: License

Status: Active

Source Tributary
 WASTE WATER BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	10/15 to 04/15	0.080 CFS	18.00 AF
	<u>Total Diversion:</u>	0.080 CFS	18.00 AF

Location of Point(s) of Diversion

WASTE WATER NE1/4SE1/4 Sec. 19, Twp 04N, Rge 02E, B.M.
 ADA County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	19													4.0				4.0

Total Acres: 4

Conditions of Approval:

1. The irrigation use is for frost protection of fruit trees.
2. C18 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.

Remarks:

1. Explanatory PARCEL NOS. R778902310, R778902515, R7789020530, R7789020555.
2. Explanatory THE SOURCE OF THIS RIGHT IS GEOTHERMAL WASTE WATER ORIGINALLY DIVERTED BY EDWARDS GREENHOUSES PURSUANT TO RIGHT NO. 63-14.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8584 V1

Comments:

1. vmusic 11/24/2004 2 PODS CLAIMED

Comment: THE POD IN SECTION 19 WAS LICENSED. CLAIMANT ALSO CLAIMED A POD IN SECTION 29 BUT THIS IS THE ORIGIN OF THE WASTEWATER FROM EDWARDS GREENHOUSES. NOT RECOMMENDED.

2. vmusic 11/24/2004 WASTEWATER

Comment: SOURCE OF WASTEWATER IS GEOTHERMAL WASTEWATER FROM EDWARDS GREENHOUSES AND TRANSPORTED BY FARMERS UNION DITCH.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits: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>
Contacts	11/24/2004 11:05:17 AM	vmusic			Active
Priority Date	11/24/2004 11:05:42 AM	vmusic			Active
POD	11/24/2004 11:06:03 AM	vmusic			Active
Source	11/24/2004 11:09:05 AM	vmusic			Active
POU	11/24/2004 11:11:18 AM	vmusic			Active
Use	11/24/2004 11:19:13 AM	vmusic			Active
Season	11/24/2004 11:19:56 AM	vmusic			Active
Quantity	11/24/2004 11:20:35 AM	vmusic			Active
Summary			11/24/2004	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/24/2004 11:11:18 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8584 V1

POU	11/24/2004 11:11:42 AM	vmusic	Edited shape boundary
Source	11/24/2004 11:09:05 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	11/24/2004 11:07:10 AM	vmusic	Edited point location
Priority Date	11/24/2004 11:05:43 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Season	11/24/2004 11:19:56 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Use	11/24/2004 11:19:13 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Quantity	11/24/2004 11:20:36 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - SEE LICENSING EXAM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8584 V1

Summary	11/24/2004 11:32:03 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	11/24/2004 11:05:17 AM	vmusic	(No) 1. Do you want to schedule an appointment?
POD	11/24/2004 11:06:03 AM	vmusic	Comment for 1: DESKTOP REVIEW (Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?



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

October 5, 2005

Micheal R. Jones
5211 Hill Rd
Boise, ID 83703

63-8584

RE: Notice of Change of Water Right Ownership

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office. However, we cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a Warranty Deed(s), Contract of Sale, Title Policy or other legal documentation indicating your ownership of the property.

Please submit a copy of the proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

LG: lg

Enclosures

RECEIVED

OCT 05 2005

WATER RESOURCES
WESTERN REGION

Form 42-248/42-1405(6) July, 2000

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.

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
	A63-8584				
	* See below				

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)

Gerald Thummel
5211 HURD

4. New Owner/Claimant(s)

Boise ID 83703

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Michael R. Jones

City, State and ZIP Code

Same address

New Telephone Number

208 345-4199

5. Date you acquired the property

1999

* We also have a claim from Mr. Thummel for
a well: A63-16753

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	_____	_____

No splits

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) Michael R. Jones
(include title if applicable) Owner

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



RECEIVED

DEC 20 2005

WATER RESOURCES
WESTERN REGION

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

[Handwritten signature]

63-8584

GERALD F THUMMEL
5211 HILL RD
BOISE ID 83703

RECEIVED

DEC 19 2005

DEPARTMENT OF
WATER RESOURCES



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

September 26, 2005

MICHAEL R JONES
5211 W HILL RD
BOISE ID 83703

RE: NOTICE OF CLAIM NO(S): A63-8584

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in the ownership for the above claim(s). IDWR records currently show the following name and address as the owner of the claim(s) listed above:

**GERALD THUMMEL
5211 HILL RD
BOISE ID 83703**

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership form, as appropriate, to correct our records.

If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at (208) 334-2190.

Sincerely,

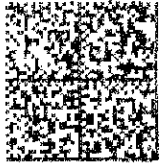
Adjudication Staff
Department of Water Resources
Western Region

LH:1
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

63-8584
No address
found.

✓ FIRST CLASS



UNITED STATES POSTAGE
0.2 1A
9004389393
MAILED FROM ZIP C

7/27/74

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
AND FORWARDING ORDER ON FILE

GERALD F THUMMER
5211 HILL RD
BOISE ID 83703

Michael R Jones
5211 W Hill Rd
83703

RECEIVED

JUN 08 2005

WATER RESOURCES
WESTERN REGION

ADDRESS SERVICE
UNITED STATES POSTAL SERVICE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-8584

11/24/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	02E	19	NE	SE		IRRIGATION	20/29248	DRAINAGE DIST NO 2
8584	Claim	04N	02E	19	NE	SE		IRRIGATION	4/4	GERALD F THUMMEL
10394	Claim	04N	02E	19	NE	SE		IRRIGATION	1/1	SARAH BLACKMER
16413	Claim	04N	02E	19	NE	SE		IRRIGATION	1.2/1.2	FOSTER SUBDIVISION WATER
2406	Water Right	04N	02E	19	NE	SE		IRRIGATION	20/29248	DRAINAGE DIST NO 2
4824	Water Right	04N	02E	19	NE	SE		IRRIGATION	1/1	HELEN L STEINMAN
8584	Water Right	04N	02E	19	NE	SE		IRRIGATION	4/4	G F THUMMEL
10394	Water Right	04N	02E	19	NE	SE		IRRIGATION	1/1	SARAH BLACKMER
16753	Water Right	04N	02E	19	NE	SE		STOCKWATER		GERALD F THUMMEL
18834	Water Right	04N	02E	19	NE	SE		STOCKWATER		C RONALD STRENG
2576	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	04N	02E	19	NE	SE		MUNICIPAL		UNITED WATER IDAHO INC
16413	Claim	04N	02E	19	NE	SE		DOMESTIC		FOSTER SUBDIVISION WATER
31954	Claim	04N	02E	19	NE	SE		DOMESTIC		M JANE DUNN
16753	Water Right	04N	02E	19	NE	SE		DOMESTIC		GERALD F THUMMEL
17048	Water Right	04N	02E	19	NE	SE		DOMESTIC		DARREL E CASE
17182	Water Right	04N	02E	19	NE	SE		DOMESTIC		PATSY ANN GALINDO
18834	Water Right	04N	02E	19	NE	SE		DOMESTIC		C RONALD STRENG
19430	Water Right	04N	02E	19	NE	SE		DOMESTIC		ARMAND W GARDNER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-8584

11/24/2004

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2403	Water Right	04N	02E	19	NE	SE		DOMESTIC		FEROL M BROOKHART
2607	Water Right	04N	02E	19	NE	SE		DOMESTIC		CLAIRE L KLEFFNER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-8584

11/24/2004

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-22274	Claim	04N	02E	19	NE	NE		GROUND WATER	EDGAR H ANDERSON
63-16138	Claim	04N	02E	19	SW	NE		GROUND WATER	CLYDE C BRIGGS
63-17518	Claim	04N	02E	19	SW	NE		GROUND WATER	RITA L FOLTMAN
63-22765	Claim	04N	02E	19	SW	NE		GROUND WATER	FLORENCE M PIERCE
63-16413	Claim	04N	02E	19	NE	SE		GROUND WATER	FOSTER SUBDIVISION WATER
63-18834	Claim	04N	02E	19	NE	SE		GROUND WATER	BARBARA J STRENG
63-31954	Claim	04N	02E	19	NE	SE		GROUND WATER	M JANE DUNN
63-16753	Claim	04N	02E	19	NE	SE		GROUND WATER	GERALD F THUMMEL
63-22607	Claim	04N	02E	19	NE	SE		GROUND WATER	CLAIRE L KLEFFNER
63-8584	Claim	04N	02E	19	NE	SE		WASTE WATER BOISE RIVER	GERALD F THUMMEL
63-10394	Claim	04N	02E	19	NE	SE		GROUND WATER	SARAH BLACKMER
63-17048	Claim	04N	02E	19	NE	SE		GROUND WATER	KATHLEEN M CASE
63-17182	Claim	04N	02E	19	NE	SE		GROUND WATER	PATSY ANN GALINDO
63-19430	Claim	04N	02E	19	NE	SE		GROUND WATER	ARMAND W GARDNER
63-22403	Claim	04N	02E	19	NE	SE		GROUND WATER	FEROL M BROOKHART
63-9145	Claim	04N	02E	19	SW	SE		GROUND WATER	FIRST CHURCH OF CHRIST
63-15474	Claim	04N	02E	19	SW	SE		GROUND WATER	MARVIN R KEARNS
63-16327	Claim	04N	02E	19	SW	SE		GROUND WATER	MICHAEL H CARROL
63-10056	Claim	04N	02E	19	SW	SE		GROUND WATER	RICHARD A POPLACK
63-17319	Claim	04N	02E	19	SW	SE		GROUND WATER	RICHARD A POPLACK
63-10056	Claim	04N	02E	19	SW	SE		WASTE DITCH BOISE RIVER	RICHARD A POPLACK
63-15297	Claim	04N	02E	19	SW	SE		GROUND WATER	HATTIE L SEREDUK
63-15763	Claim	04N	02E	19	SW	SE		GROUND WATER	PATRICIA N SEREDUK
63-22553	Claim	04N	02E	19	SW	SE		GROUND WATER	RICHARD W RAMAGE
63-16715	Claim	04N	02E	19	SW	SE		GROUND WATER	DARREL B MORRIS
63-17133	Claim	04N	02E	19	SW	SE		GROUND WATER	NEIL M & ELAINE M CLARK FAMILY TR

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-8584

11/24/2004

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-7365	Water Right	04N	02E	19	NE	NE		GROUND WATER	BRAD LARSON
63-10234	Water Right	04N	02E	19	NE	NE		GROUND WATER	IMA J SCANTLING
63-22274	Water Right	04N	02E	19	NE	NE		GROUND WATER	EDGAR H ANDERSON
63-16138	Water Right	04N	02E	19	SW	NE		GROUND WATER	CLYDE C BRIGGS
63-17518	Water Right	04N	02E	19	SW	NE		GROUND WATER	BRADLEY T FOLTMAN
63-22765	Water Right	04N	02E	19	SW	NE		GROUND WATER	FLORENCE M PIERCE
63-4824	Water Right	04N	02E	19	NE	SE		GROUND WATER	HELEN L STEINMAN
63-18834	Water Right	04N	02E	19	NE	SE		GROUND WATER	C RONALD STRENG
63-8584	Water Right	04N	02E	19	NE	SE		WASTE WATER BOISE RIVER	G F THUMMEL
63-16753	Water Right	04N	02E	19	NE	SE		GROUND WATER	GERALD F THUMMEL
63-22607	Water Right	04N	02E	19	NE	SE		GROUND WATER	CLAIRE L KLEFFNER
63-10394	Water Right	04N	02E	19	NE	SE		GROUND WATER	SARAH BLACKMER
63-17048	Water Right	04N	02E	19	NE	SE		GROUND WATER	DARREL E CASE
63-17182	Water Right	04N	02E	19	NE	SE		GROUND WATER	PATSY ANN GALINDO
63-19430	Water Right	04N	02E	19	NE	SE		GROUND WATER	ARMAND W GARDNER
63-22403	Water Right	04N	02E	19	NE	SE		GROUND WATER	FEROL M BROOKHART
63-9145	Water Right	04N	02E	19	SW	SE		GROUND WATER	NEW CREATION FELLOWSHIP CHURCH THE NAZAR
63-10056	Water Right	04N	02E	19	SW	SE		GROUND WATER	RICHARD A POPLACK
63-12261	Water Right	04N	02E	19	SW	SE		GROUND WATER	NEW CREATION CHURCH OF THE NAZARENE
63-15474	Water Right	04N	02E	19	SW	SE		GROUND WATER	MARVIN R KEARNS
63-16327	Water Right	04N	02E	19	SW	SE		GROUND WATER	MICHAEL H CARROL
63-10056	Water Right	04N	02E	19	SW	SE		WASTE DITCH BOISE RIVER	RICHARD A POPLACK
63-17319	Water Right	04N	02E	19	SW	SE		GROUND WATER	RICHARD A POPLACK
63-15297	Water Right	04N	02E	19	SW	SE		GROUND WATER	VERNON MOYER
63-15763	Water Right	04N	02E	19	SW	SE		GROUND WATER	PATRICIA N SEREDUK
63-22553	Water Right	04N	02E	19	SW	SE		GROUND WATER	PATTY RAMAGE
63-17133	Water Right	04N	02E	19	SW	SE		GROUND WATER	NEIL M CLARK FAMILY TRUST

DESKTOP REVIEW/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

11/2/06

- ☒ 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 - none
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant - NA

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 63-85811

Owner: _____ Phone No. _____

Current Address: _____

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

Add to shp - owner is MICHAEL R. JONES

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.)

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? _____

claimed 2 pods. The pod in sec 29 is where Edward's
nursery dumps the wastewater - not recommended

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 licensing exam**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 irr From 10-31 To 4-1 Amount .08 CFS 10 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater onlyN/A☐ Incomplete on claim, the total is, Amount _____ 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:

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: 63-16753 - stockwater (domestic)

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
NO - D/S right is groundwater & exempt under 42-111

Delivery System Narrative: See 11/25/2010 Exam

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

Parcel #s ✓ R 7789020310,
R 778902515,
R 7789020555,
R 7789020530

purpose ✓ Irrigation is for frost protection of fruit trees.

re ✓ source of wastewater

Lined area for notes or additional information.

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: 11-24-04

FIELD EXAMINER: Wick Wmcc

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8584

WATER RIGHT NUMBER: 63-8584

Owner Type

Current Owner

Name and Address

GERALD F THUMMEL
5211 HILL RD
BOISE, ID 83703
(208)336-3963

Priority Date: 03/11/1977

Basis: License

Status: Active

Source

WASTE WATER

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

10/15 to 4/15

Diversion Rate

0.080 CFS

Annual Volume

18.00 AF

Total Diversion:

0.080 CFS

18.00 AF

Location of Point(s) of Diversion

WASTE WATER

NE1/4NE1/4SE1/4

Sec. 19, Twp 04N, Rge 02E, B.M.

ADA County

WASTE WATER

SW1/4SW1/4NE1/4

Sec. 29, Twp 04N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION

POD not licensed - this is "pt of
diversion" of wastewater - from Edwards
barnhouse

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	19																	4.0
																			4.0

Total Acres: 4

Conditions of Approval:Remarks:

1. General

IRRIGATION WATER FOR PERIOD 4/15 TO 10/15 IS 5 SHARES UNDER BOISE VALLEY IRRIGATION DISTRICT, BUT DELIVERED BY THE FARMERS UNION DITCH. MY PROPERTY IS ALSO LEGALLY DESCRIBED AS LOT 6-12 AND 14 AND 15, BLOCK 3 AND LOTS 9-14 AND N1/2 OF VACATED STREET SOUTH AND ADJACENT TO BLOCK 4, ALL IN SEAMAN'S THIRD SUBDIVISION AT NE1/4 SE1/4, SEC. 19, T4N, R2E, B.M.

irr is for frost protection of fruit trees
parcel #

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08584

Priority: March 11, 1977 Amount: 0.08 CFS 18.0 AFA

This is to certify, that G. F. THUMMEL
5211 HILL RD.
BOISE, ID 83703

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated March 11, 1977, and
has submitted proof to the Department of Water Resources on March 9, 1982, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .190 cfs of water from:

WASTE WATER tributary to BOISE RIVER

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	10/15 to 04/15	0.08 CFS	18.0 AFA
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NESE , Sec. 19, Township 04N, Range 02E ADA County	

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 02E 19	NESE 4			4

Total number of acres irrigated: 4

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9TH
day of MARCH, 1987.

Director

MICROFILMED
MAR 16 1989

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08584

RECEIVED
JAN 18 1989

Date of Priority: March 11, 1977

Comes now G. F. THUMMEL
5211 HILL RD.
BOISE, ID 83703

APPROVED

Department of Water Resources

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-08584, and requests that the permit be changed as follows:

Source: WASTE WATER

tributary to BOISE RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

VOLUME

IRRIGATION

10/15 to 04/15

0.08 CFS

18.0 AFA

LOCATION OF POINT OF DIVERSION(S):

NESE, Sec. 19, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

04N 02E 19

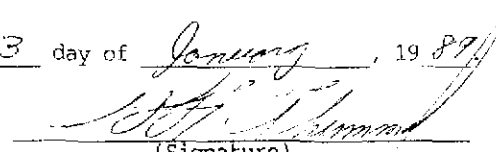
NESE 4

4

Total number of acres irrigated:

4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise Idaho, this 13 day of January, 19 89

(Signature)

MAILED 10 1989

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08584

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by SC Date 11/20/89 C005223

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-08584 with the following;

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 9TH day of MARCH, 1987.Ron Young
(Director)

Identification No. _____

Application No. 63-8584

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant G. F. Thummel Phone: 336-3963
post office address 5211 Hill Road, Boise, ID
2. Source of water supply subterranean waste water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 4N
Range 2E B.M. ADA County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .1 for irrigation and fruit tree protection purpose from 10/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .1 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Farmers Union Canal Co to my
regular diversion point where I will lift it out by pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ existing system
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 4N
Range 2E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: At any time the temperature
rises above 40° during February and March, the fruit trees will
be sprinkled to delay bud swelling and blooming, thus preventing
loss by freezing.

APPROVED

—

[illegible]

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. 5 shares of
Boise Valley Irrigation District water which is used 4/15 to 10/15

9. a. Who owns the property at the point of diversion Farmers Union Canal Co. (as a means of disposal of waste water)

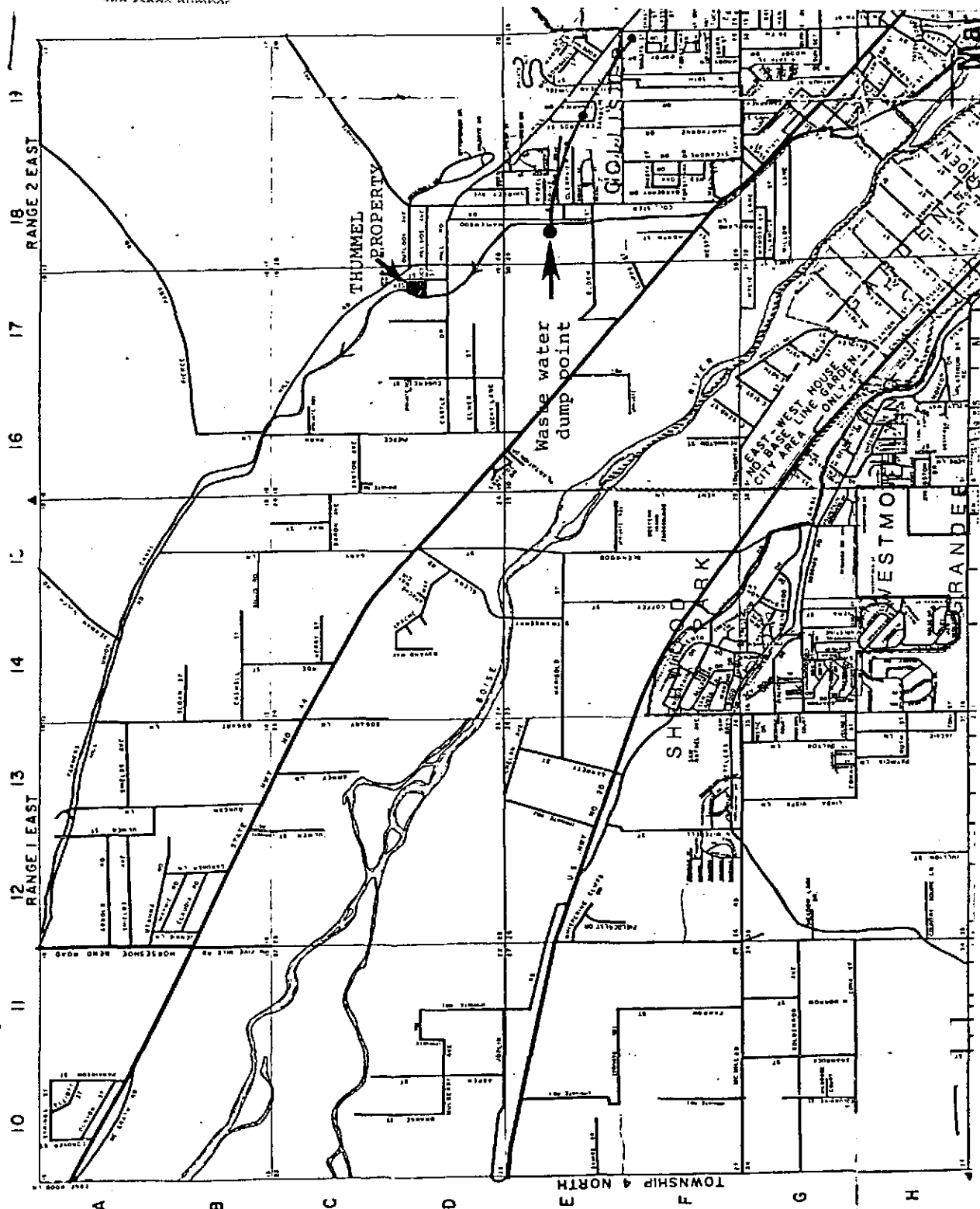
b. Who owns the land to be irrigated or place of use applicant

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

Permission from Farmers Union Canal Co. has been requested to
carry this water to my property during off-season months. See
copy of request attached.

10. Remarks _____

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



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.

[Signature]
(Applicant)

Proposed Priority 3/11/77

Received by Lee Date 3-11-77 Time 11:15 A.

Preliminary check by JH Fee \$10.00

Received by LP Date 3/11/77 # 7019

Publication prepared by rf Date 3-17-77

Published in Idaho Statesman

Publication dates March 24 & 31

Publication approved rf Date 4-18-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8584, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 82.

c. Other: The issuance of this permit in no way grants a right-of-way or easement across the land of another person.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 31 day of May, 19 77.

[Signature]
Deputy Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 20 1986

63-8584
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☒ Appointment scheduled for: (Date, time, location)	8/84	[Signature]	HILL RD.

EXAMINATION

Date 8/84 Accompanied by MR. THUMMEL Total Q measured 0.19 cfs
 Source WASTEWATER Tributary to BOISE R. Supp. annubar measurement sheet used?
 If source is surface water, estimate total flow of source
 Methods of measurement Meets permit requirements?

Measurement calculations:
 $2 \text{ HP} \times .8 \times .8 = 1.28 = 0.09 \text{ cfs} \times 2 = 0.19 \text{ cfs}$
 $10' \div (60 \div .4333) = 148.7 \text{ (GPM)} \times (0.0948 \text{ cfs/GPM}) = 0.19 \text{ cfs}$

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
#1	2	CENTURY	3326	HYDRO	2376			
#2	2	C.E. (BULL DOG)	1071	TAUCE	1232			

System Description 2-3" PIPELINES IN FARMERS UNION CANAL W/SCREEN SYSTEMS TO FRUIT TREES, GARDEN & PASTURE. TWO PUMPS - ONE FOR FRUIT TREES, ETC. CLOSE TO CANAL & ONE TO PUMP FURTHER TO PASTURE BY HOME. ALL SPRINKLER IRRIGATION.

*Code with map on reverse side. Disregard code if only one.

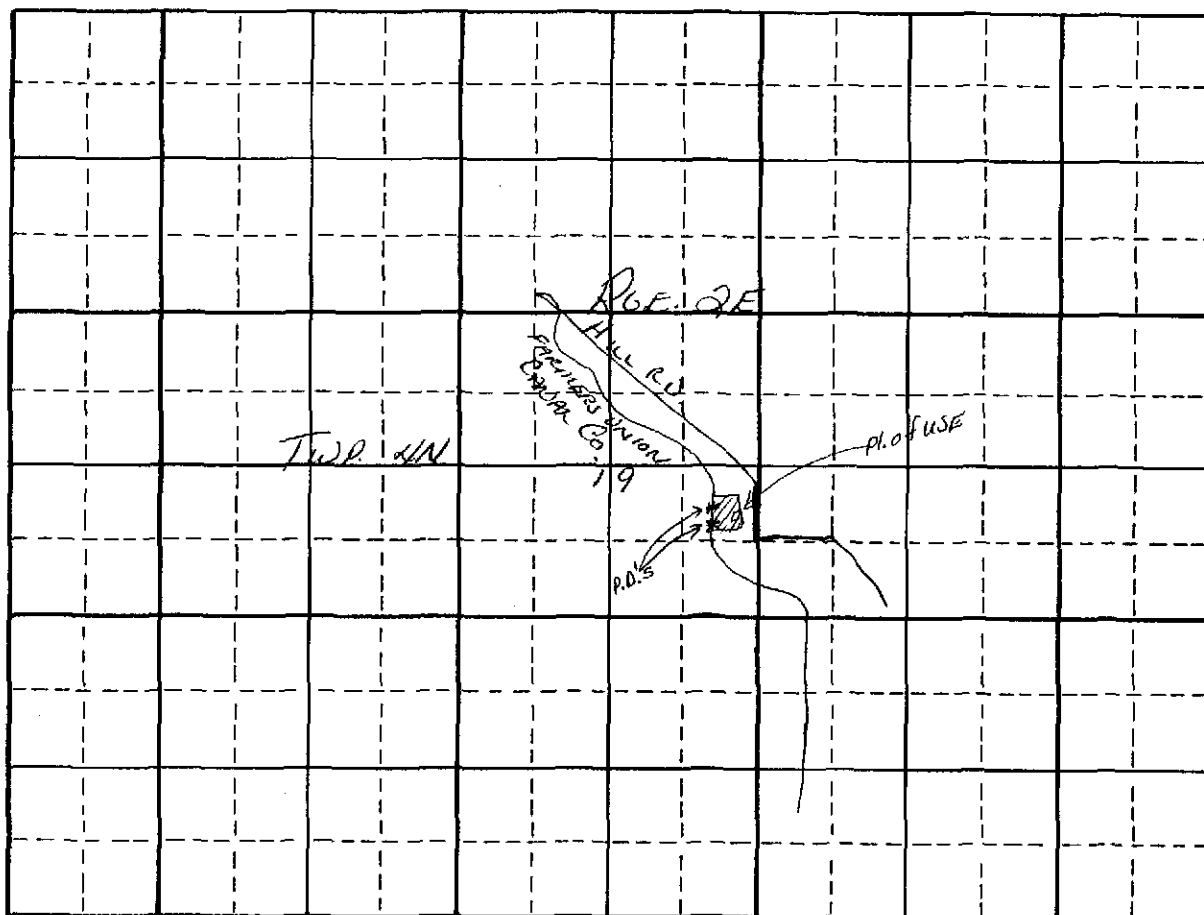
RECOMMENDED AMOUNTS

USE	Q (cfs)	V (afa)	FROM	TO
IRRIGATION - 4 ACRES	0.08 cfs	18.0 cfs	10/15	4/15
& FRUIT TREE PROTECTION (FREEZING)				
Total	0.08 cfs	18.0 cfs		

Remarks AGREEMENT IS THAT FARMER CO. PUTS WASTEWATER INTO CANAL & THIS IS WHAT MR. THUMMEL HAS FILED FOR. HE HAS ONLY ACTUALLY USED THE WASTEWATER SINCE 1977. (ROUGHLY YR. FILING). THE PTS. OF DIVERSION ARE ACTUALLY RIGHT OUT OF THE CANAL WHERE IT RUNS BEHIND HIS PROPERTY & NOT WHERE THE WASTE-WATER IS DUMPED INTO THE FARMERS UNION CANAL CO. - USE SAME PUMPING SYSTEM FOR IRRIG. DIST. RTS FOR IRRIGATION.

MICROFILM

MAR 16 1989



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NESE, S. 19, T. 4N, R. 2E.

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	2E	19													4				4

MICROFILMED

Recommended Amendments:

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

MAR 16 1989

Examiner's Signature

Checked by

Approved by

Jan Shurt
625
10M 11/29/88

Date

Date

Date

4/25/85

1/15/86

LDWR - WESTERN REGION

CONTRACTOR: Karen Waters

CLAIM/ID #: 63-08584

Date: 4-24-01

	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	4N	2E	19													4				4
GIS																4				4
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 4

Total GIS Acres: 4

Overlapping POU Claim #'s:

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-08584

Legal: T4N, R2E, S19

Reviewed By:

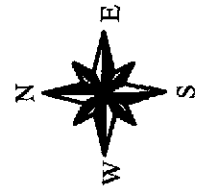
⊙ Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 Miles

CONVERSATION MEMORANDUM

DATE May 3, 1977FILE 65-8584NAME OF PARTY HARRY A. VOGTEMPLOYEE L. GLEN SAXTON *HS*

RE: On April 25, 1977, I talked with Mr. Harry A. Vogt of the Farmer's Union Canal Co. with regard to the above referenced application and the company's letter dated March 31, 1977.

Mr. Vogt stated he has had several conversations with the applicant subsequent to the March 31, 1977 letter and that the company's only concern was that they didn't want a commitment to deliver water when the ditch might be scheduled for repair. Vogt also stated that the company did not object to the applicant's use of whatever water that might be available in the ditch during the non-irrigation season if said use did not interfere with maintenance.

MICROFILMED