

Idaho Department of Water Resources

63-7075B

T02N R03W S24

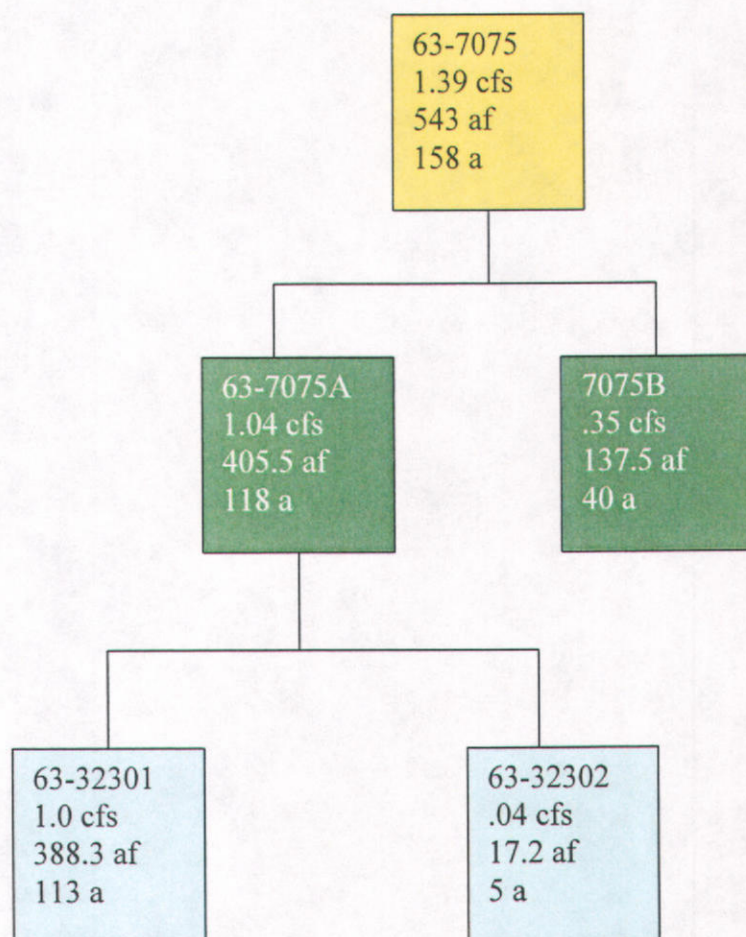


- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



400 0 400 800 1200 1600 Feet

IDWR
Prepared by: Sandy Egbert
1987 NAAP Photography



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 63-7075B
Date Received: 6/28/01
Receipt No: W027963
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DAVID DANIEL Phone: (208)467-1525

12197 DEER FLAT RD
NAMPA ID USA 83686

ANGELA DANIEL Phone: (208)467-1525

12197 DEER FLAT RD
NAMPA ID USA 83686

2. Date of Priority: 03/11/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	24	SE NW	CANYON	

5. Description of diverting works:

Well with vertical turbine pump, pipelines and sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.352	

7. Total Quantity Appropriated is:
0.352 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
02N	03W	24	SW	NE	IRRIGATION	40
Section Acres						40
Total Acres						40

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: 63-3330B

14. Remarks:

This claim is for a 40 acre portion of water right 63-7075. In combination with 63-3330B, the total diversion rate is .80 cfs and 180 afa.

15. Basis of Claim: License

JUN 28 2001

WATER RESOURCES
WESTERN REGION

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

Date Received

Receipt Number

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) David Daniel and Angela Daniel Phone (208) 467-1525

Mailing Address 12197 Deer Flat Road, Nampa, ID Zip 83686

2. Date of Priority (Only one (1) per claim) 3/11/1968

3. Source of water supply (a) groundwater
which is tributary to (b) NA

4. a. Location of existing point of diversion is: Township 2N Range 3W Section 24,
1/4 of SE 1/4 of NW 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. well with vertical turbine pump,
pipelines and sprinklers

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 0.352 or 137.5
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 0.352 (cfs) and/or (b) 137.5 (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	3W	24			40														40

Total number of acres irrigated 40

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-3330 or None ()

14. Remarks:
This claim is for a 40-acre portion of water right 63-7075. In combination with 63-3330, the total diversion rate is 0.80 cfs and 180 afa.
- _____
- _____
- _____

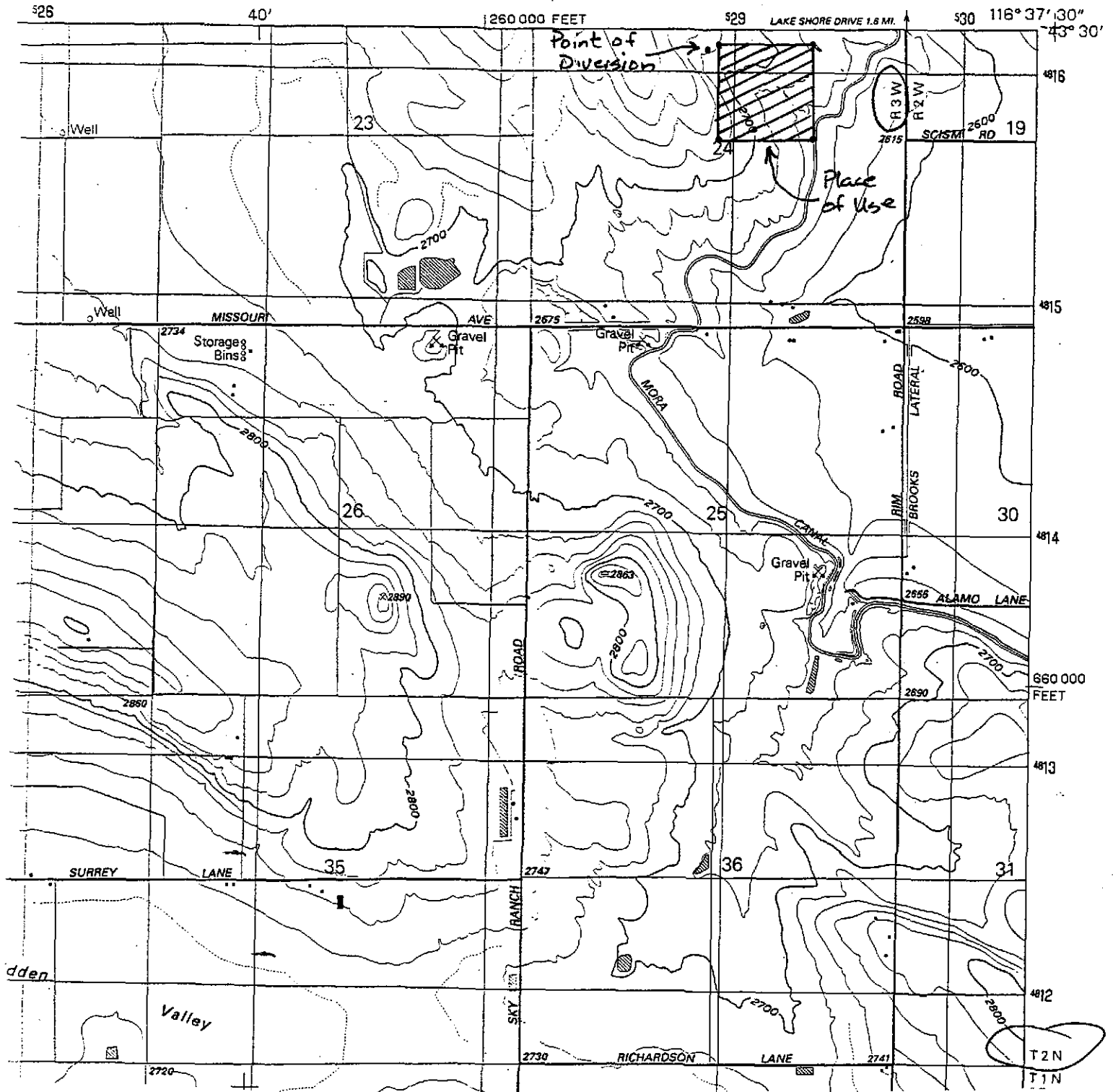
Last Name Daniel Ident No. _____

Copies: White -State, Yellow-Claimant

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

GIVENS HOT SPRINGS QUADRANGLE IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)



Last Name Daniel Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Be ☒ Official Use ☐ Posted Notice ☐ Inse ☒ Permit ☐

If applicable provide IDWR Water Right Number 63-7075

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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) Daniel Daniel Date 6/27/01

Angela Daniel Date 6/27/01

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.

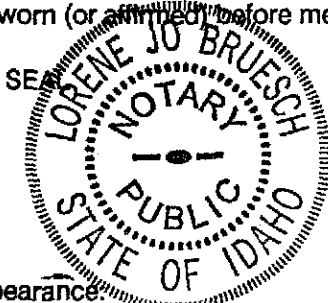
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 27th day of June 2001



Notary Public Lorene Jo Bruesch

Residing at Nampa Id

My Commission Expires 2/20/03

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 Daniel Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

JAN 12 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A. Subcase 63-7075B

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David and Angela Daniel
Address: 12197 Deer Flat Rd.
Nampa, ID 83686

Daytime Phone: (208) 467-1525

Name & Address of Attorney, if any:

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

Name: David Daniel
Angela Daniel
Address: 12197 Deer Flat Rd.
Nampa, ID 83686

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: Condition should be corrected.
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use
Should be: Condition should be corrected.

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.

E. REASONS SUPPORTING OBJECTION(S): At the time I purchased this property, there was some evidence of non-use of the appurtenant water rights (63-3330B and 63-7075B) and the SRBA Court had not yet "tolled" forfeiture during the SRBA process. Fearing the existing rights might be lost in the SRBA, I purchased a small portion of water right 63-3599D. My portion of that right is numbered 63-31189. I now have a recommendation in the SRBA for all three rights. By limiting the three rights in combination, IDWR prevents me from selling or transferring 63-31189, the right I no longer need now that my use of 63-3330B and 63-7075B will be assured by the issuance of Partial Decrees in the SRBA.

F. VERIFICATION (Must be completed)

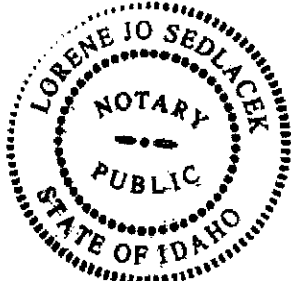
State of Idaho)
County of Canyon)ss.

David Daniel, duly sworn, upon oath, deposes and says:

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

D. Daniel

Subscribed and sworn to before me on: 1/11/07



Lorene Jo Sedlacek

Notary Public for Idaho

Residing at: Nampa ID

My Commission Expires: 2/26/09

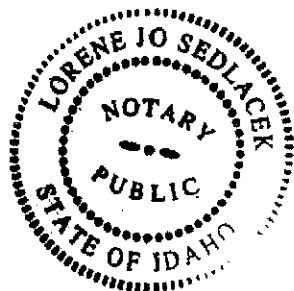
State of Idaho)
County of Canyon)ss.

Angie Daniel, duly sworn, upon oath, deposes and says:

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

Angie Daniel

Subscribed and sworn to before me on: 1/11/07



Lorene Jo Sedlacek

Notary Public for Idaho

Residing at: Nampa ID

My Commission Expires: 2/26/09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 11, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

Name: David and Angela Daniel
Address: 12197 Deer Flat Rd.
Nampa, ID 83686

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney



SPF Water Engineering, LLC
water resource consultants

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

October 19, 2006

IDWR Regional Office
2735 Airport Way
Boise, ID 83705

Subject: Notice of Error for IDWR's preliminary recommendations for 63-3330B, 63-7075B and 63-31189

Dear Western,

We are submitting the enclosed *Notice of Error Reply* forms on behalf of our clients, David and Angela Daniel.

As noted on the forms, the Daniels purchased a water right (63-31189) in an effort to assure they did not lose the right to irrigate property they purchased in Canyon County. The SRBA Court's decision "tolling" forfeiture (which applies to the other claims) was subsequent to the purchase of 63-31189. In other words, they no longer need 63-31189 to protect their right to irrigate and now wish to sell it. The combined use conditions on the preliminary recommendations imply the rights are "stacked" and might prevent their sale.

Please let me know if you have any questions.

Sincerely,

Roxanne Brown
Water Rights Specialist

File No.: 241.0010

*Cannot remove
condition unless
5 acres are removed
from one of the rts.
Possibly protect priority
date. Do not have
45 acres, only 40.
Need to end up
with 35 acres + then
the 5 acres can be sold.*

NOTICE OF ERROR
REPLY

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

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: 63-7075B

DAVID DANIEL
ANGELA DANIEL
12197 DEER FLAT RD
NAMPA ID 83686

Telephone Number (208) 467-1525

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

Quantity Condition: "Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to a total combined diversion rate of .8 cfs and to a total combined annual diversion volume of 180 AF."

Place of Use Condition: "Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to the irrigation of a combined total of 40 acres in a single irrigation season."

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

Quantity Condition: "Right Nos. 63-3330B and 63-7075B are limited to a total combined diversion rate of .8 cfs and to a total combined annual diversion volume of 180 AF."

Place of Use Condition: "Right Nos. 63-3330B and 63-7075B are limited to the irrigation of a combined total of 40 acres in a single irrigation season."

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

I purchased this land in 1991 from Donald and Sandra Taggart. At the time of purchase, there was some evidence of non-use of the appurtenant water rights (63-3330B and 63-7075B) and the SRBA Court had not yet "tolled" forfeiture during the SRBA process. Fearing the existing rights might be lost in the SRBA, I purchased a small portion of water right 63-3599D from Mr. Hukill (63-3599D had previously been placed in the Idaho Water Supply Bank). My portion of 63-3599D was numbered 63-31189. I continued to irrigate my property and now have a recommendation in the SRBA for all three rights.

I now wish to sell one acre of right 63-31189. (In fact, an application to transfer a portion of this right has been submitted to IDWR by Ronald and Katherine Lauer.) I own an additional 16 acres of property at my current location that does not have any water rights. I plan to transfer the other four acres of right 63-31189 to that ground. If 63-31189 is conditioned in combination with my other rights, it will inhibit my ability to sell or transfer the right.

DATE: 10/16/2006

SIGNATURE:

David Daniel Angie Daniel

Please print your name:

David Daniel Angie Daniel

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

06/16/2006

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

RIGHT NUMBER: 63-7075B

NAME AND ADDRESS: DAVID DANIEL
12197 DEER FLAT RD
NAMPA ID 83686

ANGELA DANIEL
12197 DEER FLAT RD
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.350 CFS
137.500 AFY

Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to a total combined diversion rate of .8 cfs and to a total combined annual diversion volume of 180 AF.

PRIORITY DATE: 03/11/1968

POINT OF DIVERSION:

T02N R03W S24 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	0.350 CFS 137.50 AFY
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late 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

T02N R03W S24 SWNE 40.00

40 ACRES TOTAL

Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to the irrigation of a combined total of 40 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM ~ License

Idaho Department of Water Resources

63-7075B

T02N R03W S24



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



400 0 400 800 1200 1600 Feet

IDWR
Prepared by: Sandy Egbert
1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7075B V1

WATER RIGHT NUMBER: 63-7075B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID DANIEL 12197 DEER FLAT RD NAMPA, ID 83686 (208)467-1525
Current Owner	ANGELA DANIEL 12197 DEER FLAT RD NAMPA, ID 83686 (208)467-1525

Priority Date: 03/11/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	0.350 CFS	137.50 AF
	<u>Total Diversion:</u>	0.350 CFS	137.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 24, Twp 02N, 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	
02N	03W	24			40.0														40.0

Total Acres: 40

Conditions of Approval:

1. E55 Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to the irrigation of a combined total of 40 acres in a single irrigation season.
2. E60 Right Nos. 63-3330B, 63-7075B and 63-31189 are limited to a total combined diversion rate of .8 cfs and to a total combined annual diversion volume of 180 AF.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late 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 63-7075B 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:Dates and Other Information:

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

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.8	180	40

Combined Water Rights: 63-31189 , 63-3330B , 63-7075B

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			02/17/2006	lharris	Active
Priority Date	2/23/2006 2:42:30 PM	segbert			Active
POD	2/23/2006 2:42:49 PM	segbert			Active
Source	2/23/2006 2:43:22 PM	segbert			Active
POU	2/23/2006 2:43:34 PM	segbert			Active
Use	2/23/2006 2:44:13 PM	segbert			Active
Season	2/23/2006 2:45:25 PM	segbert			Active
Quantity	2/23/2006 2:45:52 PM	segbert			Active
Summary			02/23/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7075B V1

Summary	2/23/2006 2:49:23 PM	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? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	2/23/2006 2:44:06 PM	segbert	Updated shape for Active POU
Season	2/23/2006 2:45:36 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/23/2006 2:46:03 PM	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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 4.5 x acres
General	2/23/2006 2:42:41 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7075B V1

POD	2/23/2006 2:43:00 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	2/23/2006 2:43:19 PM	segbert	Updated shape
Source	2/23/2006 2:43:32 PM	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?
POU	2/23/2006 2:43:45 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	2/23/2006 2:44:24 PM	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?
Summary	2/17/2006 1:33:00 PM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7075B

WATER RIGHT NUMBER: 63-7075B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID DANIEL 12197 DEER FLAT RD NAMPA, ID 83686 (208)467-1525
Current Owner	ANGELA DANIEL 12197 DEER FLAT RD NAMPA, ID 83686 (208)467-1525

Priority Date: 03/11/1968 ✓
 Basis: License ✓
 Status: Active ✓

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION ✓	03/01 to 11/15		0.35 CFS
	4-1 to 10-15		0.35 CFS
	<u>Total Diversion:</u>		0.35 CFS

*100% of new
for license*

*137.5 4.5 x 40
days x
.35 x 198 1.9835 = 137.5*

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 24, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	03W	24	40.0				40.0

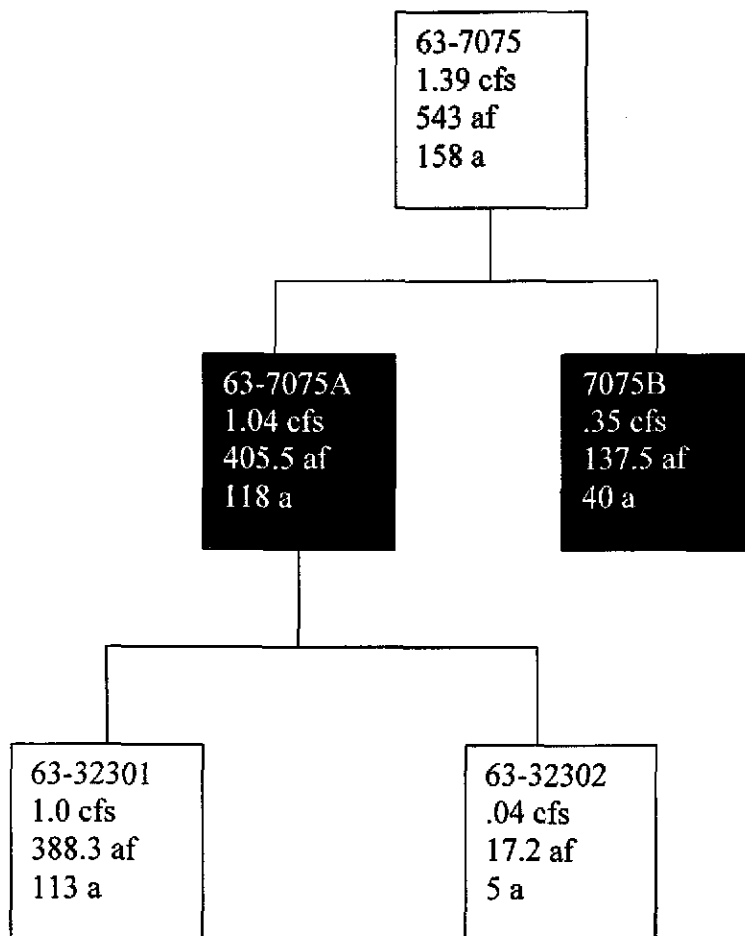
Total Acres: 40

Conditions of Approval:

- This claim is for a 40 acre portion of water right 63-7075. In combination with 63-3330B, the total diversion rate is .80 cfs and 180 afa.

Remarks:Comments:

*overlaps 63-3330B
 use conditions on 3330B
 shoulder remark*



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7075

WATER RIGHT NUMBER: 63-7075

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JO ANN B BREACH 12823 DEERFLAT RD NAMPA, ID 83686 (208)466-7175
Current Owner	HAROLD D BREACH 12823 DEERFLAT RD NAMPA, ID 83686 (208)466-7175

Priority Date: 03/11/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	1.390 CFS	543.00 AF
	<u>Total Diversion:</u>	1.390 CFS	543.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 24, Twp 02N, 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	
02N	03W	24			40.0			38.0			40.0			40.0					158.0

Total Acres: 158

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. 016 See remarks for additional conditions of approval.
3. NOT TO EXCEED 711. AFA.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-7075B

02/17/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3330B	Claim	02N	03W	24	SW	NE		IRRIGATION	39/39	DAVID DANIEL
'075A	Claim	02N	03W	24	SW	NE		IRRIGATION	40/35	MARIANNE WILLIAMS
'075B	Claim	02N	03W	24	SW	NE		IRRIGATION	40/40	DAVID DANIEL
31189	Claim	02N	03W	24	SW	NE		IRRIGATION	5/5	ANGELA DANIEL
3330	Water Right	02N	03W	24	SW	NE		IRRIGATION	39/154	WESLEY R SCHOBER
7075	Water Right	02N	03W	24	SW	NE		IRRIGATION	40/158	JO ANN B BREACH

Receipt Details for ID W027963

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/28/2001 10:25:46 AM	6/28/2001 3:27:11 PM	WESTERN	\$140.00	Check
Payer		DANIEL, DAVID		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1096			
Card Expiration Date	Credit Card Transaction #		

Comment NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$140.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 63-7075 Priority March 11, 1968 Amount 1.39 cfs

THIS IS TO CERTIFY, that Harold D. Breach & JoAnn Breach
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 63-7075 issued pursuant to Application for Permit dated March 11, 1968,
and has submitted proof to the Department of Water Administration on July 17, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.20 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Oct. 15</u> at <u>1.39</u> cfs and <u>543 acre feet or</u>			<u>4.5 af per acre</u>
from _____ to _____ at _____ cfs and _____			
from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 1.39 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
* 543 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 24,
Twp. 2 N, Rge. 3 W, B.M. in the County of Canyon

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 $\frac{1}{4}$	
2 N	3 W	24			40		38			40	40								158

Total number of acres irrigated 158

* Subject to the condition that the maximum volume per year shall not exceed
711 acre feet when combined with License No. G-30992/63-3330.

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 7 day of
February, 19 74.

Director

Identification No. 63-7075

Application No. 42357

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

LICENSE ISSUED FOR 1.39 SEC. FL.
LICENSE PAGE NO. 1

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant HAROLD D. BREACH and JO ANN BREACH, husband and wife
post office address Route #4, Nampa, Idaho 83651

2. Source of water supply subterranean which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24 Township 2N
Range 3 W. B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.

4. Quantity to be appropriated:

a. 1.44 ^{allow} 1.40 cubic feet per second and/or

b. _____ acre feet per annum will be stored.

5. Water will be used for the following purposes:

Irrigation purpose from April 1 to October 15 (both dates inclusive)

_____ purpose from _____ to _____ (both dates inclusive)

_____ purpose from _____ to _____ (both dates inclusive)

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, 250 HP
electric motor and sprinklers (see letter
of 3-21-68)

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is 16 inches; proposed depth of well is 676 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 35,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

63-7075

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

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	
2 N	3 WBM	24			X		X			X	X								160 acres

Total number of acres to be irrigated 160 acres

c. Describe any other water rights used for the same purposes. Water right applied for herein shall be supplemental to and in addition to the license to be issued under Permit No. G-30992 in the amount of 88 inches, bringing the total water right on this property up to 1 inch per acre.

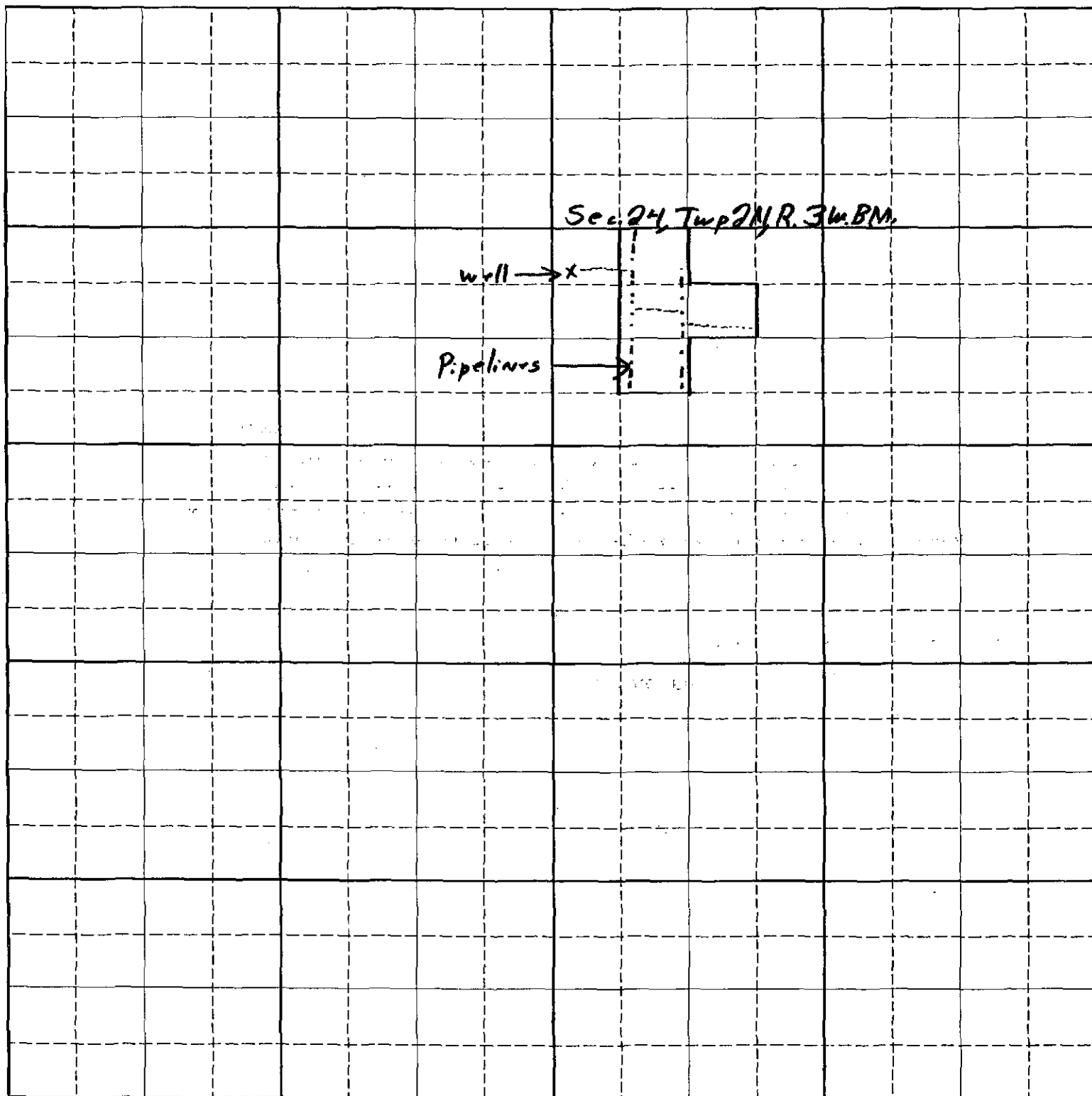
9. a. Who owns the property at the point of diversion Applicants are purchasing it from Rex Jensen

b. Who owns the land to be irrigated or place of use Applicants purchasing 120 acres from Wesley R. Schober and renting NE 1/4 NW 1/4 from United States

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicants are contract purchasers of SE 1/4 NW 1/4, NE 1/4 SW 1/4, and SW 1/4 NE 1/4 from Wesley R. Schober and wife, on file at the First Security Bank of Idaho, Nampa, Idaho. Applicants are lessees from the United States of the NE 1/4 NW 1/4.

10. Remarks The point of diversion in this application is an existing well constructed under and pursuant to Permit No. 63-7011 issued to applicants herein previously. After constructing the well pursuant to that permit, applicants found that the well would produce more than the 120 inches applied for on the said Permit No. 63-7011. For this reason, this supplemental application has been made to obtain an additional water right for the real property described herein sufficient to bring the total entitlements for said land up to 1 inch per acre.

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

James O. Breach
(Applicant)
James Breach

13-7075

Received by ef Date 3-11-68 Time 8:00am
Preliminary check by DW Fee \$ 25.00
Receipted by ef Date 3-13-68
Publication prepared by ef Date 4-17-68
Published in Idaho Free Press
Publication dates 4-25, 5-2-68
Publication approved EP Date 4-22-68
Priority reduced to _____ Reason _____

Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by [initials]

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7075, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1973.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.
This permit is supplemental to all prior rights.
Maximum rate of diversion shall not exceed 1.40 c.f.s.

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of June, 1968.

R. Keith Higgins
State Reclamation Engineer

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

Description of diverting works: well & pumps, enclosed sprinkler system

6. Lands to be irrigated or place of use.

160

Diagram of System

Diagram of System

DATE OF EXAM 1 June 73

ACREAGE
Found 158
Recommended 158

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 1.40 c.f.s. V = 588 AF/Ann. from April to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: Groundwater
twp. 2 N/S, Rge. 3 E/W, B.M., Sec. 24, Sub. NW 1/4 NW 1/4 Congers County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 4.2 cfs Method of measurement Badger Meter

Total Q recommended 1.4 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 588 Ac Ft/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

$Q = 1700 \text{ gpm} = 4.2 \text{ cfs}$
 $Q_{\text{allow}} = 1.40 \text{ cfs}$
 $V = \frac{(2)(1.40)(2.5 \text{ days/season})}{1.97} = \frac{588 \text{ Ac Ft/Ann}}{543 \text{ BDF}}$

SYSTEM DESCRIPTION:

Fuller shaft 200HP 460Volt 1720 rpm motor Ser# 514150, 3
Longer + Bowler Pump = 018941 8" discharge to US Motors
50 HP Booster Pump Centrifugal type Buried sprinkler
system

REMARKS:

Examiner's Signature James Booker Date 29 June 73

Checked by _____ Date _____

Approved by _____ Date _____