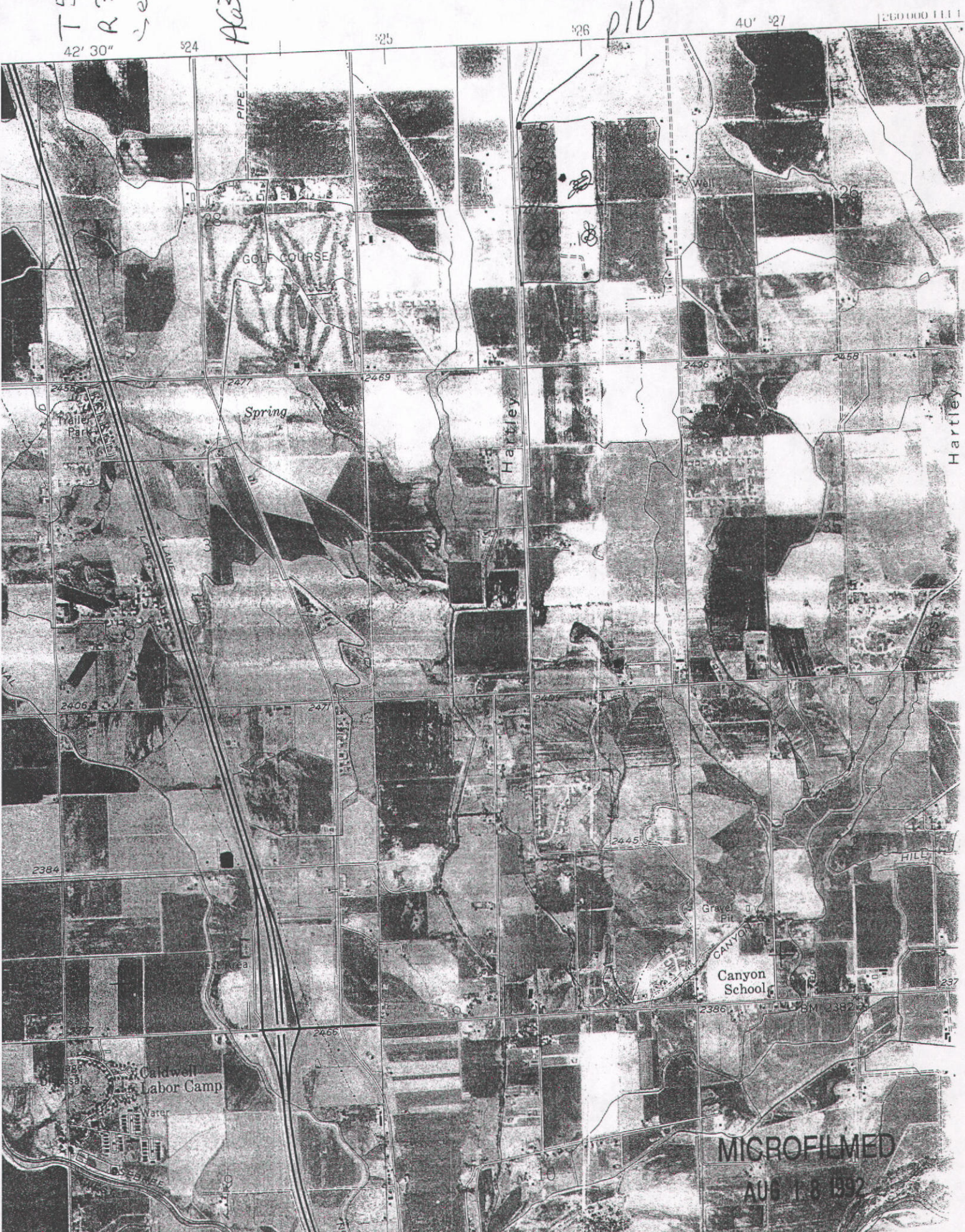


T5N
R3W
Sec. 27
A63-3081

pid



MICROFILMED
AUG 18 1992



Idaho Department of Water Resources

63-3081

05N 03W S27



-  POU
-  POD
-  Sections
Quarter/Quarter

Total Irrigated
Acres: 40.0

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography



Idaho Department of Water Resources

63-3081

05N 03W S27



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 40.0

700 0 700 Feet



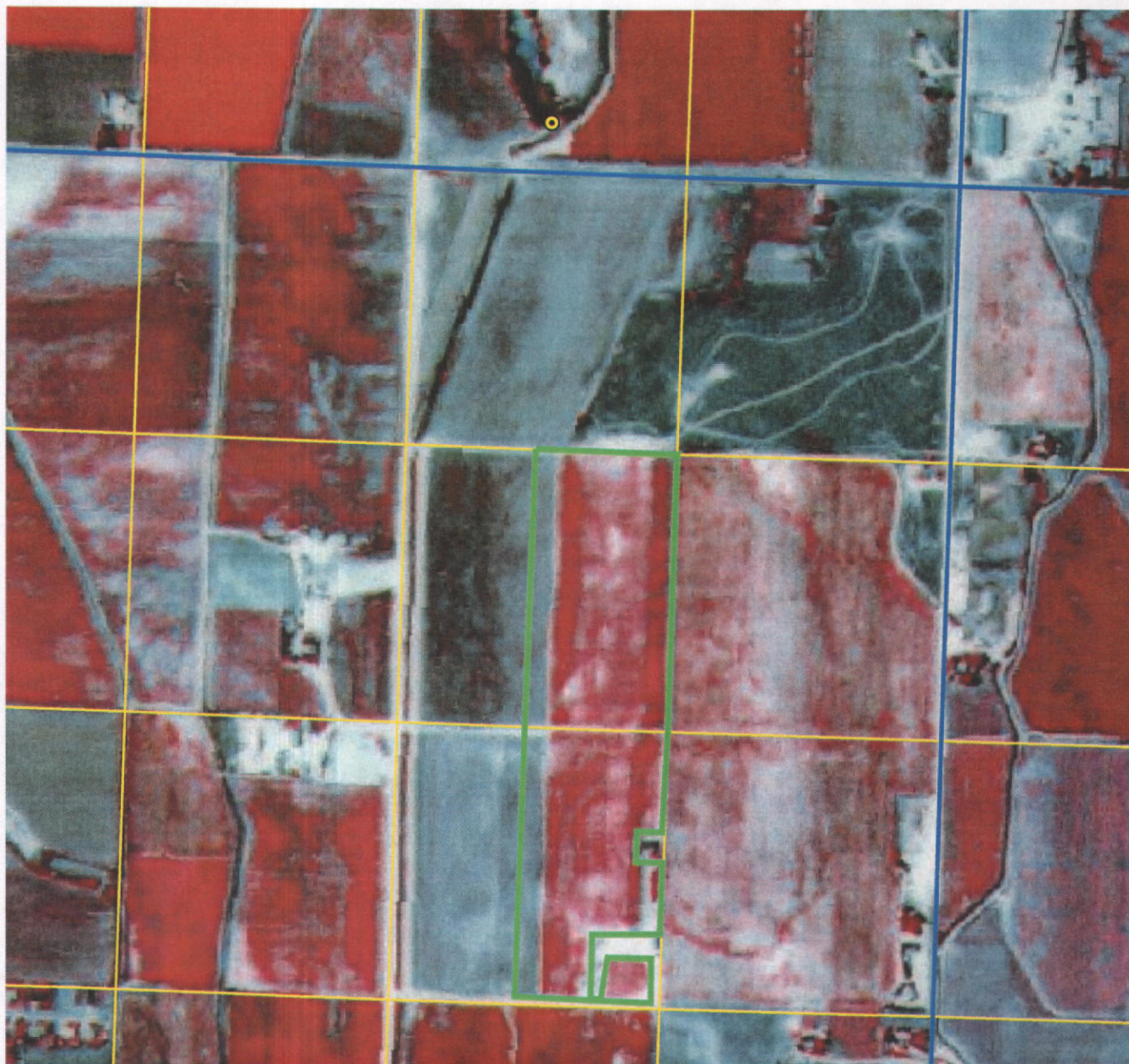
IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography



Idaho Department of Water Resources

63-3081

05N 03W Section 27



Total Irrigated
Acres: 40

-  POU
-  POD
-  Sections
-  Quarter/Quarter

IDWR
Prepared by: Lori Graves
Date: 3-16-06
1986-87 Photography

900 0 900 1800 Feet



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: A63-03081
Date Received: 2/09/1990
Receipt No: M005823
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605
OR
Name: SUZANNE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

2. Date of Priority: DEC 23, 1956

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	27	SW	NE			CANYON

5. Description of diverting works:
SEE PREVIOUS WATER RIGHT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	27	SW	NE	IRR	22.0
			NW	SE	IRR	18.0
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON

14. Remarks:

SOURCE IS WASTE WATER.

CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN
IN THE SW1/4NE1/4 OF SECTION 27.

15. Basis of Claim: LICENSE
Water Right Number: 26374

16. Signature(s)

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

Number of attachments: 2

For Individuals:

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

Signature of Claimant(s): *Suzanne Overman* Date: *Feb. 9, 1990*
_____ Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of Feb 19 90 *Linda Werner*
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03081
Date Received: 2/09/1990
Receipt No: M005823
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
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OR
Name: SUZANNE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

2. Date of Priority: DEC 23, 1956

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	03W	27	SW NE		CANYON

5. Description of diverting works:
SEE PREVIOUS WATER RIGHT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	27	SW	NE	IRR	22.0
			NW	SE	IRR	18.0
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON

14. Remarks:
SOURCE IS WASTE WATER.
CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN
IN THE SW1/4NE1/4 OF SECTION 27.

15. Basis of Claim: LICENSE
Water Right Number: 26374

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

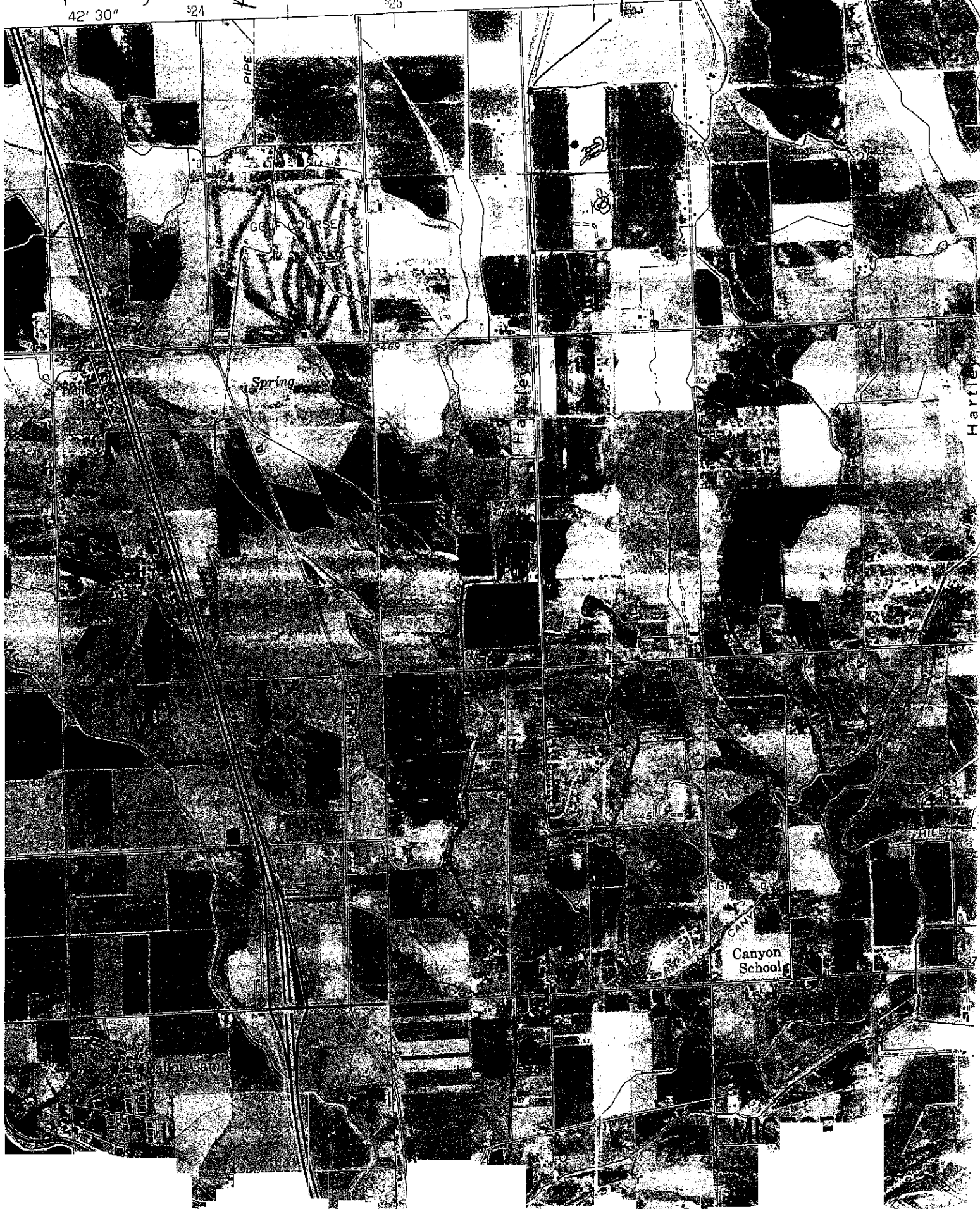
T5N
R3W
Sec. 27

A63-3081

P10

40' 32'

200000 1111



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>63-3081</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. 63-3081.

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 27th 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: Blaine Overman
Suzanne Overman

Address: 25454 Freeze Out Road
Caldwell, ID 83605

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 Hule, Legal Asst.
McDEVITT & MILLER LLP

RE: CASE SRBA 39576 &
Sub CASE # 63-3281

August 24, 2007

District Court of the Fifth Judicial District
State of Idaho, County of Twin Falls
To Whom it may Concern:

Since my husband, Blaine Overman, has been hospitalized, since July 8, 2007, due to an operation and then a stroke, I am forced to deal with this waste water problem (?) myself.

My daughter, Linda Overman, and myself met with Mr. Dennis Hays, water master at Black Canyon Irrigation District, and he suggested that I mail copies of our waste water information to you. I will also mail copies to McDevitt & Miller LLP, lawyers. I hope that this information will help to resolve this.

We are not claiming ownership of this waste water - only that we have a valid permit to use it.

Sincerely,
Suzanne Overman

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
AUG 24 2007

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream (waste water)
tributary of _____ is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 Sec. 22, Twp. 5 N., Rge. 3 W., B. M.

in the county of Canyon and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	3W	27			22										18				40

Total number of acres irrigated 40

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71.


Director

693468

FILED

OCT 18 4 16 PM '72

WALTER FRY
CANYON COUNTY RECORDER

RECORDED
AT THE REQUEST OF

CANYON ABSTRACT & TITLE CO.
IN

OF

Shelby

FEE \$2.00

Cecil Montgomery et ux

to

W. Blaine Overman et ux

W.D.

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

Cecil Montgomery [Seal]
Cecil Montgomery
Vesta Montgomery [Seal]
Vesta Montgomery
[Seal]
[Seal]

STATE OF IDAHO } ss.

COUNTY OF CANYON

On this day of May in the year 1964, before me

THE UNDERSIGNED, a Notary Public

in and for said State, personally appeared

CECIL MONTGOMERY and VESTA MONTGOMERY, 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.

Harold E. Cox

Notary Public for the State of Idaho
Residing at Canyon, Idaho



No. _____
WARRANTY DEED

— TO —

Dated _____, 19____ } ss.
STATE OF IDAHO,
COUNTY OF _____

I hereby certify that this instrument was filed for record at request of _____
at _____ minutes past _____
o'clock _____ M., this _____ day
of _____, A. D. 19____
in my office, and duly recorded in Book _____
of _____ at page _____

By _____ Ex-Officio Recorder.
Deputy.

Fees, \$ _____

Mailed to _____

CANYON PRINTERS, CALDWELL, IDAHO 83414

40944

R-3 - WARRANTY DEED - Short Form.

PRINTED AND

USE BY CANYON PRINTING, CALDWELL, IDAHO 83424

INSTRUMENT NO 693469

THIS INDENTURE, Made this 15th day of May, in the year of our Lord one thousand nine hundred and sixty-four, between CECIL MONTGOMERY and VESTA MONTGOMERY, husband and wife, of Lyle, County of Klickitat, State of Washington, the parties of the first part, and W. BLAINE OVERMAN and SUZANNE OVERMAN, husband and wife, of Caldwell, 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 Northeast Quarter and the Northwest Quarter of the Southeast Quarter in Section 27, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho;

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

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.

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 26374 to Blaine Overman of R # 1 Caldwell, Idaho

* SW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 27, Twp. 5N, Rge. 3 West.
Canyon County, Idaho

Cecil Montgomery
Permit Holder

Vesta Montgomery
Wife of Permit Holder

~~XXXXXXXXXX~~
STATE OF ~~IDAHO~~ IDAHO)
CANYON : ss
County of ~~XXXXXXXXXX~~)

On this 22 day of May, 19 64, before me, a Notary Public for the State of Idaho, residing at Middleton, Idaho personally appeared Cecil Montgomery and Vesta Montgomery are known to me to be the person s whose name are ~~is~~ subscribed to the within instrument and duly acknowledged to me that the y executed the same.

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

Willard E. La
Notary Public
Residing at Middleton, Idaho

My commission expires: 3/21/67

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

ROBERT E. SMYLLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 14, 1966

Mrs. Blaine Overman
Route #3
Caldwell, Idaho

Dear Mrs. Overman:

In reply to our telephone conversation I submit the following information concerning an unnamed stream (drain ditch) in T 5 N., R. 3 W., B.M.

Permit No. 26374 issued to Cecil Montgomery, priority May 31, 1956, (license being held up pending receipt of evidence showing water claimed is public water). Point of Diversion, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T 5 N., R 3 W., B.M.

Three other permits were issued but have since been cancelled. They are as follows: Permit No. 26459, Pearl F. Lynch, Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M.

Permit No. 26510, William F. Harris, Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M.

Permit No. 28682, G. E. Davis, Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M.

If we can be of any further assistance feel free to call on us.

Very truly yours,

A handwritten signature in cursive script that reads "Robert W. Hamilton".

ROBERT W. HAMILTON, Supervisor
Water Distribution

RWH:ejw

Rec. No. 33179 given 4.50

RECEIVED
APR 11 1966

Department of Reclamation

A S S I G N M E N T

We
For value received, ~~we~~ hereby assign all ^{our} of ~~my~~ right, title and
interest in and to Permit to appropriate the Public Waters of the State of Idaho,
No. 26374 to BLAINE OVERMAN and SUZANNE OVERMAN of
Route 3, Caldwell, Idaho.

*

Cecil Montgomery
Permit Holder
Vesta Montgomery
Wife of Permit Holder

STATE OF IDAHO)
 : ss
County of)

On this 26th day of January, 1966, before me, a Notary Public
for the State of Idaho, residing at Caldwell, Idaho,
personally appeared Cecil Montgomery and Vesta Montgomery
are
known to me to be the person s whose name s ~~has~~ subscribed to the within instrument
and duly acknowledged to me that t he y executed the same.

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

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

My commission expires: 6/1/69

* If fractional part of permit is to be assigned, the fractional part of the land to
which the assigned fraction is appurtenant should be described by legal subdivisions

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 15, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route # 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

Enclosed herewith is your Water License issued on the above referenced permit.

Also enclosed is departmental receipt No. 8275 in the amount of \$4.00 covering the fee.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License
Receipt

STATE OF IDAHO

Department of Water Administration

Nº 8275

Boise, Idaho, 9-17, 19 71

RECEIVED
FROM

Blaine Overman

\$ 4.00

Lease & no/100

DOLLARS

FOR

Lic fee

\$ 4.00

63-3088

\$

\$

TOTAL

\$

4.00

E. J. Woods

BLAINE OR SUZANNE OVERMAN

No.

92-51
1241

PAY
TO THE
ORDER OF

PROCTER

Sept 5 19 71

Four & 00/100

SEP 24 1971

DOLLARS

IDAHO
FIRST

CALDWELL OFFICE

Caldwell Bank
Caldwell Idaho

BANK

water permit #26374 / 63-3081

Suzanne Overman
Kootenai County
7-51-6016

RECEIVED BY DPL

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 20, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

A representative from this Department has made an examination of the works covered by your Permit No. 26374/63-3081 and has found the following:

Quantity of water diverted: 0.8 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.8 c.f.s.

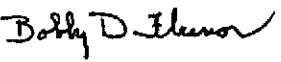
The maximum quantity of water diverted shall not exceed 180 acre feet per season.

Beneficial use: Irrigation of 40 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 5N, R. 3W, B.M.

The priority date established is December 23, 1956.

A fee totaling \$4.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,


BOBBY D. FLEENOR
Assistant Director

BDF:DR

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M005823

Date: 02/09/90
Time: 14:20:18

Received

From: OVERMAN, SUZANNE

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$115.00
Total		\$115.00

CHECK 652

WR/NO: A63-20818 A63-03081

Idaho Department of Water Resources

Region: MOBILE I

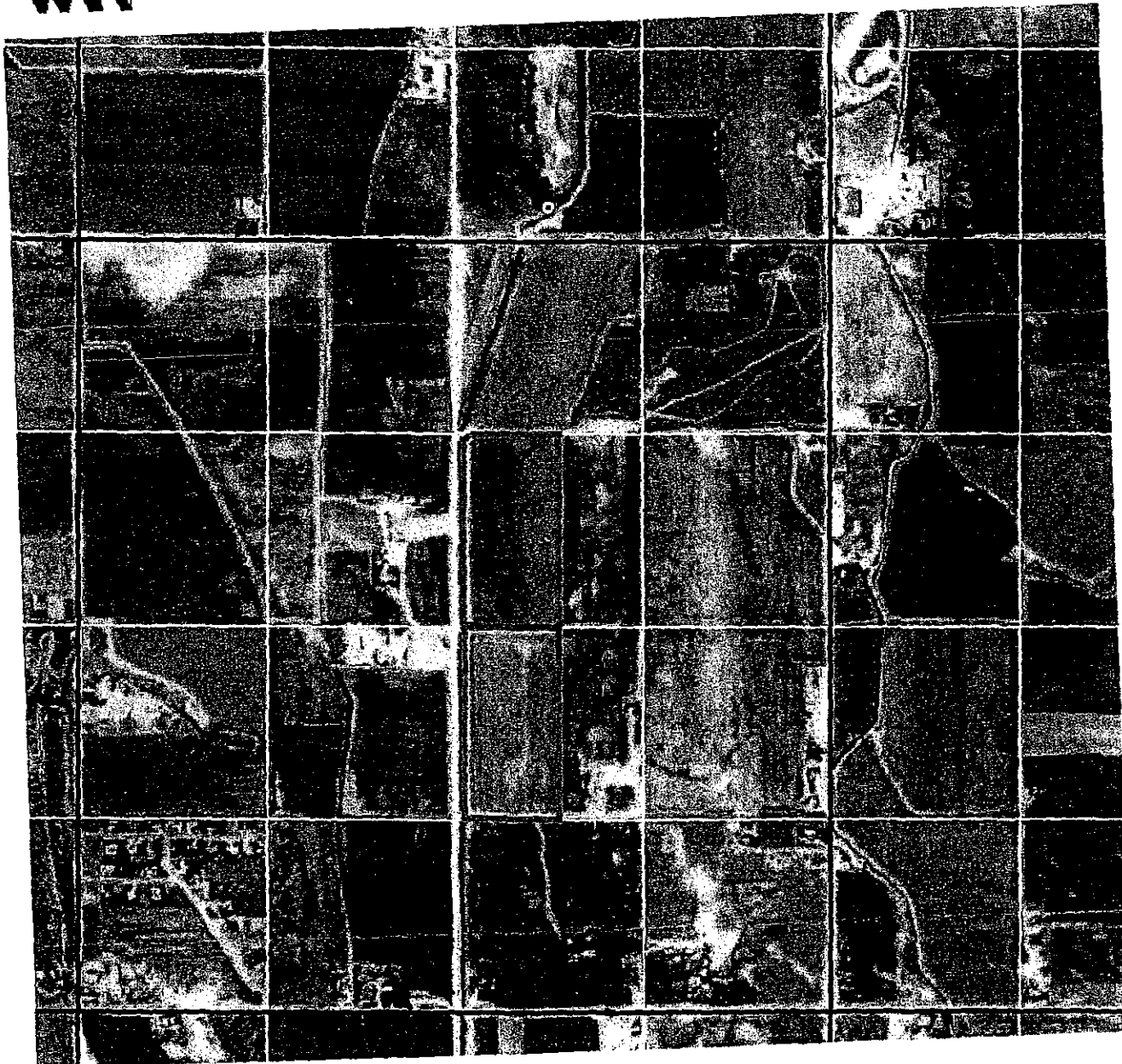
Signature: Linda Werner



Idaho Department of Water Resources

63-3081

05N 03W S27



Total Irrigated
Acres: 40.0

-  POU
-  POD
-  Sections
Quarter/Quarter

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography

RECEIVED

A. Subcase 63-3081

JUN 07 2007

STANDARD FORM 1 OBJECTION

DEPARTMENT OF
WATER RESOURCES

OBJECTION

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

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

Name & Address of Attorney, if any:
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P.O. Box 2564-83701
Boise, ID 83702

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McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

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

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

- 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

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

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):

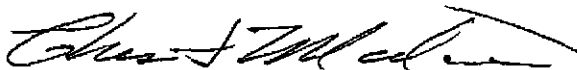
There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation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

VERIFICATION

State of Idaho)
)ss.
County of Ada)

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

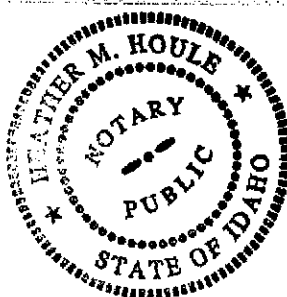
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

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

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



CERTIFICATE OF MAILING

I certify that on June 10, 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: Blaine Overman
Suzanne Overman

Address: 25454 Freeze Out Road
Caldwell, ID 83605

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

11/01/2006

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

RIGHT NUMBER: 63-3081

NAME AND ADDRESS: BLAINE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS
180.000 AFY

PRIORITY DATE: 12/23/1956

POINT OF DIVERSION:

T05N R03W S22 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS
180.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S27 SWNE 20.00 T05N R03W S27 NWSE 20.00

40 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Black Canyon Irrigation District.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

63-3081

05N 03W S27



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 40.0

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

WATER RIGHT NUMBER: 63-3081 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

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

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, 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	03W	27			20.0												20.0		40.0

Total Acres: 40

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

4. 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. Igraves 3/16/2006 P/D

Comment: Recommended as licensed. Licensing field exam explains reasons for licensed p/d. Claim 63-21511 appears to divert from the same source for separate acres under different ownership. Cannot determine from file information if this right and 63-21511 use a common p/d.

2. Igraves 11/1/2006 P/U

Comment: Claim map indicated irrigation on the W1/2 of the licensed tracts, however, the SRBA recommendation was made for the E1/2 acres based on the licensing exam map. Owners visited the office 11/01/2006 and indicated that the unnamed stream water has always been used for irrigation on the W1/2 acres along with about 12 shares of BCID water. They said only BCID water is used on the E1/2 acres. The licensing exam map looked like the examiner meant to license the E1/2 acres, where he listed the acre numbers. However, after closer evaluation, he actually meant the W1/2 acres, where he drew arrows indicating the direction of gravity flow. The recommendation has been corrected. Acres were shifted, but not reduced, based on the 1987 aerial photo.

3. Igraves 3/16/2006 Overlaps

Comment: Use of Black Canyon surface water was noted on the claim and original application.

4. Igraves 3/16/2006 Source

Comment: Source has also been referred to as wastewater on the claim and license.

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: OR

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:Water Supply Bank:

05/25/2006

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

RIGHT NUMBER: 63-3081

NAME AND ADDRESS: BLAINE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS
180.000 AFY

PRIORITY DATE: 12/23/1956

POINT OF DIVERSION:

T05N R03W S22 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS
180.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S27

SWNE

22.00

T05N R03W S27

NWSE

18.00

40 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Black Canyon Irrigation District.

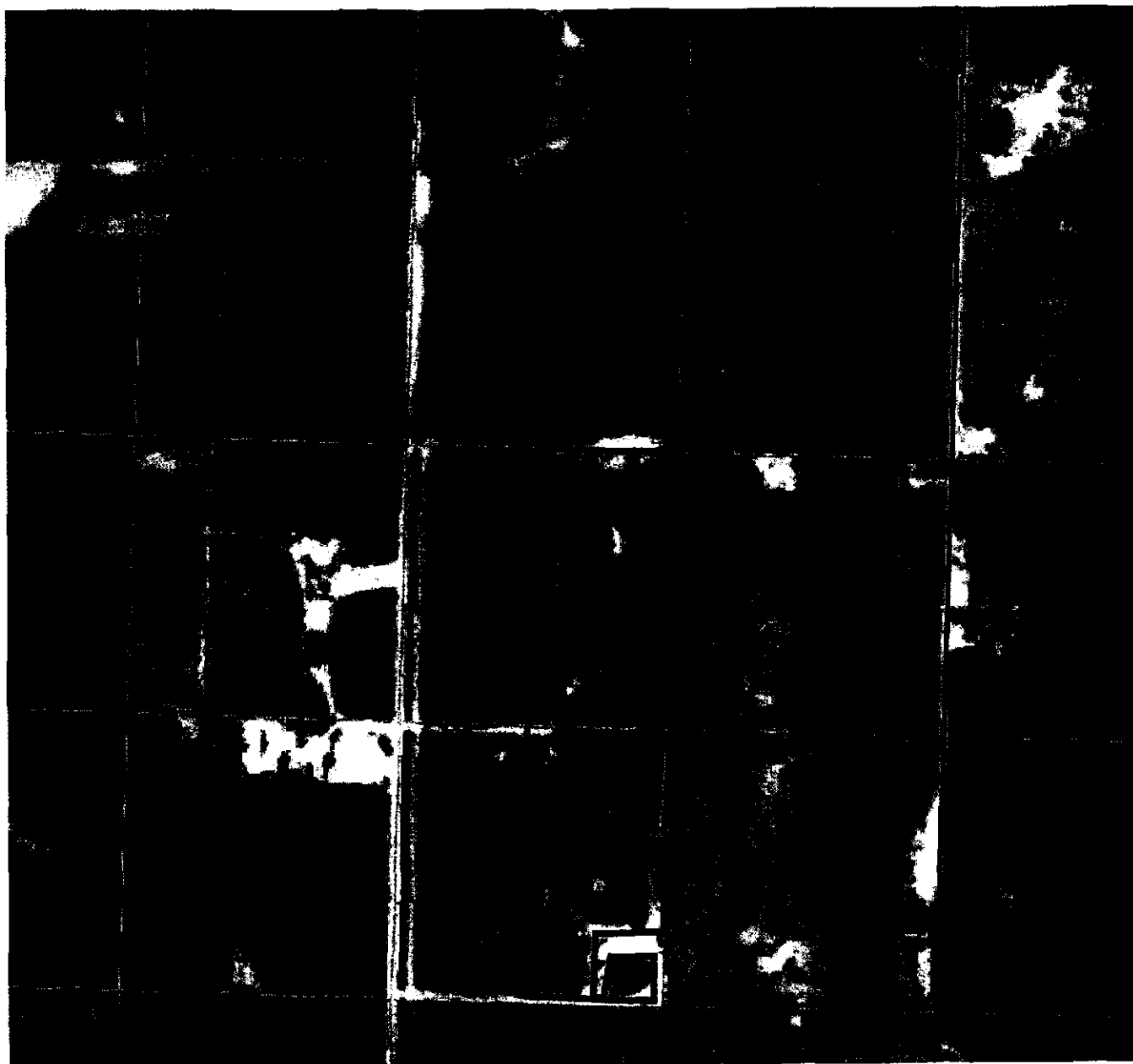
*Original version
replaced. See
comments*



Idaho Department of Water Resources

63-3081

05N 03W Section 27



Total Irrigated
Acres: 40

-  POU
-  POD
-  Sections
- Quarter/Quarter

900 0 900 1800 Feet



IDWR
Prepared by: Lori Graves
Date: 3-16-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

WATER RIGHT NUMBER: 63-3081 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

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

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, 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	03W	27			22.0											18.0			40.0

Total Acres: 40

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

3. 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. Igraves 3/16/2006 P/D

Comment: Recommended as licensed. Licensing field exam explains reasons for licensed p/d. Claim 63-21511 appears to divert from the same source for separate acres under different ownership. Cannot determine from file information if this right and 63-21511 use a common p/d.

2. Igraves 3/16/2006 P/U

Comment: Recommended as licensed. Claim map indicates irrigation on the west 1/2 of the licensed tracts, however, acres were licensed on the east 1/2 of the licensed tracts per exam map.

3. Igraves 3/16/2006 Overlaps

Comment: Use of Black Canyon surface water was noted on the claim and original application.

4. Igraves 3/16/2006 Source

Comment: Source has also been referred to as wastewater on the claim and license.

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: OR

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:Water Supply Bank:

Adjudication Claim Report 63-3081

ADD 539 - BCID

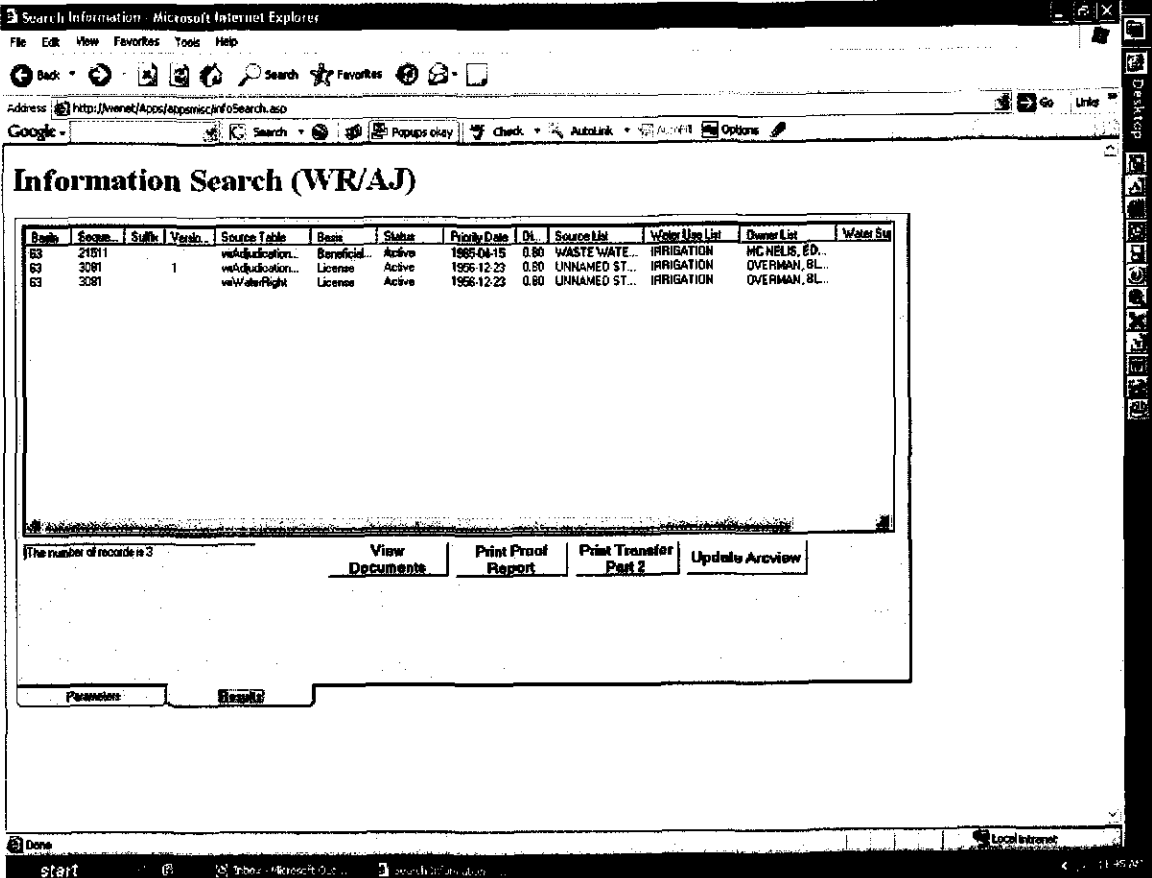
**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3081**

03/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3081	Claim	05N	03W	27	SW	NE		IRRIGATION	22/40	BLAINE OVERMAN
2900	Claim	05N	03W	27	SW	NE		IRRIGATION		
3081	Water Right	05N	03W	27	SW	NE		IRRIGATION	22/40	BLAINE OVERMAN
3081	Claim	05N	03W	27	NW	SE		IRRIGATION	18/40	BLAINE OVERMAN
2900	Claim	05N	03W	27	NW	SE		IRRIGATION		
3081	Water Right	05N	03W	27	NW	SE		IRRIGATION	18/40	BLAINE OVERMAN
30818	Water Right	05N	03W	27	NW	SE		DOMESTIC		SUZANNE OVERMAN

P/D OVERLAP



Receipt Details for ID M005823

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/9/1990 2:20:18 PM	2/9/1990	Mobile	\$115.00	Check
Payer		OVERMAN, SUZANNE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
653			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$115.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	20818		\$25.00	Claim
63	3081		\$90.00	Claim

Print Report

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3081

WATER RIGHT NUMBER: 63-3081

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, 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	03W	27																	
					22.0												18.0		40.0

Total Acres: 40

Conditions of Approval:

1. SOURCE IS WASTE WATER.

Remarks:

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream (waste water)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Twp. 5 N, Rge. 3 W, B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

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 $\frac{1}{4}$	
5N	3W	27			22											18			40

Total number of acres irrigated 40

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

MICROFILMED

AUG 18 1992

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use, a right to the use of water from an unnamed stream (waste water)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 Sec. 22, Twp. 5 N., Rge. 3 W., B.M.
in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	3W	27			22											18			40

Total number of acres irrigated: 40

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

October, 19 71.


Director

63 3081

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34258
 PERMIT No. 26374
 DISTRICT No.

Assigned to

1. Name of Applicant: CECIL MONTGOMERY

Postoffice address: Rt. 1, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 2.0

cubic feet per second.

3. Source of water supply: Un-named Stream (Natural Drain, / waste water) which is a tributary of Non-Tributary

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 22 , T. 5 N. , R. 3 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

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

7. Estimated cost of works: \$100.00

8. Kind of works: Dam and ditch

9. Height of dam : feet; length of dam at top : feet; length of dam at bottom 6

feet; material used in dam: Earth

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 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit Ditch 1 $\frac{1}{2}$ miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is None 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: Water right for 78 acres under the Black Canyon Irrigation District.

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

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

CECIL MONTGOMERY

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 5-P.M. May 31, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26374

Recorded in Book 93 Page 26374 Approved June 4, 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 August 4, 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 September 4, 1956

The whole of said work to be completed on or before December 4, 1956

Beneficial use of water appropriated in accordance herewith, to be made on or before December 4, 1956

WITNESS My hand this 4th day of June, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLYE

Governor of the State of Idaho.

and JAS. H. YOUNG, 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 4th

day of June, 1956

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLYE

Governor.

By JAS. H. YOUNG
Secretary of State.

REMARKS: This filing is supplemental to existing water rights. Filing on waste water within U. S. Government Projects is subject to the following restriction. Completion of works proof can be accepted by the Department of Reclamation, which will keep the permit in good standing. However, License will be withheld until a determination is made by the Department, if said water is public water.

MARK R. KULP

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N.	3 W.	22				40								40					120

Permit No. 26374

Certificate of Completion of Work:

TO ALL WHOM IT MAY CONCERN:

This is to certify that CECIL MONTGOMERY of Route # 1, Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 26374, issued upon Application No. 34258 bearing date of priority of May 31, 1956, authorizing the diversion of 2.0 second feet of the waters of an un-named stream (natural drain waste water) - non-tributary 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 2.0 second feet of the waters of un-named stream natural drain waste water that the point of diversion of said waters SW 1/4 SE 1/4 of Section 22, Township 5 North, Range 3 West of the Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 of Section 27, Township 5 North, Range 3 W., B.M. Proof of Completion of Works made: April 15, 1957

Witness my hand this 25th day of April, A.D. 1957

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: April 15, 1957

Certificate of Completion of Works issued: April 25, 1957.

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

Permit No. 26374

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Cecil Montgomery

2. Source of water supply: Un-named stream (Natural d rain waste water)

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22

T. 5 N. R. 3 W., B.M. County of Canyon

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

picked up in SW $\frac{1}{4}$ & SE $\frac{1}{4}$ as shown. Comes road in 12" helicon culvert, good ditch on west side of drain on an cultivated land to N.W. Corner of field. Ditch crosses drain on farm access road. Flows to East irrigates South Field nearly flat. Ditch divides as soon as it crosses the large drain. One branch runs South along East side of drain then East on center section line.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27., Twp. 5 N., Rge. 3 W., B.M.

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

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

Remarks:

This examination was made on the 25 day of Sept, 1957

(Signed) E. N. Humphrey Examiner

9997 Cecil Montgomery
Rt. #1, Caldwell, Idaho
Caldwell Permit No. 26374

Examination for Beneficial Use

County Canyon
22-5N - 3W.

Q = 2.0 c.f.s.

2 mi. named stream - no flow

P.D. = 3/4 SE, Sec. 22, T.5N - R. 3W.

Semine
Hwy 30 N 2 Mi. 1/4 S. 1/4 N.
2 mi. N. Junction

the 2 irrigations

or 24 hr 1/2 S. 1/4 E.

Filed = May 31, 1956

Issue = Dec. 4, 1956 (reinstated)

C/W = 4-25-57

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 26 1957
Department of Reclamation

R-3W.

T.
5
N.

detch = 18" w. 4 19" deep



TO MIDDLETON

Subdivisions = two

Area = 40 acres

Q = 40 inches

.8 cfs

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26374 G 3-3081

REPORT ON PROOF OF Beneficial Use

Cecil Montgomery, Rt. #1, Caldwell, Idaho

app. 2 c/s
C/W 2 c/s.

40 acres
2.40's

*License for 8 cfs
withheld pending
satisfactory proof
that the water
claimed is public.
water. made 9/30/57*