

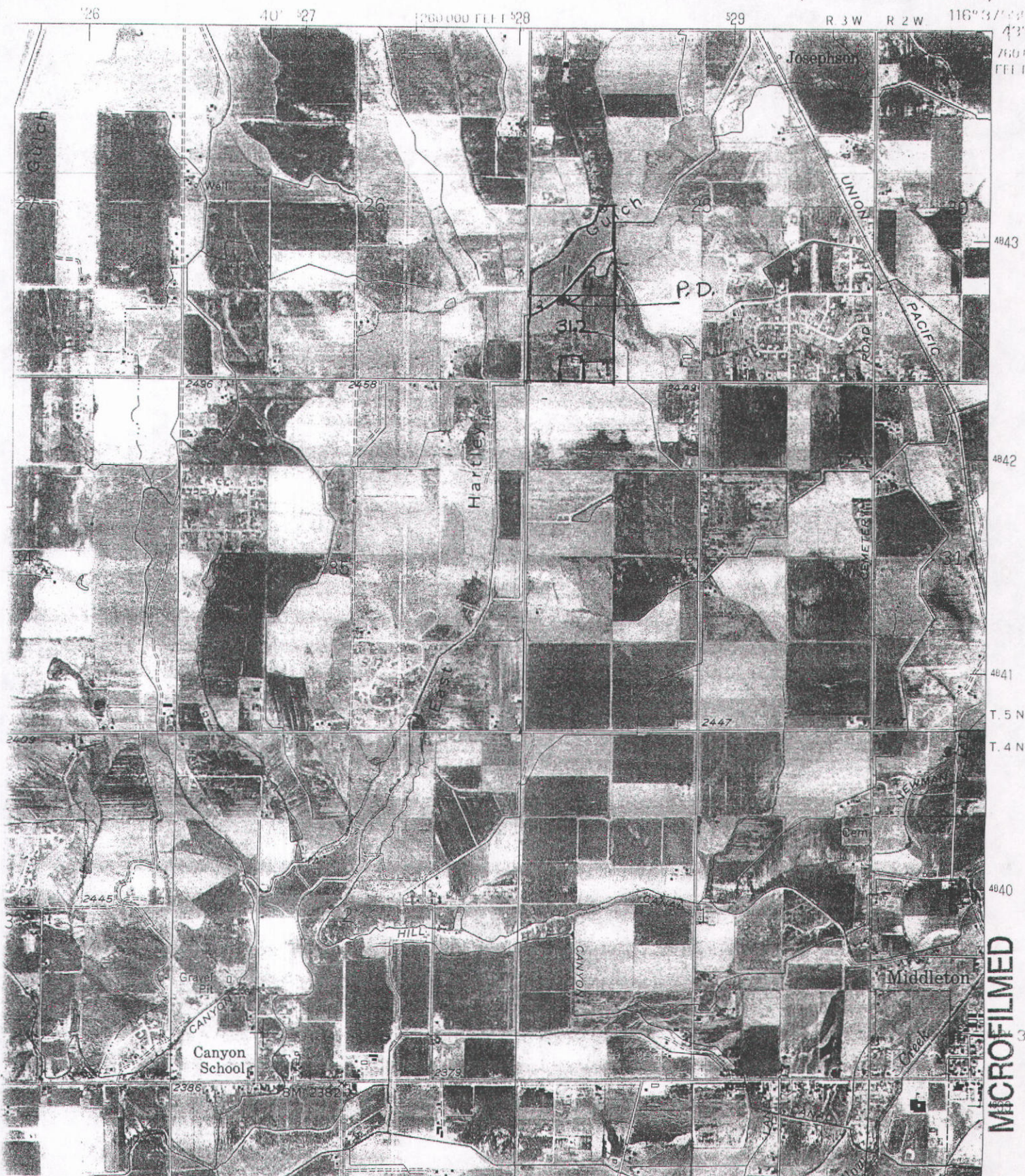
A63-04224A

R3W R.2W

T5N R3W

CALDWELL QUADRANGLE
IDAHO

7.5-MINUTE SERIES (ORTHO PHOTOQUAD)



MICROFILMED

AUG 20 1992



Idaho Department of Water Resources

63-4224A

05N 03W S25



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 35.0

800 0 800 Feet



IDWR
Prepared by: Lori Graves
Date: 09-19-06
1986-87 Photography



NWSW
5 acres

SWSW
30 acre

T5N R3W S25

NWSW
5 acres

SWSW
30 acre

T5N R3W S25



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/29/2006

FILE NUMBER 63-4224A



The photos above show the portable pump. The shaft had been broken last year, so it was not operational at the time of the exam.



The pictures above show the original culvert that the pump was in and point where the tractor set on the creek.



The photo to the left shows the point on the 6 inch gated pipe where the pump is connects into. There is currently a cap on the end of the pipe, because the owner is using canal water on this property.



NWSW

T5N R3W S25

SWSW

FORMER
WATER

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: A63-04224A
Date Received: 2/09/1990
Receipt No: 1005819
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNA WARD 208-585-2713
Address: 13498 PURPLE SAGE RD.
CALDWELL, ID 83605
OR
Name: DUEANE SPENCER
Address: ROYAL CITY, WA 00000
OR
Name: *V* BERNETTA HASTINGS 208-888-3874
Address: 2910 E. VICTORY RD. *Passel*
MERIDIAN, ID *Way* 83642
OR
Name: LA VAR SPENCER
Address: *Payette Id.*
~~KAYSVILLE, UT~~ 00000

2. Date of Priority: JUN 01, 1965

3. Source: EAST HARTLEY DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	25	NW	SW	SW		CANYON

5. Description of diverting works:
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2,000		

7. Total Quantity Appropriated is:
2,000 C.F.S. (and/or) A.F.A.

A63-04224A

Page 1

Date: 02/09/90

MICROFILMED

AUG 20 1992

8. Total consumptive use is 109.2 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	25	NW	SW		IRR	4.0
			SW	SW		IRR	31.2
						Section Acres	35.2
						Total Acres	35.2

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 DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: -1-

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): Donna Ward Date: 2-9-90

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of February 19 90 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

A63-04224A

R3W R2W

T5N R3W

CALDWELL QUADRANGLE
IDAHO

7.5-MINUTE SERIES (ORTHO PHOTOQUAD)



4843

4842

4841

T. 5 N

T. 4 N

4840

MICROFILMED
AUG 20 1992

Receipt Details for ID M005819

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/9/1990 12:45:59 PM	2/9/1990	Mobile	\$173.00	Check
Payer	SPENCER, (DONNA WARD)			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1001			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$173.00	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	4224	A	\$85.00	Claim
63	20807		\$63.00	Claim
63	20808		\$25.00	Claim

Print Report

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 63-4224A
)

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. 63-4224.

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:

Current Owner:

Name: Donna C. Ward
Address: 13498 Purple Sage Road
Caldwell, ID 83605

Name: Bernetta Hastings
La Var Spencer
Dueane Spencer

Address: 2910 E. Victory Rd.
Meridian, ID 83642

Original Owner:

Name: Myrtle and Raymond Spencer
Address: Rtl
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

63-41166

142

August 22, 2007

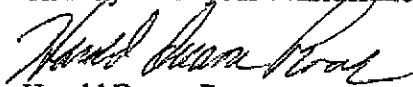
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2007 AUG 21 AM 10 52

Clerk of the District Court
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, Idaho 83303-2707

Please consider this letter as an official objection to the "Response of Objection" received at my address on August 20, 2007 (a copy is enclosed). Wilder Irrigation District has erroneously projected my claim on the basis of source. Section D box number 2 (Source) is checked and box number 10 the statement is made "This water should not exist." My claim to this water is based on the fact it is spring water much of it originating on my property which ultimately makes its way into the Fargo Wasteway. The Fargo Wasteway flows through the center of my farm. I am not making claim to wastewater. This spring water flows the year round and is not subject to the overflow of waste water which also utilizes the Fargo Wasteway during the irrigation season. I first made claim to this spring water in 1968-69 and have been using it ever since.

Thank you for your consideration.



Harold Duane Root
17481 Garnet Road
Wilder, Idaho 83676
(208) 337-4533

JUN 07 2007

DEPARTMENT OF
WATER RESOURCES

In Re SRBA) **A. Subcase** **63-4224A**
)
Case No. 39576) **STANDARD FORM 1**
) **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

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

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Black Canyon Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

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

VERIFICATION

State of Idaho)
)ss.
County of Ada)

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

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


Chas F. McDevitt
McDEVITT & MILLER LLP

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

Notary Public for 
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:

Current Owner:

Name: Donna C. Ward
Address: 13498 Purple Sage Road
Caldwell, ID 83605

Name: Bernetta Hastings
La Var Spencer
Ducane Spencer

Address: 2910 E. Victory Rd.
Meridian, ID 83642

Original Owner:

Name: Myrtle and Raymond Spencer
Address: Rt1
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 Herb Legal Asst.
McDEVITT & MILLER LLP

09/19/2006

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

RIGHT NUMBER: 63-4224A

NAME AND ADDRESS: DUEANE SPENCER
ROYAL CITY WA

DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN ID 83642

LA VAR SPENCER
KAYSVILLE UT

SOURCE: EAST HARTLEY GULCH DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T05N R03W S25 NWSW 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	0.700 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S25	NWSW	5.00	T05N R03W S25	SWSW	30.00
---------------	------	------	---------------	------	-------

35 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

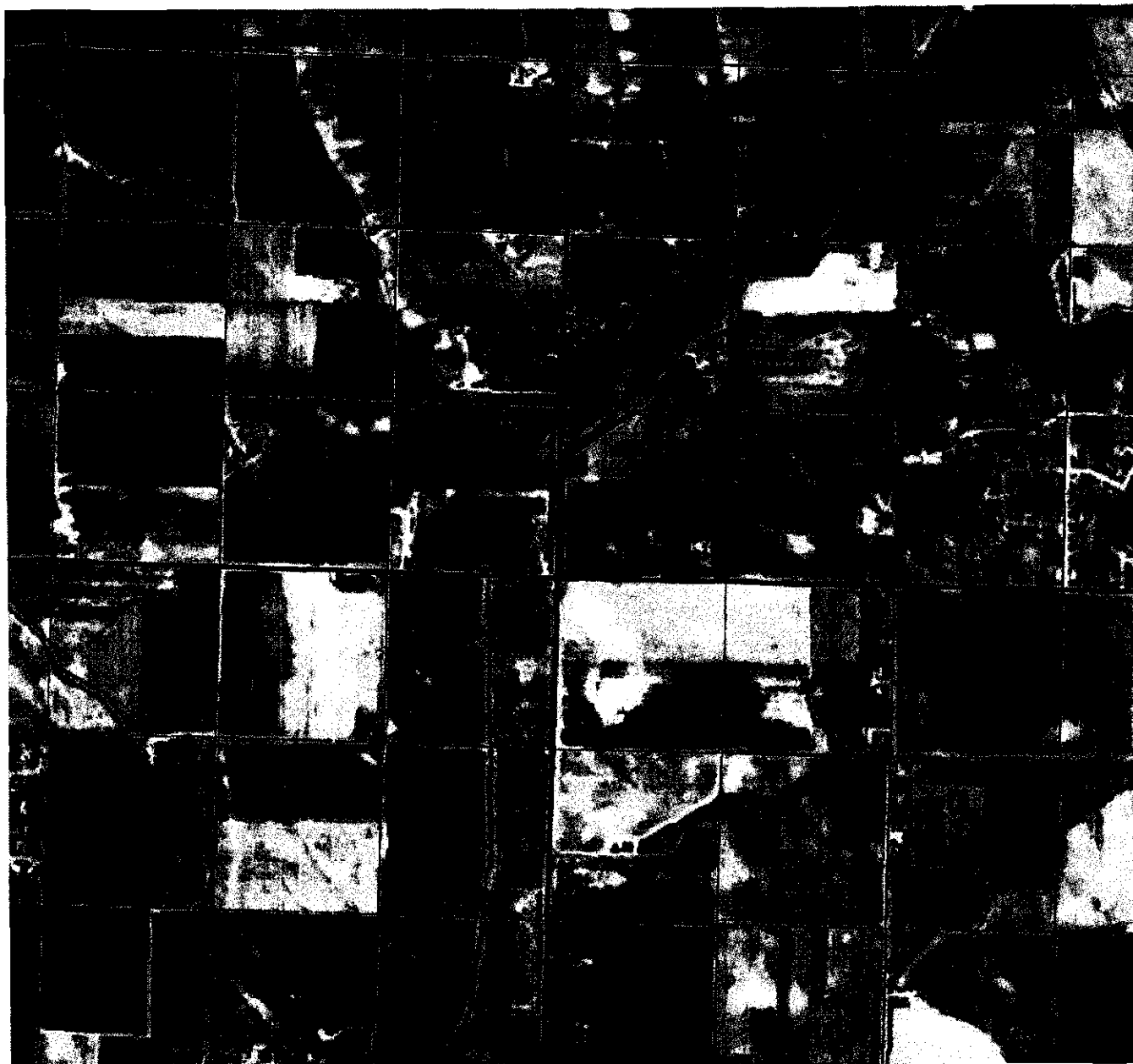
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-4224A

05N 03W S25



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 35.0

800 0 800 Feet



IDWR
Prepared by: Lori Graves
Date: 09-19-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4224A V1

WATER RIGHT NUMBER: 63-4224A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DUEANE SPENCER
	ROYAL CITY, WA
Original Owner	MYRTLE SPENCER
	RT 1
	CALDWELL, ID 83605
Current Owner	DONNA C WARD
	13498 PURPLE SAGE RD
	CALDWELL, ID 83605
	(208)585-2713
Original Owner	RAYMOND SPENCER
	RT 1
	CALDWELL, ID 83605
Current Owner	BERNETTA HASTINGS
	2910 E VICTORY RD
	MERIDIAN, ID 83642
	(208)888-3874
Current Owner	LA VAR SPENCER
	KAYSVILLE, UT

Priority Date: 06/01/1965

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST HARTLEY GULCH DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

EAST HARTLEY GULCH DRAIN	NW1/4SW1/4	Sec. 25, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	03W	25											5.0	30.0					35.0

Total Acres: 35

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4224A V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. W14 Use of this right is combined with water from Black Canyon Irrigation District.

Remarks:Comments:

1. Igraves 9/18/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. R3800500000 and R3800501100.

2. Igraves 9/18/2006 Flow Rate

Comment: A theoretical calculation was used to estimate the pump capacity at 1.42 cfs.

3. Igraves 9/18/2006 Current Owners

Comment: Current owners are Neal and Chris Spencer, who are related to the owners listed on the claim. They were notified 4/3/06 to file a change in ownership.

4. Igraves 9/18/2006 Priority

Comment: Donna Ward explained how the property was developed, which supports the priority date claimed (see file for conversation memo). The affidavit submitted primarily supports the priority date for associated right 63-20807 (same owner, separate source and acres).

5. Igraves 9/19/2006 Source

Comment: Source was clarified to East Hartley Gulch Drain based on the topo map.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4224A

WATER RIGHT NUMBER: 63-4224A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DUEANE SPENCER ROYAL CITY, WA
Original Owner	MYRTLE SPENCER RT 1 CALDWELL, ID 83605
Current Owner	DONNA C WARD 13498 PURPLE SAGE RD CALDWELL, ID 83605 (208)585-2713
Original Owner	RAYMOND SPENCER RT 1 CALDWELL, ID 83605
Current Owner	BERNETTA HASTINGS 2910 E VICTORY RD MERIDIAN, ID 83642 (208)888-3874
Current Owner	LA VAR SPENCER KAYSVILLE, UT

New Owner:
Neal & Chris Spencer
12776 Purple Sage Rd
Middleton Id 83644
585-2738

Priority Date: 06/01/1965 ✓

Basis: ~~Statutory Claim~~ *B/L* ✓

Status: Active

Source *GULCH*
 EAST HARTLEY DRAIN ✓

Tributary
 BOISE RIVER ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15	11/15	~~2.000~~ CFS	.70
	<u>Total Diversion:</u>		~~2.000~~ CFS	.70

Location of Point(s) of Diversion

EAST HARTLEY DRAIN
 CANYON County

~~NW 1/4 SW 1/4~~
NW

Sec. 25, Twp 05N, Rge 03W, B.M. ✓

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	25																	35.2
													4.0	31.2					35

Total Acres: 35.2

35 ✓

add: W14 BCID

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4224A

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 2/9/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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:

MEMORANDUM

TO: ADJUDICATION FILES 63-4224A and 63-20807

FROM: DANIEL A. NELSON

DATE: 9/11/06

SUBJECT: FIELD EXAMINATION

I performed a field exam on the above right on 8/29/2006. Although the same person owns both rights they are separate systems, so each needs to be discussed separately.

63-4224A

This right is generally a supplemental right to Black Canyon Irrigation District water. The water for this right is pumped from a drain in the NWSW into a gated pipe that travels in a southerly direction to irrigate the fields on the west side of the property. A ditch comes off of the gated pipe that travels to the east to irrigate the fields on the east side of the property. This is a very flat farm, so water can be run either direction in the ditches. The water from Black Canyon Irrigation District comes from a headgate on the road running along the southern boundary of the property and travels north into the same ditch system. The drain water can irrigate all of the ground south of the drain.

According to the owner, the pump broke a shaft at the end of last irrigation season. The pump did seem to have been broken and recently repaired. The pump is a portable type pump that goes on the back of a tractor. The owner has used two tractors, a 45 Hp and a 80 Hp tractor, but he generally can't run the 80 Hp tractor at full speed. It is very difficult to determine the flow rate of this system without the pump operating, but I did perform a theoretical based on the 45 Hp tractor. I calculated a flow rate of 1.42 cfs, which seems a bit high. However, I am convinced that this pump can provide the 0.02 cfs or inch per acre for the 35 acres under this claim. Therefore, I suggest that this claim be recommended as follows:

Source – East Hartley Gulch Drain in the NWSW S25 T5N R3W

0.70 cfs and 157.5 afa for irrigation from 3/1 to 11/15

5 acres in the NWSW and 30 Acres in the SWSW for a total of 35 acres

63-20807

The water for this claim comes from an unnamed drain that diverts into the East Hartley Gulch Drain. The water gravity flows under a farm lane and is diverted by canvas dam into the irrigation ditch. Any water not diverted flows over and goes down to the drain. The irrigation ditch travels in a southwesterly direction and the entire ground is gravity irrigated.

I measured the water in the irrigation ditch at 0.73 cfs. There is only 13 acres being irrigated on this system, so the claim should be limited to the standard inch or 0.02 cfs per acre for a total of 0.26 cfs. I would suggest that this claim be recommended as follows:

Source – Unnamed Drain Tributary to the East Hartley Gulch Drain in the NWSW S25 T5N R3W

0.26 cfs and 58.5 afa for irrigation from 3/1 to 11/15

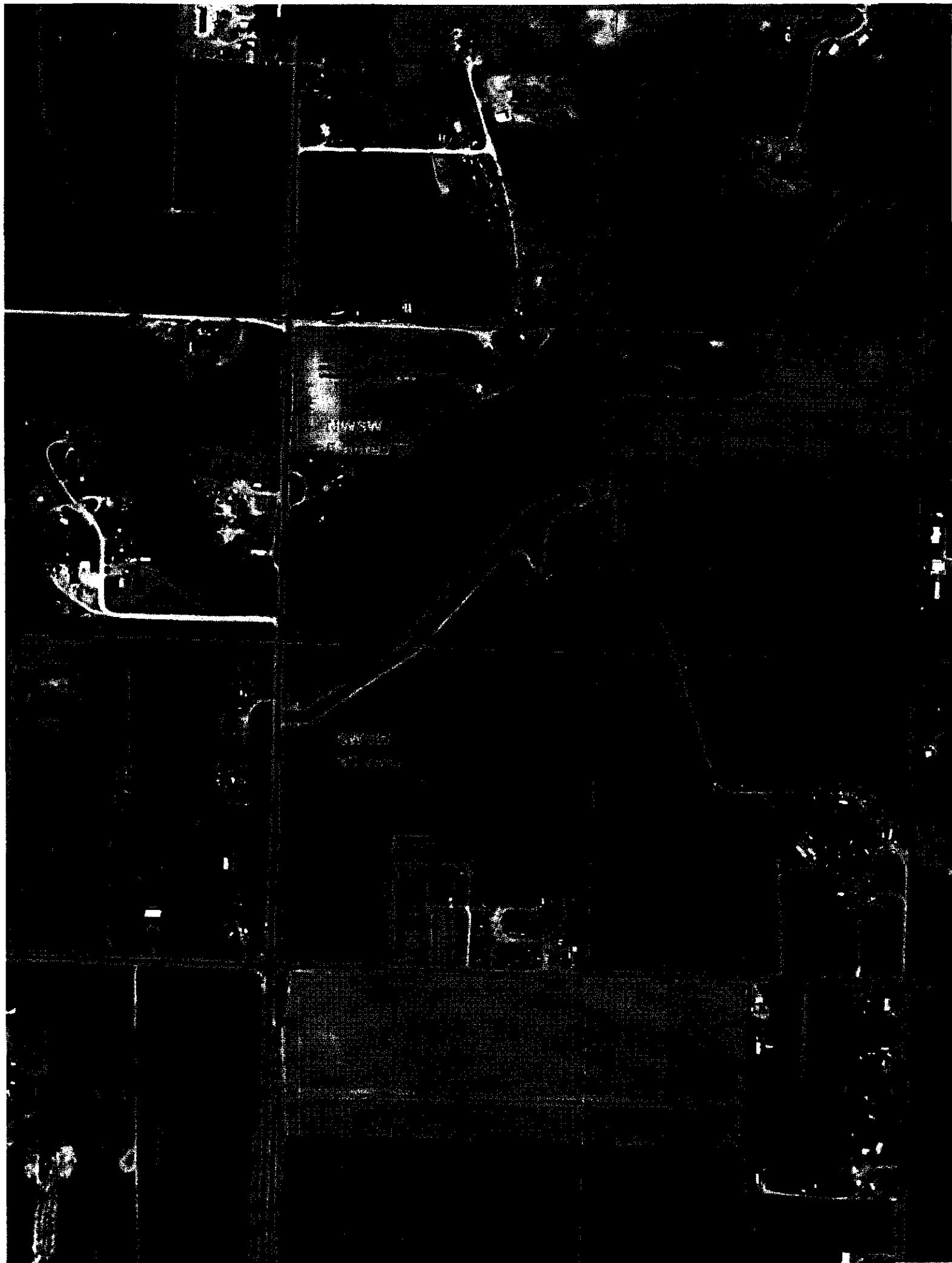
12 acres in the NWSW and 1 Acres in the SWSW for a total of 13 acres

NW 1/4

Section 10

SW 1/4

Section 10



GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-4224A

DATE: 8-29-06

BY: Dan Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$Q = \frac{(8.8 \times (45) \times (0.70))}{194.8} = 1.42 \text{ cfs}$

$[(10) + (80 \times 2.31)] = 194.8$

LIFT FROM:

Measurement ()

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: This pump is a portable pump that connects onto the PTO drive of a tractor. The owner uses a 45 HP ~~and~~ and a 80 HP tractor to operate the pump. The pump diverts into 6-inch aluminum gated pipe. ~~The~~ The only accurate measurement is the lift for this system. Therefore, I used the minimum of 45 HP, and the maximum pressure for aluminum gated pipe of 80 PSI. The diversion rate calculated is still more than the 0.70 cfs allowed for the 35 acres at an inch per acre.

PIPE PROPERTIES
ALUMINUM PIPE USE MANNINGS $n = .011$

WALL THICKNESS	MAX WORKING PSI	SIZE	INSIDE DIAMETER	AREA	K_D
.050	150	4"	3.90	.083	.1007
.052	150	5"	4.896	.131	.0744
.051 (Gated)	100	6"	5.898	.190	.0581
.058	150		5.884	.189	.0583
.051 (Gated)	80	8"	7.898	.340	.0394
.064	100		7.872	.338	.0396
.072	110		7.856	.337	.0397
.094	150		7.812	.333	.0400
.051 (Gated)	60	10"	9.898	.534	.0292
.064	80		9.872	.532	.0293
.072	90		9.856	.530	.0294
.094	120		9.812	.525	.0295
.064 (Gated)	70	12"	11.872	.769	.0229
.072	80		11.856	.767	.0230
.094	100		11.812	.761	.0231

PVC GATED PIPE
USE HAZEN WILLIAMS $C = 150$

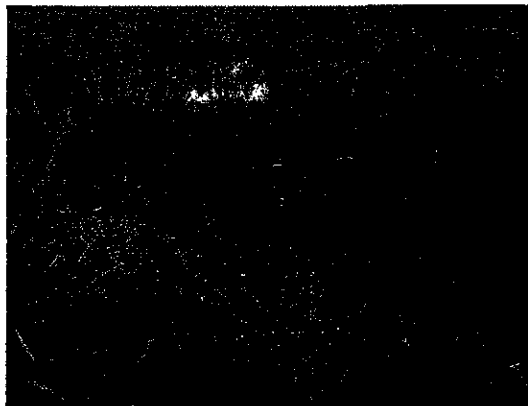
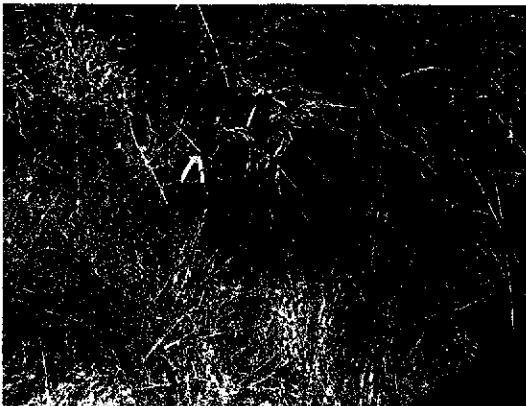
MAX WORKING PSI	SIZE	INSIDE DIAMETER	PIPE AREA
22	6	5.76	.181
22	8	7.76	.328
22	10	9.76	.520
22	12	11.76	.754

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/29/2006

FILE NUMBER 63-4224A



The photos above show the portable pump. The shaft had been broken last year, so it was not operational at the time of the exam.



The pictures above show the original culvert that the pump was in and point where the tractor set on the creek.



The photo to the left shows the point on the 6 inch gated pipe where the pump is connects into. There is currently a cap on the end of the pipe, because the owner is using canal water on this property.

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

40 to 50 inches -

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>TRACTOR</i>	<i>80hp</i>		<i>PARMA</i>	<i>4" Discharge</i> <i>UNKNOWN</i>
		<i>45hp</i>			

2.) Lift (distance from pump to water) *10 FT*

3.) How was lift determined (well log, measurement, owner)? _____

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) _____

10-15 FT LIFT

5.) Was a measurement made? _____ If no can a measurement be made at a latter time? _____

6.) What type of measurement device was used? _____

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

6 Pivots

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.
_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

~~UNSURE~~

UNSURE about pump

Have to do Theoretical

DATE EXAM CONDUCTED 8-29-06

FIELD EXAMINER

Don Nelson



FIELD EXAM MEMO

DATE: 7/26/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-4224A, 63-20807

63-4224A is diverted from East Hartley Drain for irrigation of acres south of the drain.
63-20807 is diverted from an unnamed drain (north of East Hartley drain) for irrigation of acres between the unnamed drain and East Hartley Drain (per the claim maps).

The claim files need the following:

1. Acres irrigated as of 1987
2. P/d locations and measurements
3. System diagrams

The claims indicate that water from Black Canyon Irrigation District is also used.

Contact for the exam is Neal Spencer at 585-2738. He and his wife Chris are the current owners.

Neal's cell # : 939-3035

CONVERSATION MEMO

Date: 4/3/2006

Agent: Lori Graves

With: Donna Ward

Subject: Beneficial Use

Claim Nos: 63-4224A, 63-20807

Donna stated she no longer owns the property, but is still financially involved. When she did own the property, water from BCID was primarily used. She stated that she and her husband purchased the property in 1965 and started using water from East Hartley Drain. Water from the unnamed drain had been used prior to their purchase.

Donna said that when she filed the claim, she was the owner and the others listed were only contacts. She also stated that Bernetta (Vernetta) had passed away.

RECEIVED

JUL 25 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-20807)
63-4224A)
State of Idaho)
County of _____)

AFFIDAVIT

deposes and says:

In 1949 Raymond Spencer and Neal
Spencer set up the water right #
63-20807 to use the water out of
the ditch for crops at that time.

Neal still uses it to this day.

Also water right # 63-4224A was
set up with a portable pump in
the ditch and Neal has used it
off & on from this date.

Don Spencer
(Signature)

Neal Spencer

I know the Stamen is true
Dorina Ward



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2006

Neal & Chris Spencer
12776 Purple Sage Rd
Middleton ID 83644

RE: NOTICE OF CLAIM NOS: A63-4224A, A63-20807

Dear Property Owners:

We are currently preparing the Notices of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claims for your reference. Our research indicates there may have been a change in the ownership for the above claims. Idaho Department of Water Resources (IDWR) records currently show the following names and addresses as the owners of the claims listed above:

**DONNA WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605**

**VERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN ID 83642**

**DUEANE SPENCER
LA VAR SPENCER**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 3, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DONNA WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim Nos: A63-4224A & A63-20807

Dear Claimant,

In the past, you submitted the above referenced claims during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claims for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claims, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claims were filed, that the water rights were based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claims have not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority dates, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your pump(s) and acres irrigated needs to be identified on the attached aerial photo. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The required evidence supporting the priority dates requested and clearly marked aerial photo needs to be submitted by April 25, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,



Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claims A63-422A & A63-20807
Aerial Photo

Cc: Neal & Chris Spencer
12776 Purple Sage Rd
Middleton ID 83644

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that RAYMOND &/or MYRTLE SPENCER
(name of claimant)
of Rt. 1, Caldwell, Idaho claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Boise River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) East Hartley Drain
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|-------------------|-----|-------------------|----------------|------|-------------------|----|-------------------|
| Amount | <u>2.0</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>April 1</u> | To | <u>Oct. 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 2.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1965

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 25 Twp. 5 N Rge. 3 W. B. M. County of Canyon
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump with 8" discharge into gravity system.

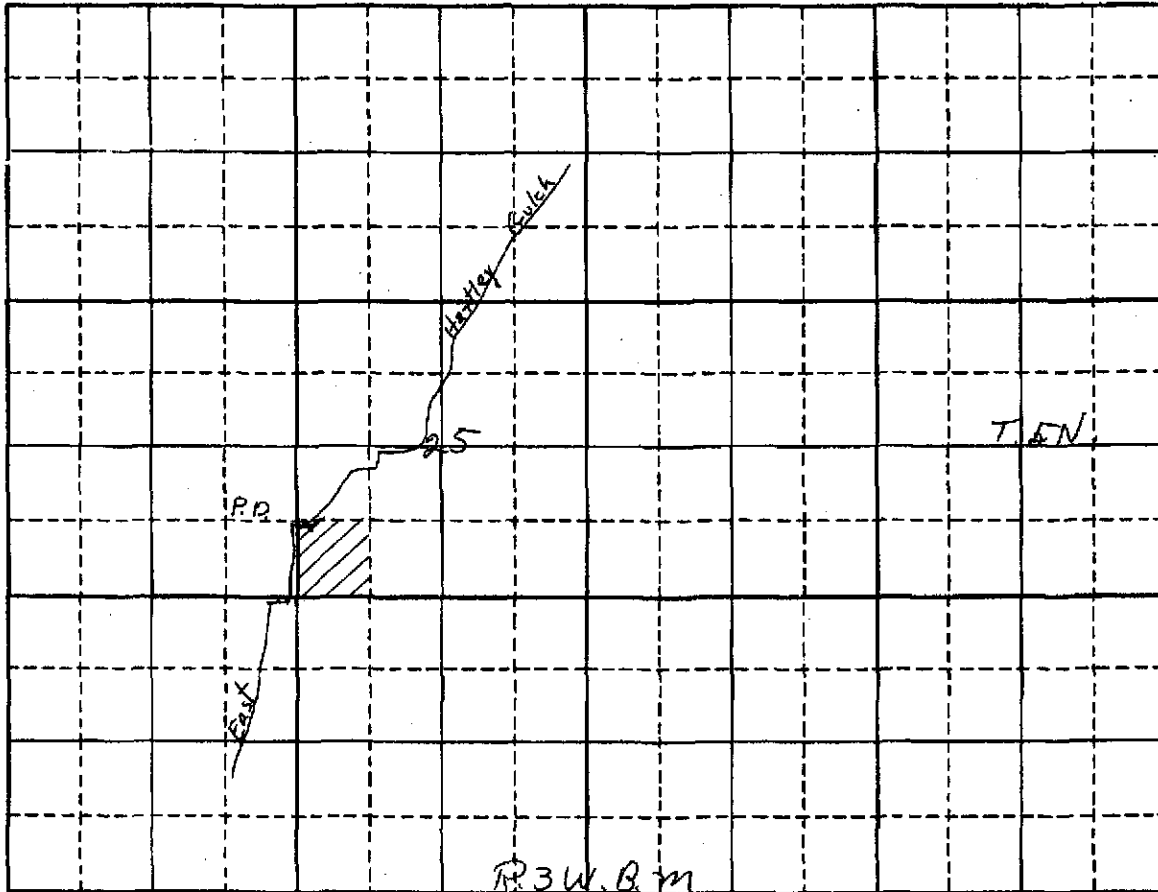
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 40

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
- (7) If you are claiming water as a member of an organization, list name of organization: No

- (8) Remarks Black Canyon Irrigation district supplies water to ranch. This is supplemental. This water has been used by prior agreement with irrigation district.



Scale: 2 inches equal 1 mile.

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

State of Idaho

County of Ada ss.

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

Sworn To before me this 21st day of June, 19 73

Raymond Spunar
(Claimant)

Notary Public

Residing at Boise, Idaho

My commission expires June 15, 1977

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>6-21-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>6-21-73</u>		claimant by:	
\$10.00 fee received by <u>R. Leonor</u>	Date <u>6-21-73</u>	<u>Ref no 11121</u>		
Approved for publication by				
Published in <u>Newspaper Caldwell, Id.</u>				
Dates <u>6-28 & 7-5, 1973</u>				