



Idaho Department of Water Resources

63-3072A

T05N R02W S31



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter

Total irrigated
acres = 7.6



IDWR

Prepared by: Sandy Egbert

Date: July 27, 2006

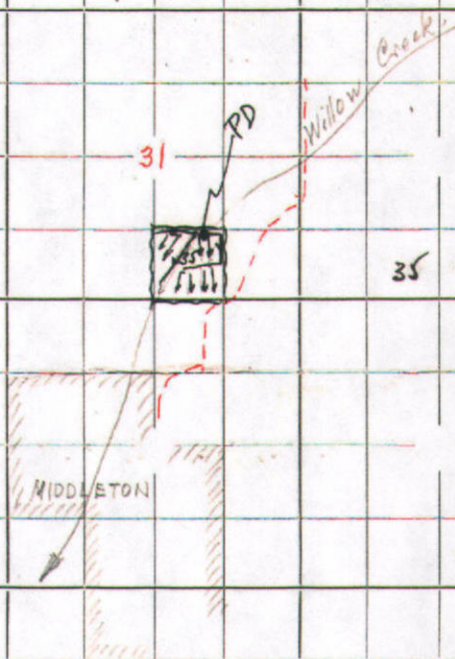
1987 NAAP Photography

600 0 600 1200 Feet

3' over 2' Capillary = 1.10 cfs @ 55-inches

R-2W

T.
5
N.



Subdivision

1

Area

35 acres

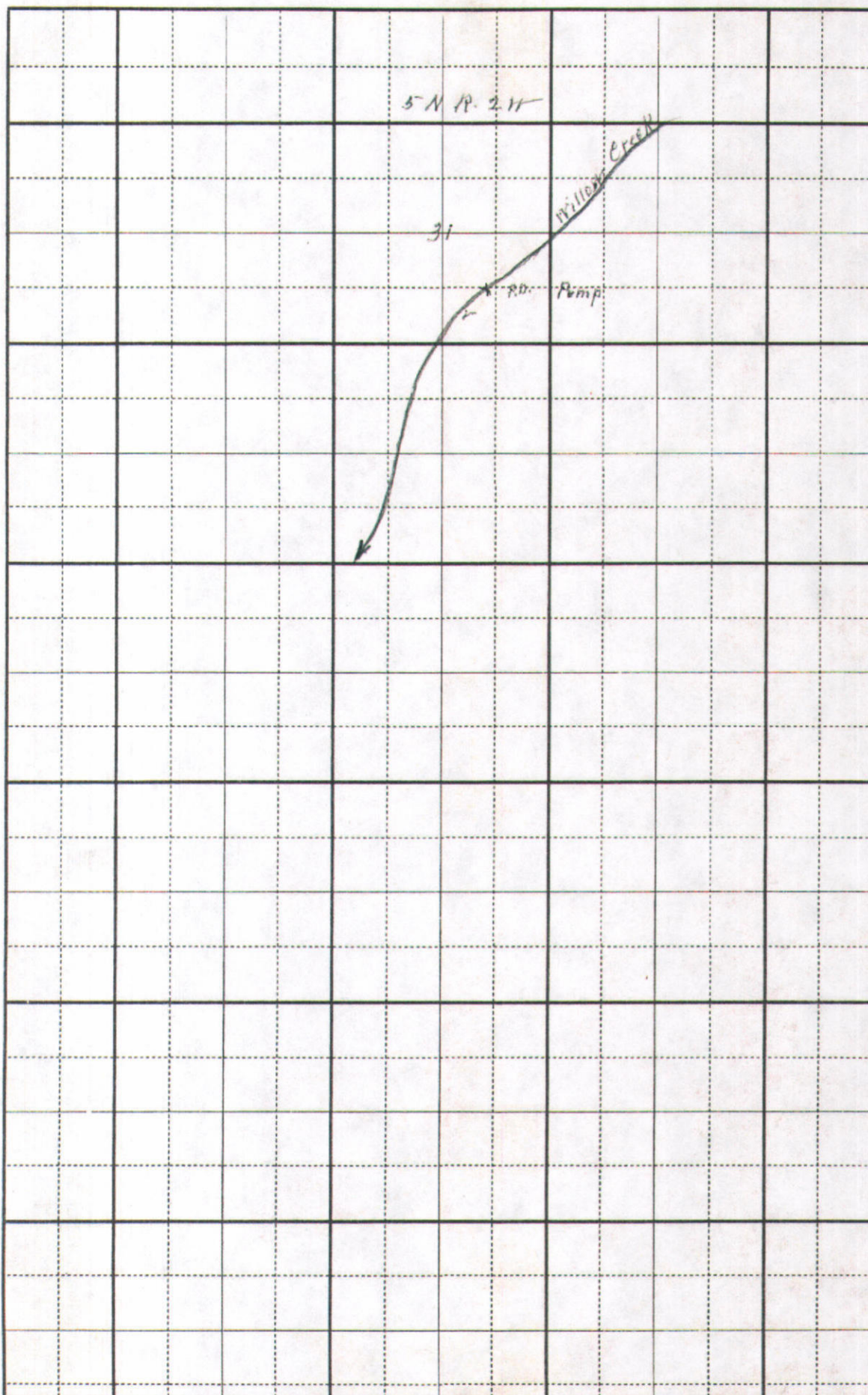
(allnd)

Q

17 cfs @ 35 inches

NAME OF APPLICANT

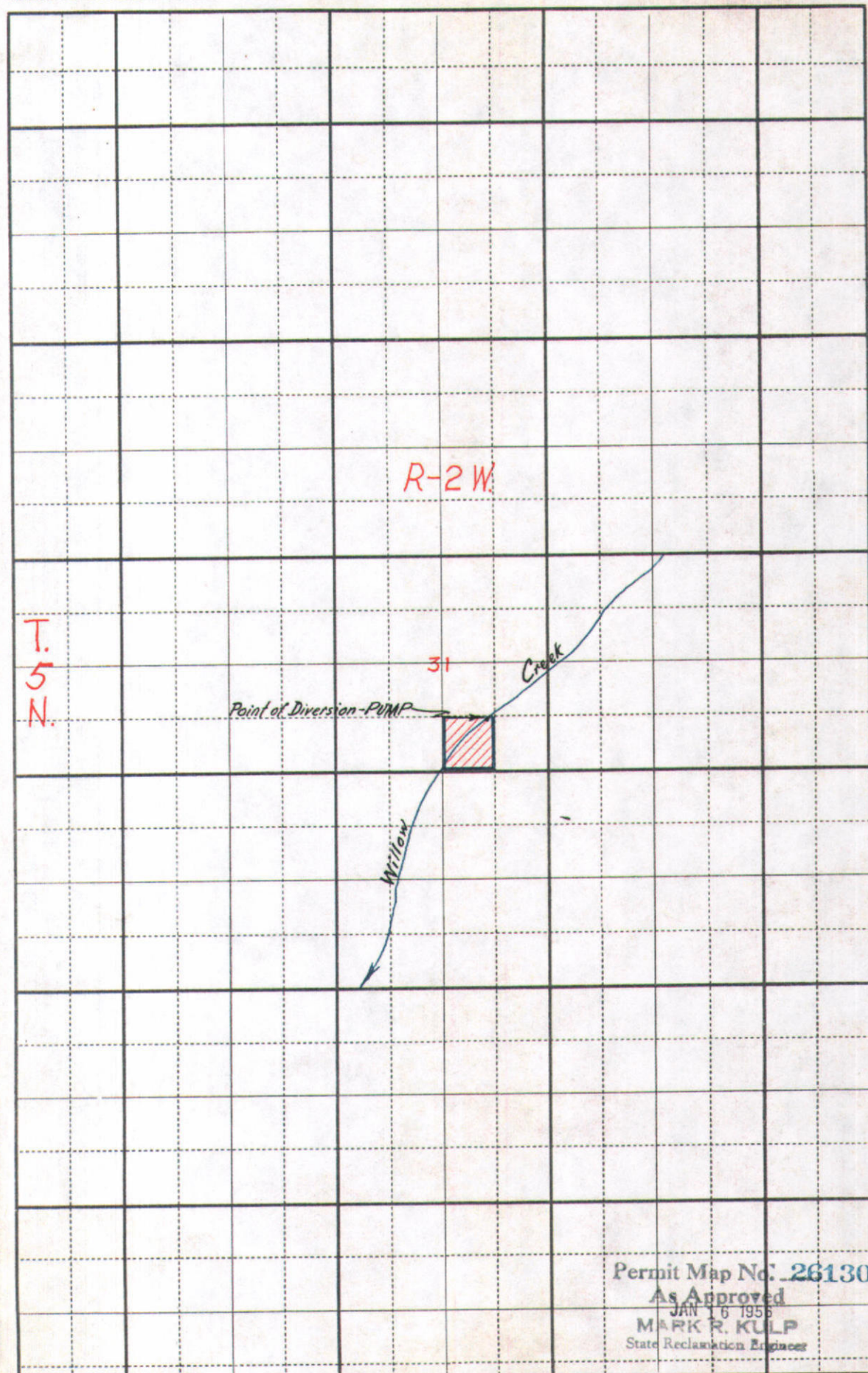
Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

NAME OF APPLICANT J. F. OVERMAN

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

26130

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-3072A
Date Received: 6/30/2006
Receipt No: W034397
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 30 2006

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

BENJI YOUNG Phone: (208)585-6106
24329 MIDDLETON RD
MIDDLETON ID USA 83644

KERRI YOUNG Phone: (208)585-6106
24329 MIDDLETON RD
MIDDLETON ID USA 83644

2. Date of Priority: 12/29/1955

3. Source: WILLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02W	31	SW SE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02W	31	SW	SE	IRRIGATION	10
Section Acres						10
Total Acres						10

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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): Benj. Young Date: 6-30-06
_____ Date: _____

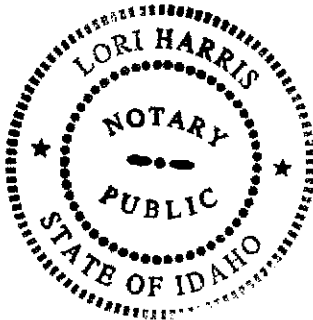
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th
of June 2006 Lori Harris

Notary Public

Residing at Boise Idaho

My commission Expires 12-8-06



pt 3
Wastewater



9708386

INSTRUMENT NO. 210650266

WARRANTY DEED

For Value Received

Maxine Young, an unmarried woman, and Thomas Young and Linda Young, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Benji Young, an unmarried man, and Heidi Young, an unmarried woman

hereinafter referred to as Grantee, whose current address is

24329 Middleton Road, Middleton, ID 83644

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.

Referred to fix legal

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 10, 1997.

Maxine Young
Maxine Young

Thomas Young
Thomas Young

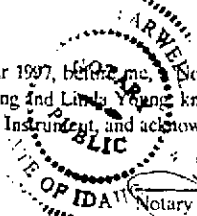
Linda Young
Linda Young

6-26-06 Benji Young
6-26-06 Heidi Young Muppy

State of Idaho } ss.
County of Canyon }
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DATED 6-26-06
G. Noel Hales, Clerk of the District Court and Ex Officio Recorder.
By [Signature] Deputy

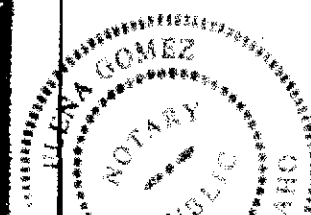
STATE OF IDAHO)
COUNTY OF CANYON)

On This 11th day of March, in the year 1997, before me, Notary Public in and for said State, personally appeared Maxine Young and Thomas Young and Linda Young known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

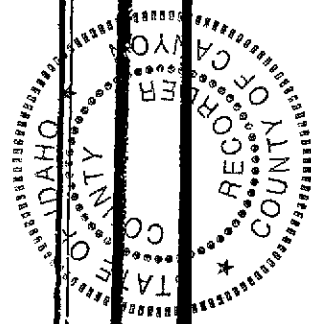


[Signature]
Notary Public of Idaho
Residing at Middleton

Commission Expires: 6-22-2001



State of Idaho
County of Canyon
Notary Public Helena Gomez
Commission Exp. 3-14-11



PC 19874

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise, Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

REQUEST *Becky Young*
TYPE *Deed* FEE *6-*

CANYON COUNTY RECORDER

2003 JUN 26 PM 4 30

200650266

9708386

REQUEST PIONEER - CALDWELL
TYPE *Deed* FEE *6-*

97 JUN 18 PM 4 35

CANYON COUNTY RECORDER

INSTRUMENT NO.

200152714

INSTRUMENT NO.

200650265

PC 41664

QUITCLAIM DEED

FOR VALUE RECEIVED HEIDI YOUNG, a married woman as her sole and separate property

does hereby convey, release, remise and forever quit claim

unto BENJI YOUNG, a married man

whose address is

24329 Middleton Rd, Middleton, Id 83644

the following described premises, to-wit:

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

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.
together with their appurtenances.

Dated: December 7th, 2001

Ref to fix legal

HEIDI YOUNG

STATE OF IDAHO

COUNTY OF CANYON

On this 10th day of December in the year 2001, before me, Notary Public, personally appeared Heidi Young known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public

Residing at

My commission expires

State of Idaho

County of Canyon

Notary

Public

Commission Exp.

State of Idaho } ss.
County of Canyon

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

G. Noel Hales, Clerk of the District Court
and Ex Officio Recorder.

By Deputy

41664

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

200650265

200152714

RECORDED

1901 JUN 26 PM 4 39

CANYON COUNTY RECORDER

CANYON COUNTY RECORDER

BY *Stephens*

REQUESTED PIONEER - CALDWELL
TYPE *Red* FEE *10.00*

INSTRUMENT NO.

200152715

INSTRUMENT NO.

200650267

PC 41664

8/ **QUITCLAIM DEED**

FOR VALUE RECEIVED BENJI YOUNG, a married man
does hereby convey, release, remise and forever quit claim

unto BENJI YOUNG and KERRI YOUNG, husband and wife

whose address is

24329 Middleton Rd., Middleton, ID 83644

the following described premises, to-wit:

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

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.

together with their appurtenances.

ReRecord to fix legal
Dated: December 7th, 2001

Benji Young
BENJI YOUNG

Benji Young 6/26/06
Kerri Young 6/26/06

STATE OF IDAHO

COUNTY OF CANYON

On this 10th day of December in the year 2001, before me, a Notary Public, personally appeared Benji Young, known and identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

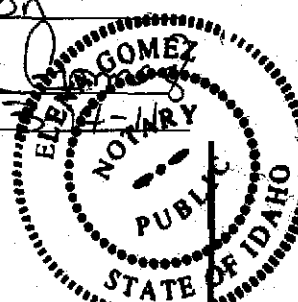
[Signature]
Notary Public

Residing at Calhoun

My commission expires 4-5-07

State of IdahoCounty of Canyon

Notary

Public [Signature]Commission Exp. 6-26-06

State of Idaho } ss.
County of Canyon }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

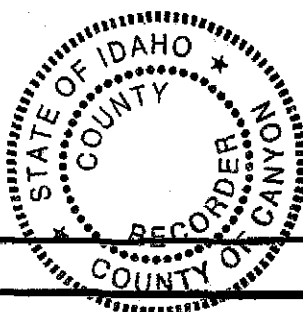
6-26-06

G. Noel Hales, Clerk of the District Court
and Ex Officio Recorder.

By

[Signature]

Deputy



41564

Exhibit "A"

REQUEST *Becky Young*
TYPE *Recd* FEE *6-*

BY *mead*
CANYON CITY RECORDER
G NOEL MALES

2003 JUN 26 PM 4 30

RECORDED

200650267

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

REQUEST *PIONEER - CALDWELL*
TYPE *Recd* FEE *6.00*
BY *Heppner*
CANYON CITY RECORDER
G NOEL MALES

2001 DEC 14 PM 4 11

RECORDED

200152715

INSTRUMENT NO.

8416072

WARRANTY DEED

For Value Received
husband and wife,

EARL O. HOOBERY and NEVA P. HOOBERY,

the grantors, do hereby grant, bargain, sell and convey unto

THOMAS YOUNG and PATSY YOUNG, husband and wife, of Route 1,
Caldwell, Idaho 83605

the grantees, the following described premises, to-wit:

Situating in Canyon County, Idaho:

A part of the Southwest Quarter Southeast Quarter, Section 31,
Township 5 North, Range 2 West, Boise Meridian, more particularly
described as follows:BEGINNING at the Northeast corner of said Southwest Quarter
Southeast Quarter (SE 1/16);
Thence South 0°03'15" East 881.62 feet along the East boundary
of said Southwest Quarter Southeast Quarter;Thence North 80°09'45" West 113.49 feet;
Thence North 72°05'55" West 626.24 feet;
Thence North 42°45'35" East 911.60 feet; along the center line
of the Willow Creek Ditch;
Thence North 89°42'45" East 88.00 feet along the North boundary
of said Southwest Quarter Southeast Quarter to the POINT OF
BEGINNING.Together with all water and ditch rights and rights of way for
water and ditches.R 37575
A 37575-010
A 37575-011A
A 37575-011REQUEST
TYPE Deed
BY
Caldwell, Idaho
JUL 2 4 20 PM '75
CANYON COUNTY, IDAHO
RECORDED

FILED

8416072

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that t he y are the owners in fee simple of said premises; that said
premises are free from all incumbrances except 1975 taxes and assessments not yet due
or payable; reservations contained in the patent to the title, and
easements as laid out or existing.and that t he y will warrant and defend the same from all lawful claims whatsoever.
Dated:

July 30, 1975.

Earl O. Hoobery

Earl O. Hoobery

Neve P. Hoobery

Neve P. Hoobery

STATE OF IDAHO, COUNTY OF Canyon

On this 30 day of July, 1975,
before me, a notary public in and for said State, personally
appeared EARL O. HOOBERY AND NEVA P.
HOOBERY, husband and wife,

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request ofat minutes past o'clock m.,
this day of
10, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy.
Fees \$
Mail to:known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.Notary Public
IdahoResiding at Caldwell,
Comm. Expires 7/20/77

INSTRUMENT NO.

WITNESSED BY 546166

THIS INDENTURE, Made this 18th day of February,
 in the year of our Lord one thousand nine hundred and sixty-four, between
 J. W. OVERMAN and ALTA R. OVERMAN, husband and wife, of
 518 South 15th Avenue
 of Caldwell, County of Canyon, State of Idaho,
 the parties of the first part, and
 EARL HOOBERY and NEVA P. HOOBERY, husband and wife,
 of Middleton, County of Canyon, State of Idaho,
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 TEN and NO/100-----(\$10.00)----- DOLLARS,
 lawful money of the United States of America, and other good and valuable consideration
 to them in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in County of Canyon, State of Idaho, to-wit:

The Southwest Quarter of the Southeast Quarter of Section 31,
 Township 5 North, Range 2 West of the Boise Meridian;

Together with all water, water rights, ditches and rights of
 way for ditches appurtenant thereto or in anywise appertaining;

Subject to all state and county taxes and all taxes or assessments
 of whatsoever kind or nature levied or assessed against said pre-
 mises for the year 1964 and subsequent thereto;



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
 and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said parties
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

J. W. Overman [Seal]
Alta R. Overman [Seal]
 Alta R. Overman [Seal]
 [Seal]
 [Seal]

STATE OF IDAHO,

COUNTY OF Canyon } ss.

On this 21 day of February, in the year 1964, before me

WAYNE E. DAVIS, a Notary Public

in and for said State, personally appeared

J. W. OVERMAN and ALTA R. OVERMAN, husband and wife,
 known to me to be the persons whose names are subscribed to the within instrument, and
 acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Wayne E. Davis
 Notary Public for the State of Idaho,
 Residing at Caldwell, Idaho.

546186

No. _____
WARRANTY DEED
J. W. Overman
 - TO -
Earl H. Osberg
 - TO -
 Dated _____, 19____
 STATE OF IDAHO, } ss.
 COUNTY OF Canyon

I hereby certify that this instrument was filed for record at request of _____
 at _____ minutes past _____
 o'clock _____ M., this _____ day
 of _____, A. D. 1964
 in my office, and duly recorded in Book _____
 of _____ at page _____
OFFICE
 By _____, Notary Public
 Fee \$ 1.80
 Mail by _____
 12
 53

Full Report

FIER			
Parcel Number	05N02W318475	Owner Name	YOUNG, BENJI
Account Number	6R375730000	Mailing Address 1	
Property Address	24331 MIDDLETON RD MI	Mailing Address 2	24329 MIDDLETON RD
Code Area	03100	Mailing City	MIDDLETON
Subdivision		Mailing State	ID
Last Sale Date		Mailing Zip	83644
Last Sale Price			

LEGAL INFORMATION			
Section	31	Township Range	5N2W
Subdivision			
Legal			
TX 97118 IN SWSE			

PROPERTY VALUES/TAXES			
Total Assessed Value	\$31,000.00	Bank Name, Address	
Home Owner Amount	\$0.00	Tax Amount	\$457.40
Sale Price	\$0.00	Sale Date	
Category Description		Category Value	
02-IRRIGATED PASTURE		\$1,900.00	
10-IRRIGATED PASTURE		\$24,000.00	
19-IRRIGATED PASTURE		\$0.00	
32-IRRIGATED PASTURE		\$5,100.00	

PROPERTY INFORMATION			
Building Class	BF	Acreage	9.54
Year Built	0	First Floor Sqft	0
Second Floor Sqft	0	Basement Sqft	0
Percent Basement Finish	0	Stories	
Bedrooms		Baths	0
Garage		Garage Feet	0
Car Port		Car Port Feet	0
View		Spa	
Pool Type		Deck Patio	
Air Condition		Heat Type	
Fireplace	0	Roof Type	
Exterior Type		Neighbor	0

Disclaimer: This information is deemed reliable but not guaranteed.

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	<u>63-3072A</u>
	)		
Case No. 39576	)	MOTION TO AMEND OPPOSITION	
	)	TO WATER RIGHT	

Comes Now, Black Canyon Irrigation District ("BCID") by and through its attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to amend its opposition to Subcase No. 63-3072A.

To amend Section 10 to read as follows:

"a remark should be added to the water right as follows"

"The source of this right is waste water. The wasting of water may be discontinued at any time."

Amend reasons supporting Objections as follows—deleting present "reasons" and add the following:

Remark will inform water users that water may not continue to be available.

Dated this 21st day of August, 2007.

McDevitt & Miller LLP


Chas F. McDevitt

CERTIFICATE OF MAILING

I certify that on August 21st, 2007, I mailed the original and copies of this Motion, 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:

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


McDEVITT & MILLER LLP

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

RECEIVED

JUN 07 2007

DEPARTMENT OF
WATER RESOURCES

In Re SRBA) A. Subcase 63-3072A
)
Case No. 39576) STANDARD FORM 1
) OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Black Canyon Irrigation District
Address: P.O. Box 226
Notus, ID 83656
Daytime Phone: 208-459-4141

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Black Canyon Irrigation
District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____

5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
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

REASONS SUPPORTING OBJECTIONS(S):

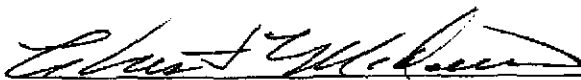
There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation District.

VERIFICATION

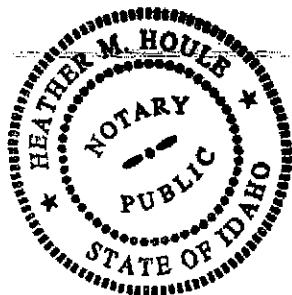
State of Idaho)
)ss.
County of Ada)

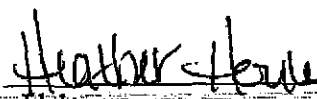
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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.


Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 6/16/07



Notary Public for 
Residing at: Boise, Idaho
My Commission Expires: 6/20/2012

CERTIFICATE OF MAILING

I certify that on June 6, 2007, 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:

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Heather Horne, Legal Asst.
McDEVITT & MILLER LLP

IMPORTANT MESSAGE

FOR

Sandy

DATE

10-19-06

TIME

11:58

A.M.
P.M.

WHILE YOU WERE OUT

M _____

OF _____

PHONE NO. _____

TELEPHONED

PLEASE CALL

☒

CAME TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

RUSH

RETURNED YOUR CALL

MESSAGE

63-3072A

everything is fine
on it!

SIGNED

lg

OfficeMax

OM97295

07/27/2006

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

RIGHT NUMBER: 63-3072A

NAME AND ADDRESS: BENJI YOUNG
24329 MIDDLETON RD
MIDDLETON ID 83644

KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON ID 83644

SOURCE: WILLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.152 CFS

PRIORITY DATE: 12/29/1955

POINT OF DIVERSION:

T05N R02W S31 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.152 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S31 SWSE 7.60

7.6 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 - License



Idaho Department of Water Resources

63-3072A

T05N R02W S31



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

Total irrigated
acres = 7.6



600 0 600 1200 Feet

IDWR
Prepared by: Sandy Egbert
Date: July 27, 2006
1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3072A V1

WATER RIGHT NUMBER: 63-3072A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BENJI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644
Current Owner	KERRI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644 (208)585-6106

Priority Date: 12/29/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.152 CFS	
	<u>Total Diversion:</u>	0.152 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SW1/4SE1/4	Sec. 31, Twp 05N, Rge 02W, B.M.
CANYON 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	
05N	02W	31															7.6		7.6

Total Acres: 7.6

Conditions of Approval:

1. 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:Comments:

1. segbert 7/27/2006 Acres
Comment: Acres were reduced to what looked irrigated on 1987 photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3072A V1

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:
 Owner Name Connector: AND
 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>
Summary			07/14/2006	lharris	Active
Priority Date	7/27/2006 8:51:44 AM	segbert			Active
POD	7/27/2006 8:52:05 AM	segbert			Active
Source	7/27/2006 8:52:58 AM	segbert			Active
POU	7/27/2006 8:53:13 AM	segbert			Active
Use	7/27/2006 8:54:11 AM	segbert			Active
Season	7/27/2006 8:54:33 AM	segbert			Active
Quantity	7/27/2006 8:55:30 AM	segbert			Active
Summary			07/27/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	7/27/2006 8:51:42 AM	segbert	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3072A V1

Season	7/27/2006 8:54:31 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	7/27/2006 8:55:28 AM	segbert	(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? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	7/27/2006 8:58:16 AM	segbert	(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? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
POD	7/27/2006 8:52:04 AM	segbert	(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?
POD	7/27/2006 8:52:36 AM	segbert	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3072A V1

Source	7/27/2006 8:52:56 AM	segbert	(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? (Yes) 11. Is a Source remark and/or condition required?
POU	7/27/2006 8:53:11 AM	segbert	(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?
Use	7/27/2006 8:54:10 AM	segbert	(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? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	7/27/2006 8:53:52 AM	segbert	Updated shape for Active POU
Summary	7/14/2006 9:54:54 AM	lharris	(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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3072A

WATER RIGHT NUMBER: 63-3072A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BENJI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644
Current Owner	KERRI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644 (208)585-6106

Priority Date: 12/29/1955 ✓
 Basis: License ✓
 Status: Active ✓

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK ✓	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/01 to 11/15 ✓	~~0.200~~ CFS ✓	
	<u>Total Diversion:</u>	~~0.200~~ CFS ✓ 0.152	

<u>Location of Point(s) of Diversion</u>		
WILLOW CREEK	SW1/4SE1/4 ✓	Sec. 31, Twp 05N, Rge 02W, B.M.
CANYON 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	
05N	02W	31															10.0	10.0	
																	7.6	7.6	

*Reduced acres to what was irrigated on
 1987 photography*

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3072

WATER RIGHT NUMBER: 63-3072

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J W OVERMAN RT 2 CALDWELL, ID 83605

Priority Date: 12/29/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SW1/4SE1/4	Sec. 31, Twp 05N, Rge 02W, B.M.
CANYON 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
05N	02W	31															35.0		35.0

Total Acres: 35

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3072A

07/27/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~63-2406~~	Claim	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
~~63-3072A~~	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	BENJI YOUNG
63-3072B	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	MAXINE YOUNG
~~65-2900~~	Claim	05N	02W	31	SW	SE		IRRIGATION		BLACK CANYON IRRIGATION DIST
~~63-2406~~	Water Right	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
63-3072	Water Right	05N	02W	31	SW	SE		IRRIGATION	35/35	J W OVERMAN

No overlaps

State of Idaho

License and Certificate of Water Right

Water License No. 26130

Amount 0.7 c.f.s.

Water District No.

Priority Dec. 29, 1955

THIS IS TO CERTIFY that J. W. OVERMAN of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 29, 1955; that Permit No. 26130 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .80 second feet, was issued thereunder on December 12, 1958, showing that said works were completed on the 11 day of December, 1958; and that on the 21st day of December, 1960,

J. W. OVERMAN

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Willow Creek, a tributary of Boise River, for the purpose of irrigation, under Use Permit No. 26130 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 7147, on the 22 day of August, 1961; The right hereby confirmed dates from December 29, 1955;

The Point of Diversion is located in the SW 1/4 SE 1/4, Sec. 31, Tp. 5 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	2 W.	31	SW 1/4	40	35
			Total number of acres to be irrigated		35

This right to the use of the water shall be subject to the provisions of the laws of Idaho, and the use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, dated at Boise, Idaho, 22nd day of August, 1961.

(SEAL)

63-3072

No. 26130

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

Application No. 34010
Permit No. 26130
District No.

1. Name of Applicant: J. W. OVERMAN

Postoffice address: Rt. 2, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: .80 cubic feet per second.

3. Source of water supply: Willow Creek which is a tributary of Boise River

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

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

of Section 31 , T. 5 N. , R. 2 W. , B. M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the

of Section , T. , R. , B. M.

7. Estimated cost of works: \$500.00

8. Kind of works: Pump and ditches

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

feet; material used in dam:

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

11. Ditch: Width at bottom 1 $\frac{1}{2}$ feet; width at water line 4 feet; depth of water .5 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Three years.

13. The time required for the complete application of the water to the proposed use is Two additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 35 miners inches in Middleton Mill Ditch (
15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
- (b) Name of Reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

J. W. OVERMAN

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3-P.M. December 29, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26130

Recorded in Book 92 Page 26130 Approved Jan. 16, 1956

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

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

Work to begin on or before March 16, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 16, 1957

The whole of said work to be completed on or before January 16, 1959

Beneficial use of water appropriated in accordance herewith, to be made on or before January 16, 1961

Witness my hand this 16th day of January, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,

and IRA H. MASTERS Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th

day of January, 19 56.

STATE OF IDAHO

Countersigned:

(SEAL)

By.....IRA H. MASTERS.

By Paula L. Fleenor, Secretary of State.
Deputy Secretary of State

By ROBERT E. SMYLIE

GOVERNOR

Remarks: Applicant is on the end of ditch, and impossible to get water to end of ditch. Applicant intends to give up his water right in Middleton Ditch Co.

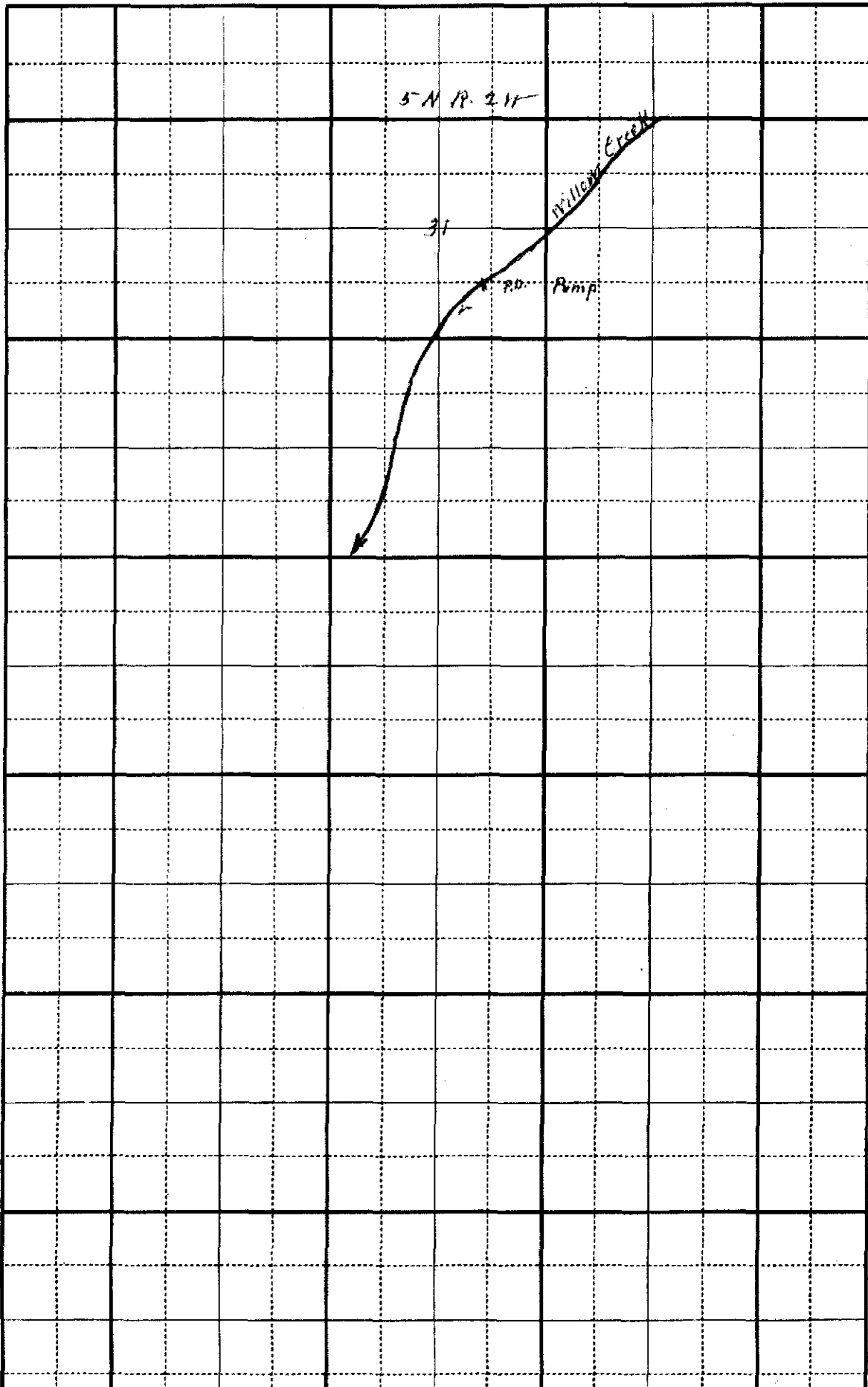
14.

14.

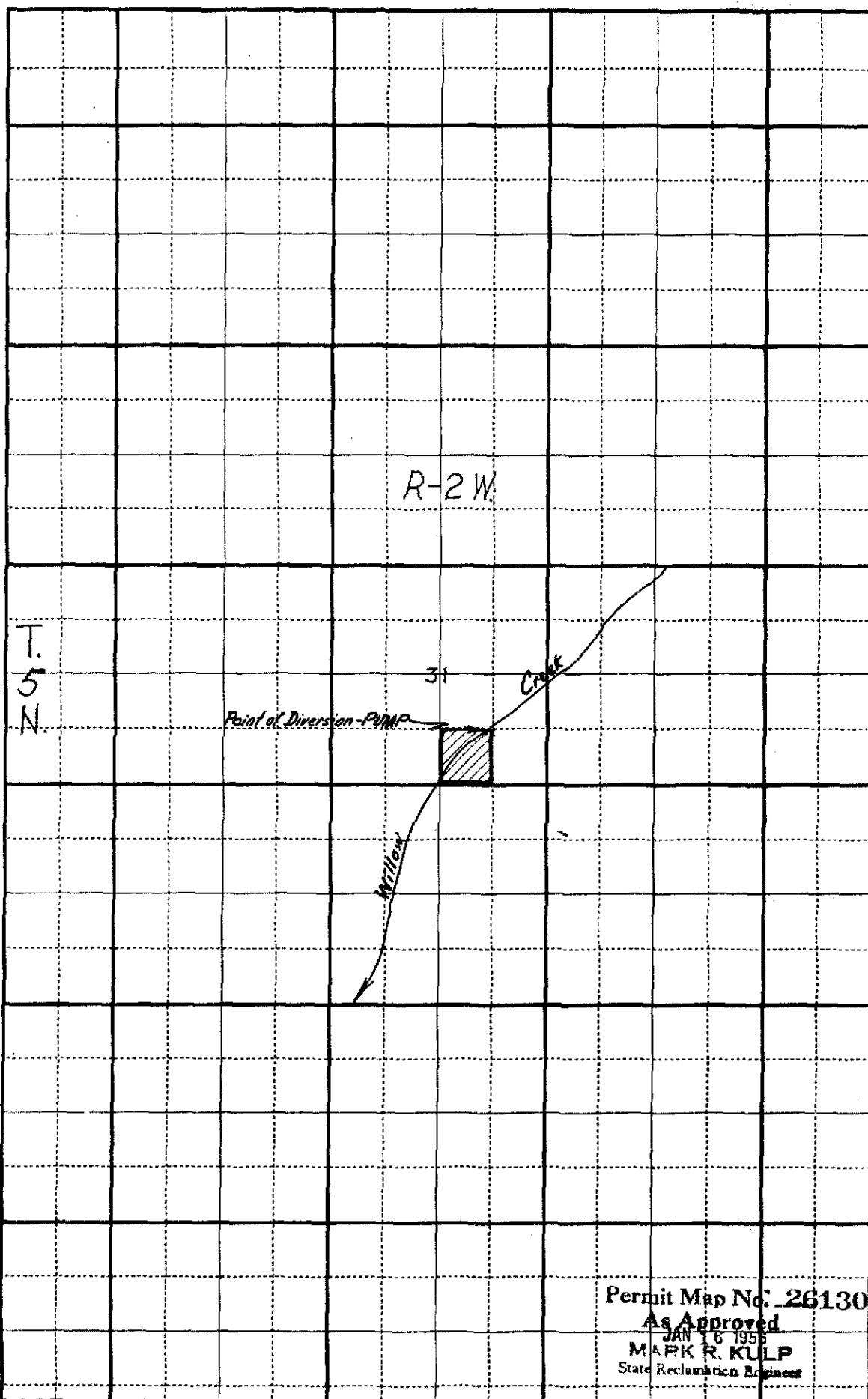
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N.	2 W.	31															40	40	
Permit No. 26130 Certificate of Completion of Works																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that J. W. OVERMAN of Caldwell, County of Canyon, and State of Idaho, holder of Permit No. 26130, issued upon Application No. 34010 bearing date of priority of December 29, 1955, authorizing the diversion of .80 second feet of waters of Willow Creek, which is a tributary of Boise River County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .80 second feet of the waters of Willow Creek at the point of diversion of said waters SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 5 North, Range 2 West, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 5 North, Range 2 West, and Proof of Completion of Works made: December 11, 1958																			
Witness my hand this 12th day of December, A.D. 1958																			
/s/ Geo. N. Carter State Reclamation Engineer																			
Proof of Completion of Works made: December 11, 1958 Certificate of Completion of Works issued: December 12, 1958																			
																			LICENSE REQUIRED FOR 0.7 SEC. FL. Page 7147

NAME OF APPLICANT

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

26130