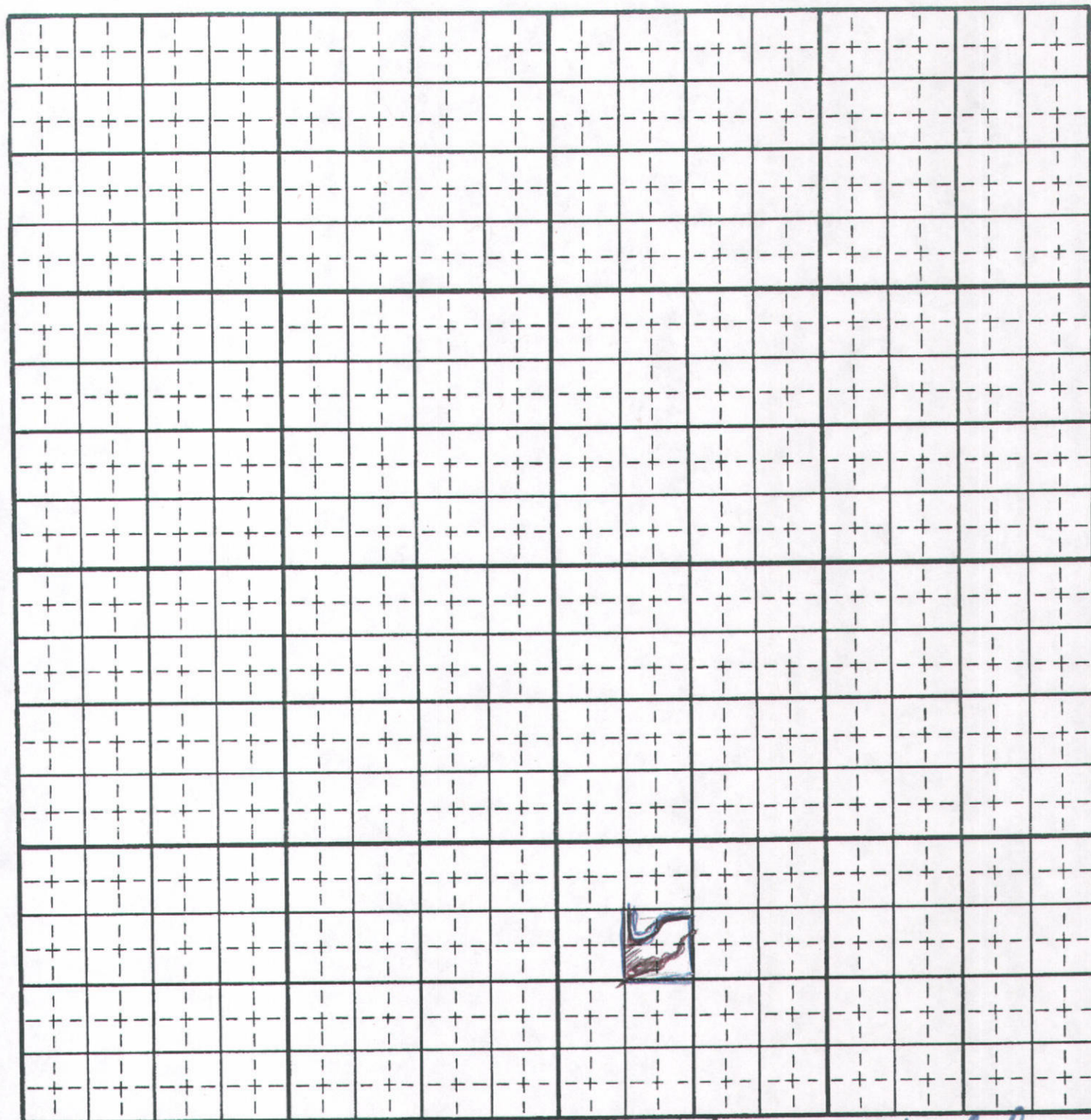


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Section 34
SE 1/4 of NW 1/4 N

See Attached
map

Last Name Saleen

Ident No. 39576

usage area
Blue - Property line



1994 Aerial PHOTO
T5N R2W

SCALE 1:24,000
1 inch represents 0.38 miles

↑
Section 34

↑
N
↓

cked

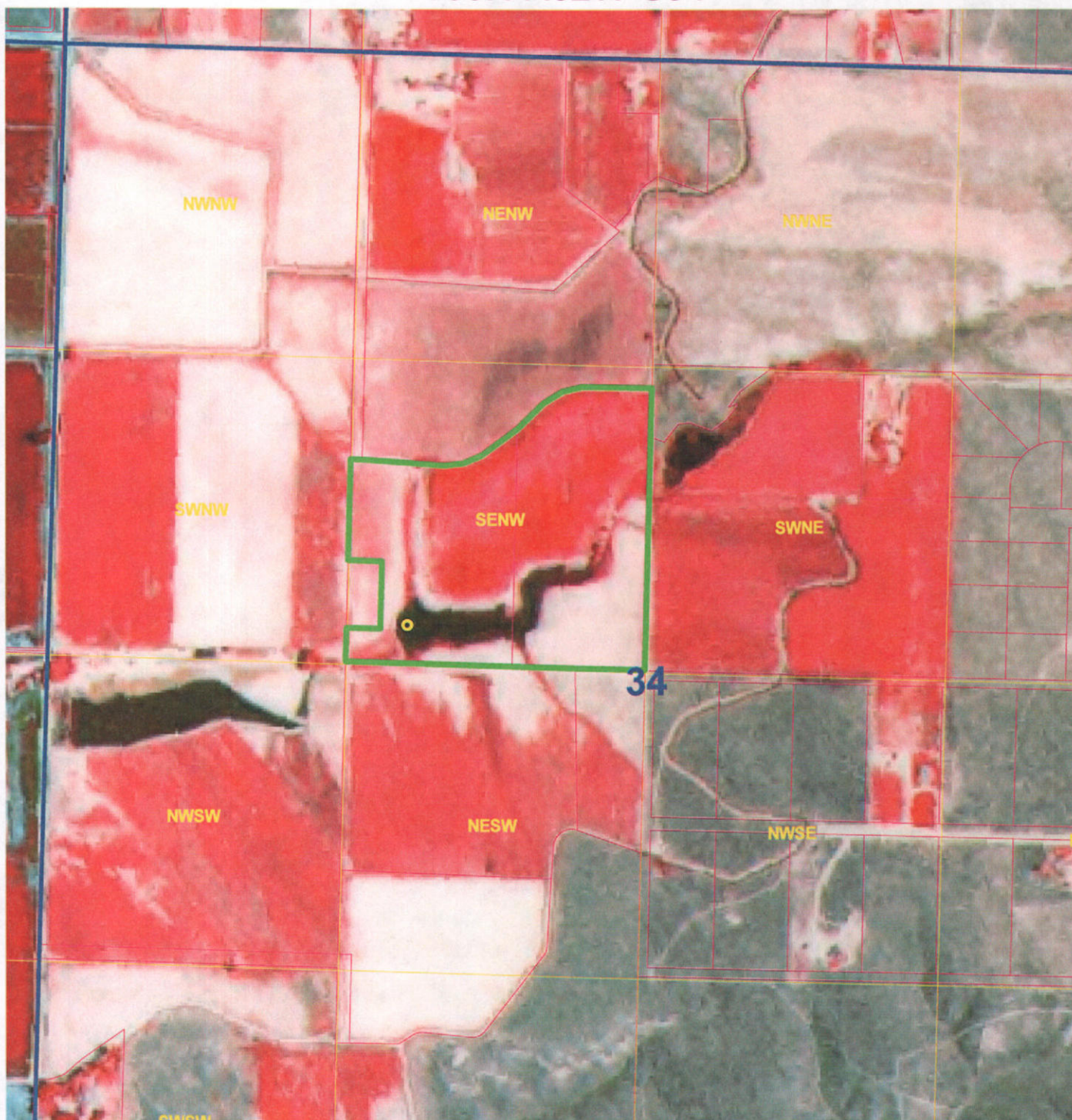




Idaho Department of Water Resources

63-3226

T05N R02W S34



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

Total irrigated
acres = 32.0



600 0 600 1200 Feet

IDWR
Prepared by: Sandy Egbert
Date: August 10, 2006
1987 NAAP Photography

$\frac{120}{58}$	$1.69 \times 1.015 = 1.71$ cts.
$\underline{178} \quad \quad 300$	85%

40

Sprinkling Meter	1.71 cfs
Sprinkler System	.43 cfs

37 lb average

9 192.25
21.4 inches

T.
5
N.

R-2W

Open ditte

PD

Sprinkled area

-33

TO MIDDLETON

C/W - 1.71 cts

26 are supplemental
= Supplemental

Ground-water dedicated to
= sprinkled fallow 1" per acre.
12 acres

Subdivisions

AREA

9

20	cons supplant	.10ct
----	---------------	-------

12	"	1 st pr. cons.	124.1
			<u>34</u>

0.34 cfs or 1.7"

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

29530

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 63-3226
Date Received: 8/4/2006
Receipt No: W034544
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KAREN A SALEEN Phone: (208) 585--3278
8771 PURPLE SAGE RD
MIDDLETON ID USA 83644

2. Date of Priority: 02/28/1961

3. Source: UNNAMED STREAM Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02W	34	SE NW	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	0.34	
STOCKWATER	01/01	12/31	0.34	0.15

7. Total Quantity Appropriated is:
0.34 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	34	SE	NW	IRRIGATION	32
					Section Acres	32
					Total Acres	32

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 Irrigation

14. Remarks:

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576
Alb3-3226

8.4.06

W034544

RECEIVED

AUG 04 2006

WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s)

KAREN A. SALEEN

Phone

208 447-8715
208 585-3278

Mailing Address

8771 Purple Sage Rd

Zip

83644

2. Date of Priority (Only one (1) per claim)

02-28-1961

3. Source of water supply (a)

unnamed stream

which is tributary to (b)

Willow Creek

4. a. Location of existing point of diversion is: Township

05N

Range

02W

Section

34

SE 1/4 of NW 1/4 of

1/4, Govt. Lot,

B.M., County of

Canyon

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township

Range

Section

1/4 of

1/4 of

1/4,

Govt. Lot

B.M., County of

ending point is: Township

Range

Section

1/4 of

1/4 of

1/4, Govt. Lot

B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

County SE 1/4 NW 1/4

Sec 34, Twp 05N,

Canyon
Rge.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 11/15 amount 0.340 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.340 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.340 (cfs) and/or (b) 15 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
05N	02W	34								32.0									32.0

Total number of acres irrigated 15 32 15

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Black Canyon Irrigation or None ()

14. Remarks: Acreage fee paid under Black Canyon
for water rights

Last Name Saleen Ident No. 39576

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 53-3226
Court _____ Case Number 39576 Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments _____

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

Signature of Claimant (s) Saleen Anna Baker Date 7-31-06
Date _____

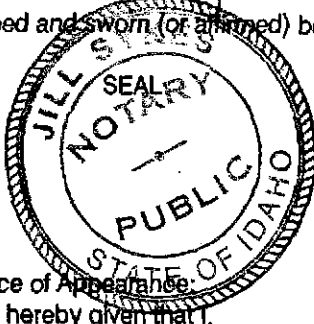
For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 31 day of July 19 06



Notary Public [Signature]

Residing at Caldwell

My Commission Expires 10-10-07

Please Print Name

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

Signature _____

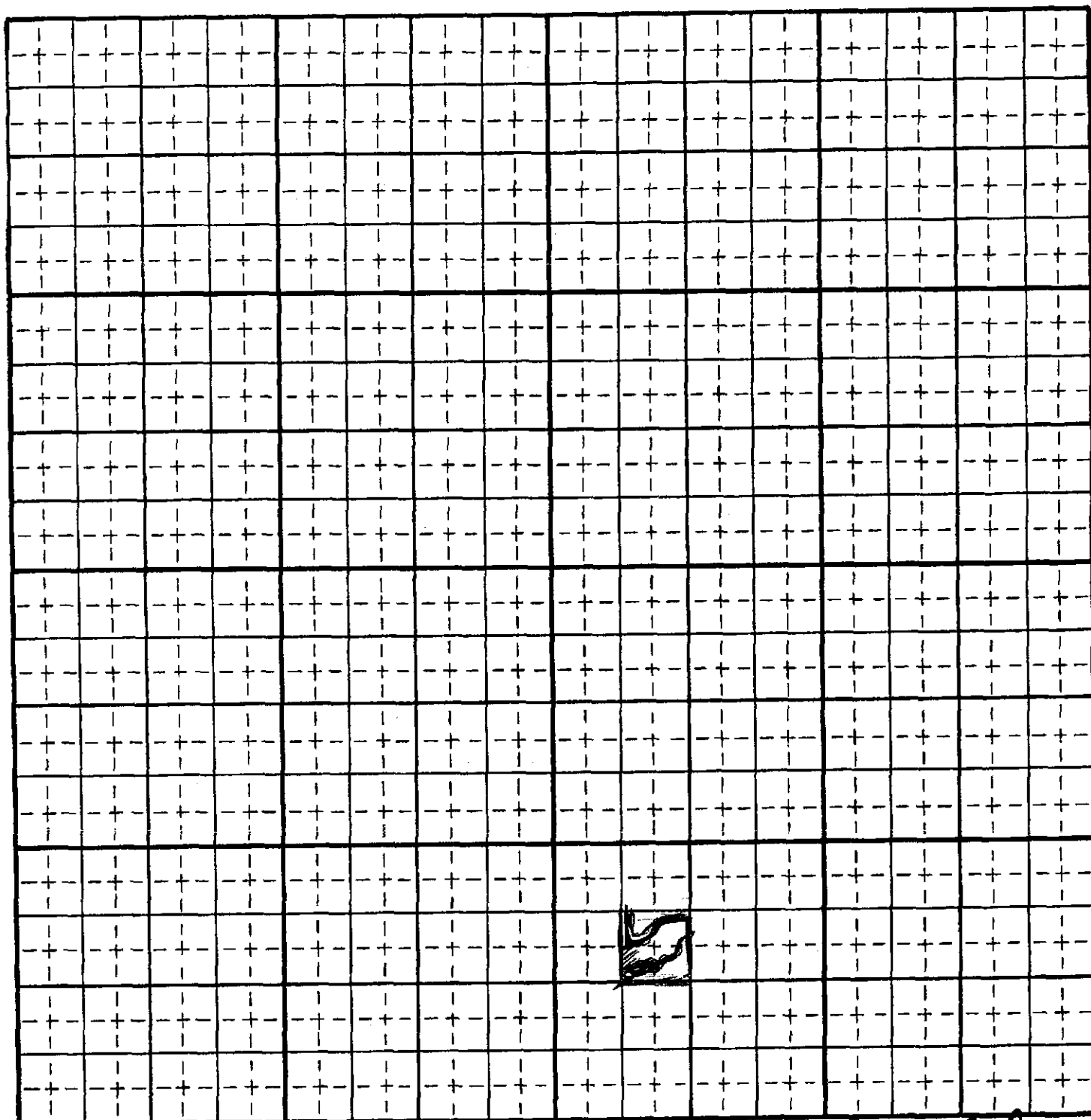
Address _____

Date _____

Last Name Saleen Ident. Number 39576

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

Scale: 2 inches equals 1 mile



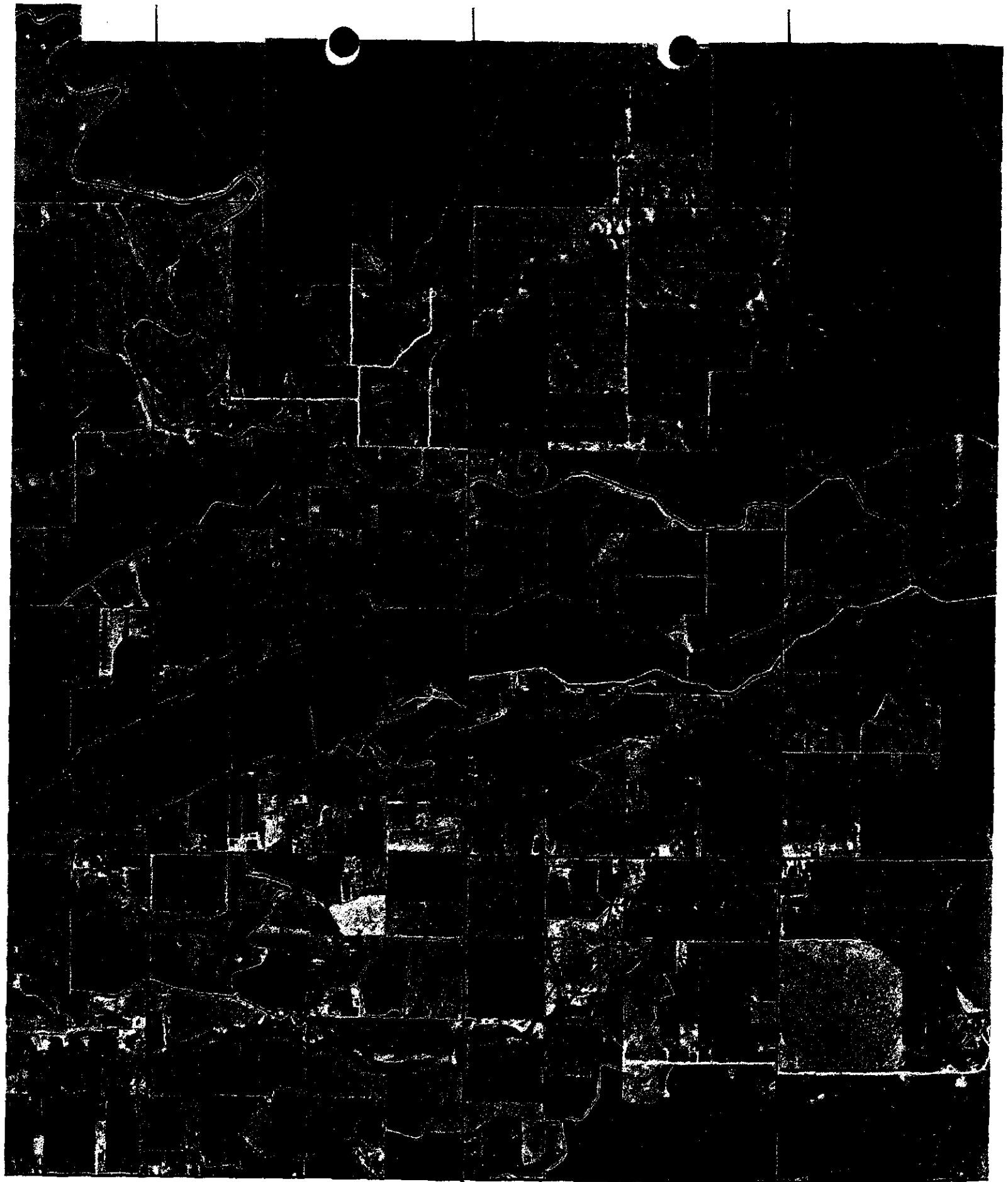
Section 34
SE 1/4 NW 1/4 N

EE Attached
map

Last Name Salen

Ident No. 39576

usage area
Blue - Property line

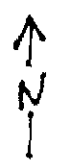
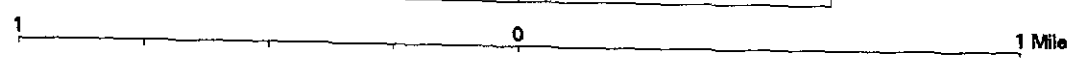
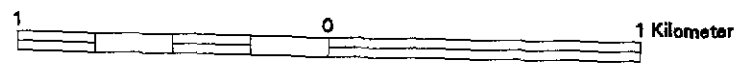


cked

1994 Aerial PHOTO
T5N R2W

SCALE 1:24,000
1 inch represents 0.38 miles

Section 34



Idaho Department of Water Resources Receipt

Receipt ID W034544

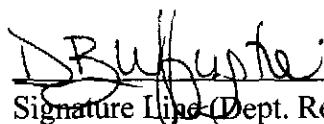
Payment Amount \$100.00 Date Received 8/4/2006 10:40:12 AM Region Western Status ☐
Payment Type Check Check Number 1669

Payer SALEEN, KAREN

Comment NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

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

In Re SRBA

) A. Subcase 63-3226
)
)
)

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. 63-3226.

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 21 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: Karen A. Saleen

Address: 8771 Purple Sage Road
Middleton, ID 83664

Original Owner:

Name: Laura Choat

Address: 812 Fillore Street
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

Kathleen Miller, Legal Asst
McDEVITT & MILLER LLP

COPY

RECEIVED

AUG 17 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-3226

(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Karen A. Saleen

Address: 8771 Purple Sage Road

Middleton, ID 83644

Daytime Phone: 208-585-3278

Name and Address of Attorney, if any:

Bruce M. Smith / Carl J. Withroe

Moore Smith Buxton & Turcke, Chtd.

950 W. Bannock Street, Suite 520

Boise, ID 83702

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

Name: Black Canyon Irrigation District

Address: PO Box 226

Notus, ID 83656

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

- ☐ 1. Name and Address
- ☒ 2. Source
- ☐ 3. Quantity
- ☐ 4. Priority date
- ☐ 5. Point of Diversion
- ☐ 6. Instream Flow Description
- ☐ 7. Purpose(s) of Use
- ☐ 8. Period of Year
- ☐ 9. Place of Use
- ☒ 10. Recommendation

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Carl J. Withroe, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

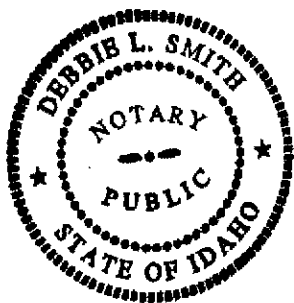
(Signature of person filing response)

Carl J. Withroe

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 16, 2007



Debbie L. Smith
Notary Public for Idaho

Residing at: Boise ID

My Commission Expires: 6/8/2013

F.

CERTIFICATE OF MAILING

I certify that on August 16, 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:

Name: Karen A. Saleen
Address: 8771 Purple Sage Road
Middleton, ID 83664

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

Name:	<u>Black Canyon Irrigation District /</u>	<u>Charles F. McDevitt</u>
Address:	<u>PO Box 226</u>	<u>McDevitt & Miller LLP</u>
	<u>Notus, ID 83656</u>	<u>PO Box 2564</u>
		<u>Boise, ID 83701</u>

4. Copies to:

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

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

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

Carl J. Withhe

Your signature or signature of attorney
mailing on your behalf

**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	<u>63-3226</u>
	)		
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: Karen A. Saleen

Address: 8771 Purple Sage Road
Middleton, ID 83664

Original Owner:

Name: Laura Choat

Address: 812 Fillmore Street
Caldwell, ID 83605

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):

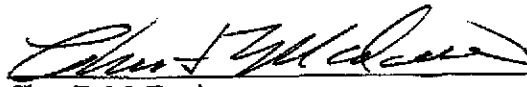
There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation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

VERIFICATION

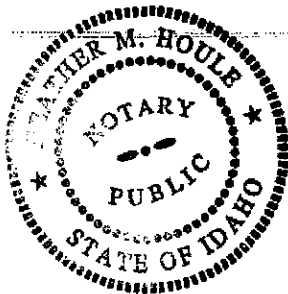
State of Idaho)
)ss.
County of Ada)

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: 10/10/07



Notary Public for Heather 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: Karen A. Saleen

Address: 8771 Purple Sage Road
Middleton, ID 83664

Original Owner:

Name: Laura Choat

Address: 812 Fillmore Street
Caldwell, ID 83605

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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 Houle, legal Asst.
McDEVITT & MILLER LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 4, 2007

To: Attached Distribution List

CERTIFIED MAIL

Re: Water Problems Related to Ponds

Dear Interested Party:

This letter discusses problems presented to the Idaho Department of Water Resources (IDWR) regarding two ponds in your area. IDWR seeks to provide you with the best available information to help you resolve water right problems you might be experiencing with these ponds.

An unnamed stream runs through the area. The stream has most likely been primarily fed by wastewater from upland irrigation. Apparently irrigation practices have changed in recent years, leading to diminished stream flows during some periods of the year.

Downstream Pond

Saleen currently owns the downstream pond under water right license no. 63-3226. This 1961 natural flow right authorizes irrigation and stockwater uses. Although it is not a storage water right, the licensing field exam documented a small on-stream pond covering about two acres. The pond is part of the delivery system for irrigation and stockwater uses. However, that does not mean the pond can always be kept full based on this water right.

The license does not authorize year around storage of water.

Saleen is the sole owner of this water right.

Upstream Pond

Beumeler originally owned the second pond under water right license no. 63-8277. This 1976 natural flow right authorizes irrigation use. Although it is not a storage water right, the licensing field exam documented a small on-stream pond covering about two acres. The pond is part of the delivery system for irrigation use. However, that does not mean the pond can always be kept full based on this water right.

The license does not authorize year around storage of water.

License 63-8277 covers land currently owned by two parties. City Development owns most of the land, and Perkins owns the rest.

Solutions to Water Problems

The Beumeler pond outlet does not provide direct flow back to the stream unless the pond is full. Under full conditions, excess water overflows into a ditch routing water back to the stream. This is not an acceptable arrangement given that at least one downstream property owner has a senior water right dependent on natural flow.

IDWR regulation of this situation most likely would not prove satisfactory to any of the parties. This is primarily due to the fact that neither water right authorizes year around storage, preventing regulation for that purpose. For example, storing water beyond the limits of a given water right could be considered an illegal use of water if subjected to IDWR regulation – both ponds might be viewed in this light. IDWR offers the following information to help resolve the problems for this site.

Galland

Galland owns land immediately north of the Beumeler pond. Galland pumps from the pond to irrigate about 1.5 acres. This land is outside the place of use of right 63-8277. No other water right can be confirmed under IDWR records for this water use.

Galland does not have a water right to divert water from the pond or stream. Diversion under these circumstances is an illegal diversion under Section 42-351, *Idaho Code*.

Galland must cease and desist diverting water from the pond until water right approval is secured from IDWR. Failure to comply with this cease and desist can result in a Notice of Violation pursuant to Section 42-1701B, *Idaho Code*. This can include civil penalties and other enforcement actions available to IDWR under Idaho law.

Perkins

Perkins owns a portion of the land covered by right 63-8277. Presumably Perkins owns a portion of that right unless it was legally withheld from the land in a sale. Perkins should file a Notice of Change in Water Right Ownership required by Idaho law. This should be filed within thirty (30) days. Timely filing of the ownership change would result in the \$100 fee being waived.

City Development and Perkins

As owners of the land described under right 63-8277, City Development and Perkins are presumed to own the dam and pond associated with this right. The owners should rework the system to allow natural flow to continue downstream to satisfy senior water rights. This could include diversion works to accommodate retaining irrigation water in the pond during the irrigation season but still providing water to downstream users. The owners could work with Saleen to devise a practical way to do this.

The owners of the Beumeler pond should seek additional water right approval if they want year around storage in the pond. This process might be complicated by potential protests against any application, including but not limited to concerns by an irrigation delivery organization if that entity relies on wastewater in the stream to satisfy downstream customers.

Saleen

Saleen should seek additional water right approval if year around storage is desired for the Saleen pond. This might be complicated as noted in the above paragraph.

Summary

The water right scenario for this situation includes more shades of gray than black and white factors. Both ponds are not covered by year around storage water rights. Changing land use practices have probably aggravated the water supply situation. Based on existing water rights, IDWR regulation would probably aggravate the problems.

The best solution is for everyone to work together to share available water by reworking the Beumeler pond system. To prevent further problems, Galland must immediately comply with cease and desist instructions and Perkins must file a water right ownership change within thirty (30) days, unless it can be shown that Perkins does not own a portion of the water right.

IDWR forms and information are available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you need more information or have any questions. Thank you for your attention to these matters.

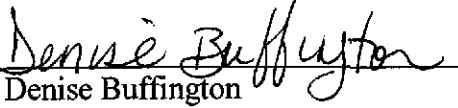
Sincerely,



Steve Lester
Water Rights Supervisor

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2007, I mailed a true and correct copy, certified, postage prepaid, to the person(s) listed below:


Denise Buffington
Administrative Assistant

City Development
c/o Dick Phillips
210 Murray St
Garden City ID 83714

Pennie Galland
Alan Galland
PO Box 274
Middleton ID 83644

Jock Perkins
24753 Kingsbury Rd
Middleton ID 83644

Karen Saleen
8771 Purple Sage Rd
Middleton ID 83644

10/16/2006

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

RIGHT NUMBER: 63-3226

NAME AND ADDRESS: KAREN A SALEEN
8771 PURPLE SAGE RD
MIDDLETON ID 83644

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.340 CFS
0.150 AFY

PRIORITY DATE: 02/28/1961

POINT OF DIVERSION:

T05N R02W S34 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.340 CFS
STOCKWATER	01/01 12/31	0.340 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S34 SENW 32.00

STOCKWATER same as IRRIGATION

32 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-3226

KAREN A SALEEN
8771 PURPLE SAGE RD
MIDDLETON ID 83644
Telephone Number: (208)585--3278

RECEIVED

OCT 23 2006

WATER RESOURCES
WESTERN REGION

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

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

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

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

DATE: 10-15-06

SIGNATURE:

Karen A Saleen

Please print your name:

KAREN A SALEEN

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

08/14/2006

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

RIGHT NUMBER: 63-3226

NAME AND ADDRESS: KAREN A SALEEN
8771 PURPLE SAGE RD
MIDDLETON ID 83644

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.340 CFS
0.150 AFY

PRIORITY DATE: 02/28/1961

POINT OF DIVERSION:

T05N R02W S34 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.340 CFS
STOCKWATER	01/01 12/31	0.340 CFS 0.15 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S34 SENW 32.00

STOCKWATER same as IRRIGATION

32 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

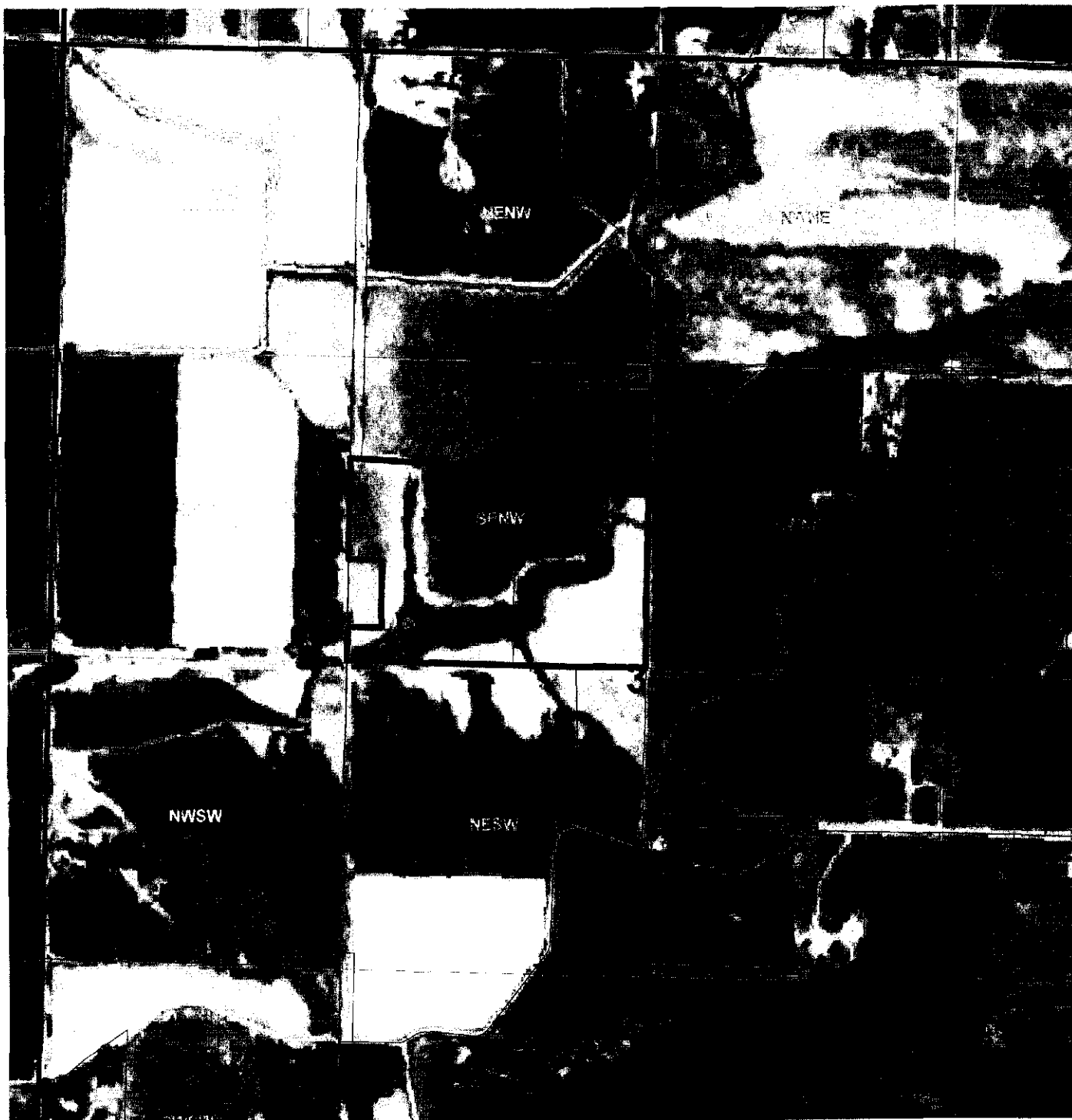
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-3226

T05N R02W S34



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

Total irrigated
acres = 32.0



600 0 600 1200 Feet

IDWR

Prepared by: Sandy Egbert
Date: August 10, 2006
1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3226 V1

WATER RIGHT NUMBER: 63-3226 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LAURA CHOAT 812 FILLMORE ST CALDWELL, ID 83605
Current Owner	KAREN A SALEEN 8771 PURPLE SAGE RD MIDDLETON, ID 83644 (208)585-3278

Priority Date: 02/28/1961

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.340 CFS	
STOCKWATER	01/01 to 12/31	0.340 CFS	0.15 AF
	<u>Total Diversion:</u>	0.340 CFS	0.15 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NW1/4	Sec. 34, 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 34								32.0									32.0

Total Acres: 32

STOCKWATER same as IRRIGATIONConditions 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.
2. W14 Use of this right is combined with water from Black Canyon Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3226 V1

Comments: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:
 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>
Priority Date	8/14/2006 8:48:29 AM	segbert			Active
POD	8/14/2006 8:48:55 AM	segbert			Active
Source	8/14/2006 8:54:47 AM	segbert			Active
POU	8/14/2006 8:55:10 AM	segbert			Active
Use	8/14/2006 8:55:42 AM	segbert			Active
Season	8/14/2006 8:56:47 AM	segbert			Active
Quantity	8/14/2006 8:58:16 AM	segbert			Active
Summary			08/14/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	8/14/2006 8:54:46 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? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3226 V1

POU	8/14/2006 8:55:09 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?
POD	8/14/2006 8:49:16 AM	segbert	Updated shape
POU	8/14/2006 8:55:28 AM	segbert	Updated shape for Active POU
Season	8/14/2006 8:56:46 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	8/14/2006 8:58:16 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?
Use	8/14/2006 8:55:41 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3226 V1

General	8/14/2006 8:48:29 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?
POD	8/14/2006 8:48:55 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?
Summary	8/14/2006 9:00:50 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? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3226

WATER RIGHT NUMBER: 63-3226

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LAURA CHOAT 812 FILLMORE ST CALDWELL, ID 83605
Current Owner	KAREN A SALEEN 8771 PURPLE SAGE RD MIDDLETON, ID 83644 (208)585--3278

Priority Date: 02/28/1961 ✓

Basis: License ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/01	to 11/15	0.340 CFS	
STOCKWATER ✓	01/01	to 12/31	0.340 CFS	0.15 AF

Total Diversion: 0.340 CFSLocation of Point(s) of Diversion

UNNAMED STREAM	SE1/4NW1/4	Sec. 34, 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 34								32.0									32.0

Total Acres: 32

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

Blind Gauge = 0

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3226

08/08/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~63-3226~~	Claim	05N	02W	34	SE	NW		IRRIGATION	32/32	KAREN A SALEEN
65-2900	Claim	05N	02W	34	SE	NW		IRRIGATION		BLACK CANYON IRRIGATION DIST
~~63-3226~~	Water Right	05N	02W	34	SE	NW		IRRIGATION	32/32	LAURA CHOAT

State of Idaho License and Certificate of Water Right

Water License No. 29530

Amount .34 c.f.s.

Water District No.

Priority February 28, 1961

THIS IS TO CERTIFY that LAURA CHOAT
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 28, 1961; that Permit No. 29530
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.34 second feet, was issued thereunder on June 4, 1963, showing that said works
were completed on the 24th day of October, 1962; and that on the 24th
day of October, 1962,

LAURA CHOAT

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 unnamed
stream, a tributary of Willow Creek, for the purpose of irrigation & stock
water, under Use Permit No. 29530 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
12 of Licenses at page 7585, on the 4th day of June, 1963;
The right hereby confirmed dates from February 28, 1961;

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 34, 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 .34 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.	34	SE 1/4 NW 1/4	30	32

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of June, 1963.

/s/ RALPH M. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

63 0201

63-3226 **Application For Permit** **To appropriate the Public Waters of the State of Idaho**

APPLICATION No. 37531
PERMIT No. 29530
DISTRICT No.

1. Name of Applicant: Laura Choat
Postoffice address: 812 Fillmore
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) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 0.7

cubic feet per second.

3. Source of water supply: Unnamed stream

which is a tributary of Willow Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of section 34, T. 5 N, R. 2 W, B. M., County of Canyon

P.D.

5. Water is to be used for Irrigation and stock water

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 of , 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: \$ 1000

8. Kind of works: Pump, pipe and ditch and dam

9. Height of dam 9 feet; length of dam at top 150 feet; length of dam at bottom 35
feet; material used in dam: earth

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

11. Ditch: Width at bottom 1 feet; width at water line 3 feet; depth of water .5 feet;
dimensions of flume:

Diameter of pipe 6 or 8 inches; length of conduit .4 miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 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:

Black Canyon Irr. Dist. for 15 acres of this land

16. (a) Is reservoir to be used? yes If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit: none
 (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.

s/ Laura Chest Applicant.

s/ Howard Choeat Agent.

Date of first receipt at Department of Reclamation: 11:30 A.M. February 28, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 29530
Recorded in Book 104 Page 29530 Approved March 2, 1961
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 May 2, 1961 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 2, 1963
The whole of said work to be completed on or before March 2, 1966
Beneficial use of water appropriated in accordance herewith, to be made on or before March 2, 1966

WITNESS My hand this 2nd day of March, 1961

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLYE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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.....2nd

day of March 19 61

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE
Governor

Secretary of State.

REMARKS: Dam will be built to hold stock water and raise water level to reduce pump lift, and as holding pond.

14

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	2 W	34																30	
Permit No. 29530 ✓ CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that LAURA CHOAT of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 29530, issued upon Application No. 3751 bearing date of priority of February 28, 1961, authorizing the diversion of 0.7 second feet of waters of unnamed stream tributary of Willow Creek County of Canyon, State of Idaho, for irrigation and stock water 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 .34 second feet of the waters of unnamed stream, tributary of Willow Creek that the point of diversion of said waters is 32nd Sec. 34, T. 5 N., R. 2 W., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 32 acres in SE¼, Sec. 34, T. 5 N., R. 2 W., B.M. Witness my hand this 4th day of June, A. D. 1963. /s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: October 24, 1962 LICENSE ISSUED FOR 34 SEC. 34 page 7585																			

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 29530

REPORT ON PROOF OF Completion of Works & Beneficial Use

Laura Choat
812 Fillmore
Caldwell, Idaho

29530

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

Permit No. 29530

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

1. Name of applicant Laura Chast, 812 Fillmore, Caldwell, Idaho2. Source of water supply: unnamed stream, tributary of Willow Creek3. Location of point of diversion: Is in the SE 1/4 of Section 34T. 5 N. R. 2 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: HP Allen-Chalmers
Pump Unit Model B-15-125 curinch displacement, Serial No. PU 30432 - B.
4" x 6" pulley (V belt) - Berkeley Centrifical Pump # 6111733
4" x 3" to 3" x 5" check valve, 4" pipe with 3" Tee for sprinkler system
to 4" gate valve to 6" buried main 800' NE to open ditch - 4" x 8" x 8"
V belt pulley on pump - Sump 3' x 6' x 5' concrete (22' head)

5. Water is used for: irrigation and stock water6. 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):

30 acres in SE 1/4, Sec. 34, T. 5 N., R. 2 W., B. M.

25 - 3/4" x 1/2" nozzle - 16 - 3" x 40' - 12 - 2" x 40' pipe.

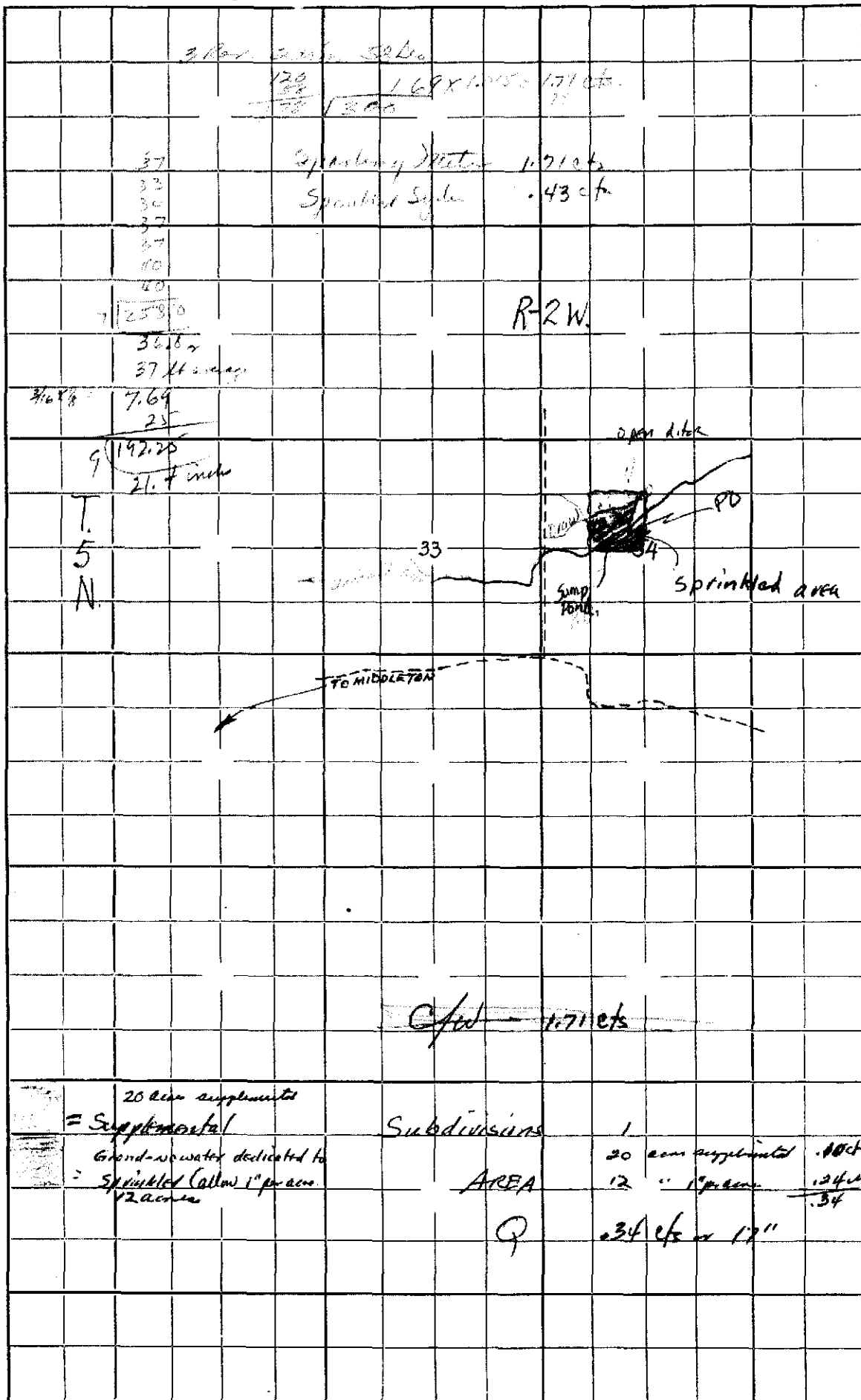
(Submit map on attached plat, showing location and details of above description.)

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

Remarks: Mr. Howard Chast, owner (son)
this 50' Black Canyon dated for 15 acres (E 1/4 NW 1/4 Sec. 34) all north
of unnamed stream. The pond takes up approximately 2 acres.
12 acres under sprinkler from pond. shaded Red all 1" per acre.
The Green shaded area is irrigated by corrugates and is
supplemental to Black Canyon water. 50% = 75% = 25% supplemental.
5 inches plus 12" = 17" = 34 cfs for 1/10

This examination was made on the 2nd day of May, 1963
 (Signed) Larry Johnson Examiner.

29530



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

29530