

Idaho Department of Water Resources

SRBA Recommendation:

63-10435

(Irrigation)

Legend

Point of Diversion



Place of Use



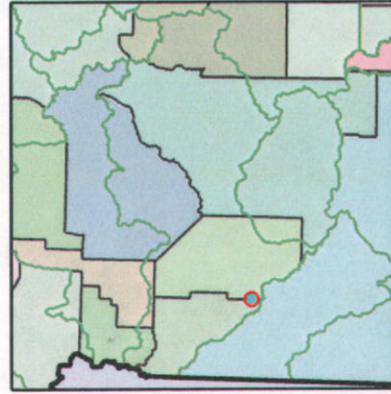
Townships



PLS Sections



Quarter Quarters



Ada County
IDWR Basin 63



0.4 Miles

0.2

0

Prepared by S. Egbert
On Friday, September 15, 2006
1987/88 Aerial 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 63-10435
Date Received: 9/14/2006
Receipt No: W034681
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

REBEKAH TLUCEK Phone: (208)495-2005
4619 S CAN-ADA
MELBA ID USA 83641

KEVIN TLUCEK Phone: (208)495-2005
4619 S CAN-ADA
MELBA ID USA 83641

SHELLEY TLUCEK Phone: (208)495-2005
4619 S CAN-ADA
MELBA ID USA 83641

BYRON TLUCEK Phone: (208)495-2005
4619 S CAN-ADA
MELBA ID USA 83641

2. Date of Priority: 05/09/1987

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	01W	18	NE NW	ADA	

5. Description of diverting works:

Water is pumped from the groundwater well (approx. 363 ft. deep) using a 60 hp pump into an 8 inch gravity flow line, which transports the water to a holding pond. From there, the water flows into a weir box for measurement and then into a cement ditch, where the water is commingled with water obtained from the nearby canal operated by the Boise-Kuna Irrigation Dist. The cement ditch transports the water to the place of use for irrigation using hand lines and a wheel line.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.74	

7. Total Quantity Appropriated is:
0.74 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
01S	01W	18	NW	NE	IRRIGATION	4
			NE	NW	IRRIGATION	34
			NW	NW	IRRIGATION	30
Section Acres						68
Total Acres						68

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

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: 39576

Ident. Number 63-10435

Date Received

9-14-06

Receipt Number

W034681

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 14 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Byron Tlucek, Kevin Tlucek, Rebekah Tlucek & Shelley Tlucek Phone (208) 941-6144Mailing Address 4619 S. Can-Ada Road, Melba, ID Zip 836412. Date of Priority (Only one (1) per claim) May 9, 19873. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 01S Range 01W Section 18,
NE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

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.

Water is pumped from the groundwater well (approximately 363' deep) using a 60-horsepower pump into an eight inch (8") gravity flow line, which transports the water to a holding pond. From there, the water flows into a weir box for measurement and then into a cement ditch, where the water is commingled with water obtained from the nearby canal operated by the Boise-Kuna Irrigation District. The cement ditch transports the water to the place of use for irrigation using hand lines and a wheel line.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.74 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.74 (cfs) and/or (b) _____ (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:

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
			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	
01S	01W	18		4			34	30											68

Total number of acres irrigated 68

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

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.
This water right supplements water obtained from Boise-Kuna Irrigation District. or None ()

14. Remarks:

Last Name Tlucek Ident No. 63-10435

Scale: 2 inches equals 1 mile Please see attached map.

A 16x16 grid of 256 squares. Each square contains a small crosshair pattern, which is a central vertical line and a central horizontal line intersecting at the center, with short horizontal and vertical segments extending from the intersection. The grid is composed of 16 columns and 16 rows of these squares.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-10435
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 One (1)

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

Signature of Claimant (s) [Signature] Date 9-18-06

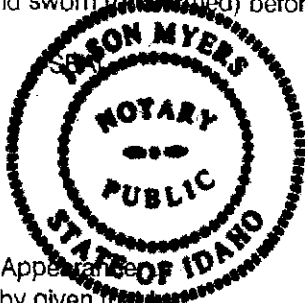
Date _____

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 _____ }
County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 8th day of September
Notary Public [Signature]
Residing at Kuna
My Commission Expires 4-17-12



17. Notice of Appearance
Notice is hereby given that Scott L. Campbell 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 [Signature]
Address P.O. Box 829, Boise, ID 83701-0829
Date 9/13/06

Last Name Tlucek Ident. Number 63-10435

Volumetric
limit

Ad as Computer-Enhanced

47

P/D

Б

159

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau

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 No.: 63-10435

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: STATE OF IDAHO
Address: Office of the Attorney General
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WAsDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General

Attorney Address: Office of the Attorney General
Natural Resources Division
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, Idaho 83711-4449

Attorney Phone No. (208) 334-2400

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

Name: Rebekah Tlucek
 Kevin Tlucek
 Shelley Tlucek
 Byron Tlucek
 4619 S. Can-Ada Road
 Melba, Idaho 83641

Name & Address of Attorney, if any:

 Scott L. Campbell
 Moffatt Thomas Barrett Rock & Fields
 PO Box 829
 Boise, ID 83701

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(s) of Diversion**

6. ☐ **Instream Flow Description**

7. ☒ **Purpose(s) of Use**

8. ☒ **Period of Year**

9. ☐ **Place of Use**

11. **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)

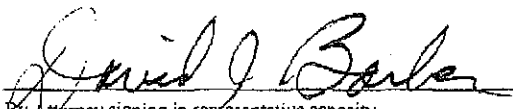
DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

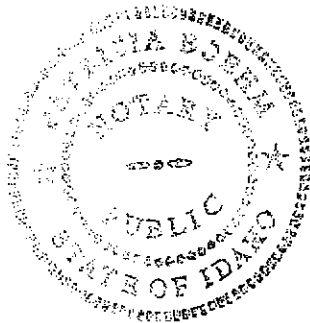
LAWRENCE G. WASDEN
Attorney General

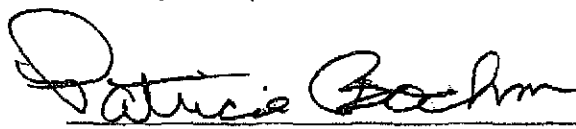
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on this 17th day of August 2007
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 11/6/09

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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 this 17th day of August 2007, I caused to be served the original and copies of this response to the following persons by the indicated methods:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, Idaho 83303-2707
FEDERAL EXPRESS
2. One copy to the claimant of the water right at the following addresses:

Name: Rebekah Tlucek
Kevin Tlucek
Shelley Tlucek
Byron Tlucek
Address: c/o Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise, ID 83701
U. S. MAIL
3. One copy to the party who filed the objection at the following address:

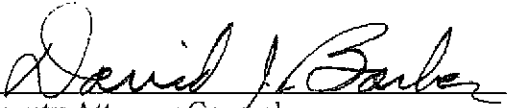
Name: Rebekah Tlucek
Kevin Tlucek
Shelley Tlucek
Byron Tlucek
Address: c/o Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise, ID 83701
(not applicable)
4. Copies to: IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE
MAIL

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

U. S. MAIL

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

(not applicable)


Deputy Attorney General

**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 63-10435

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rebekah Tlucek, Kevin Tlucek, Shelley Tlucek & Byron Tlucek

Address: 4619 S. Can-Ada Road

Melba, Idaho 83641

Daytime Phone: (208) 495-2034

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas

PO Box 829, Boise, Idaho 83701

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

Name: Rebekah Tlucek, Kevin Tlucek, Shelley Tlucek & Byron Tlucek

Address: 4619 S. Can-Ada Road

Melba, Idaho 83641

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Please see Attachment 1 hereto
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: Please see Attachment 1 hereto
8. ☒ **Period of Year**
Should be: Please see Attachment 1 hereto
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.

E. **REASONS SUPPORTING OBJECTIONS(S):**

Please see Attachment 2 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

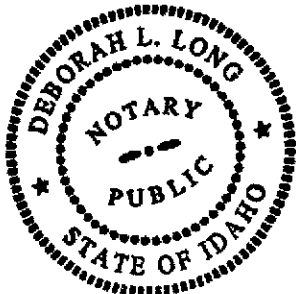
6/19/07

Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires:

10/10/07



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 June 19, 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:

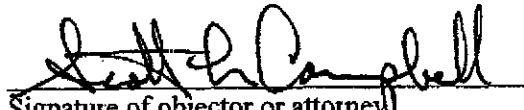
Name: Rebekah Tlucek, Kevin Tlucek, Shelley Tlucek & Byron Tlucek
Address: 4619 S. Can-Ada Road
Melba, Idaho 83641

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


Signature of objector or attorney
mailing on Objector's behalf

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-10435**

Rebekah Tluczek, Kevin Tluczek, Shelley Tluczek, and Byron Tluczek are objecting to inclusion of the annual volumetric limitation in the amount of 306.00 afy, as such appears under the Quantity and Purpose and Period of Use elements of the Director's Report.

**ATTACHMENT 2 TO
STANDARD FORM 1 - OBJECTION
SUBCASE 63-10435**

Reasons Supporting Objection(s)

Quantity:

There is no legal basis for inclusion of the volumetric limitation, as it was not contained as a restriction in the license.

Purpose and Period of Use:

There is no legal basis for inclusion of the volumetric limitation, as it was not contained as a restriction in the license.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Buras

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Mercalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

October 31, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Water Right No. 63-10435 in the Names of Byron Tlucek, Kevin Tlucek, Rebekah Tlucek and Shelley Tlucek
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed please find the original and one copy of a Notice of Error Reply form for water right 63-10435, which we are submitting on behalf of our clients, Byron Tlucek, Kevin Tlucek, Rebekah Tlucek and Shelley Tlucek. Please file the original, receive-stamp the copy, and return it in the enclosed self-addressed, stamped envelope.

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
Enclosure
cc: Jerry Tlucek (w/encl.)

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: 63-10435

REBEKAH TLUCEK
4619 S CAN-ADA RD
MELBA ID 83641

KEVIN TLUCEK
4619 S CAN-ADA RD
MELBA ID 83641

SHELLEY TLUCEK
4619 S CAN-ADA RD
MELBA ID 83641

BYRON TLUCEK
4619 S CAN-ADA RD
MELBA ID 83641

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

Quantity; Purpose and Period of Use

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

Quantity: Delete the volumetric limitation of 306 acre feet per year.

Priority Date: Delete the following remark: "The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The of the water before March 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."

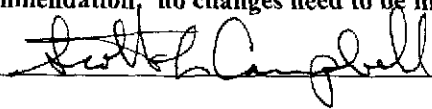
3. Give a brief explanation as to why you disagree with these portions:

Quantity: There is no basis for inclusion of the acre feet per year volumetric limitation.

Purpose and Period of Use: There is no basis for inclusion of the remark.

*Volume is on license
Remark is standard*

_____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/31/06 SIGNATURE: 

Please print your name: Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of record for Rebekah Tlucek, Kevin Tlucek,
Shelley Tlucek, and Byron Tlucek

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 208-334-2190

09/15/2006

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

RIGHT NUMBER: 63-10435

NAME AND ADDRESS: REBEKAH TLUCEK
4619 S CAN-ADA
MELBA ID 83641

KEVIN TLUCEK
4619 S CAN-ADA
MELBA ID 83641

SHELLEY TLUCEK
4619 S CAN-ADA
MELBA ID 83641

BYRON TLUCEK
4619 S CAN-ADA
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
306.000 AFY

PRIORITY DATE: 05/09/1987

POINT OF DIVERSION:

T01S R01W S18 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.740 CFS 306.00 AFY
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early 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 ADA County

T01S R01W S18	NWNE	4.00	T01S R01W S18	NENW	34.00
T01S R01W S18	NWNW	30.00			

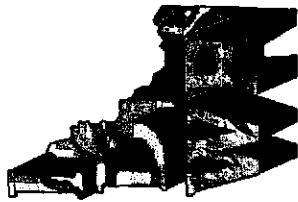
68 ACRES TOTAL

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

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.



Idaho Department of Water Resources

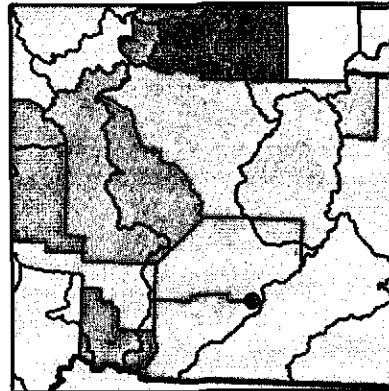
SRBA Recommendation:

63-10435

(Irrigation)

Legend

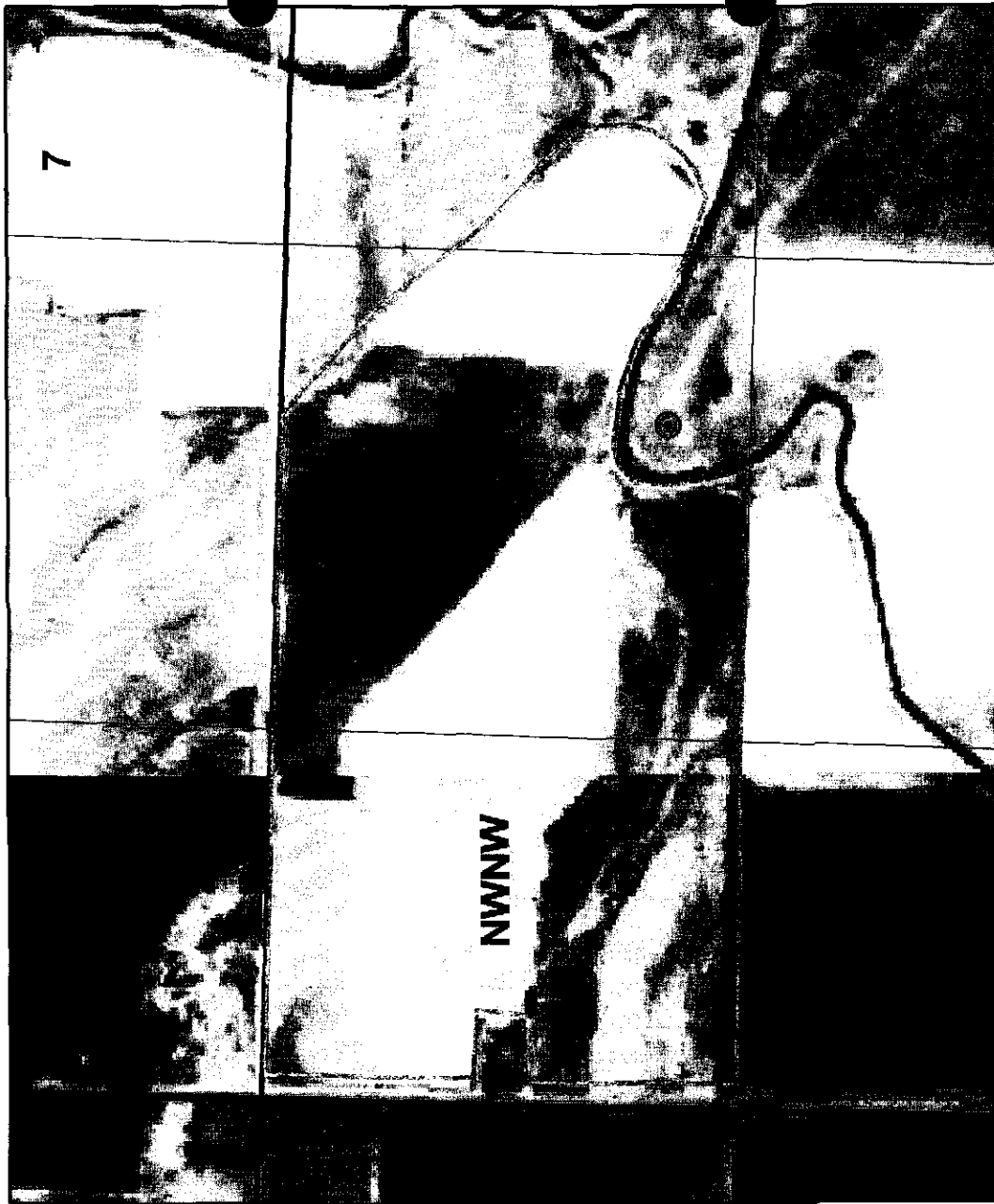
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Friday, September 15, 2006
1987/88 Aerial Photography

R01W



T01S

NWNW

0.4 Miles

0.2

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10435 V1

WATER RIGHT NUMBER: 63-10435 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REBEKAH TLUCEK 4619 S CAN-ADA MELBA, ID 83641 (208)495-2005
Current Owner	KEVIN TLUCEK 4619 S CAN-ADA MELBA, ID 83641 (208)495-2005
Current Owner	SHELLEY TLUCEK 4619 S CAN-ADA MELBA, ID 83641 (208)495-2005
Original Owner	RICHARD L REINEKE 539 HILL RD MELBA, ID 83641 (208)459-2463
Current Owner	BYRON TLUCEK 4619 S CAN-ADA MELBA, ID 83641 (208)495-2005
Original Owner	JANICE I REINEKE 539 HILL RD MELBA, ID 83641 (208)495-2463
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 05/09/1987

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.740 CFS	306.00 AF
	<u>Total Diversion:</u>	0.740 CFS	306.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 18, Twp 01S, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-10435 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	01W	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				4.0			34.0	30.0											68.0

Total Acres: 68

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. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
3. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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:
 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	9/15/2006 8:26:49 AM	segbert			Active
POD	9/15/2006 8:27:07 AM	segbert			Active
Source	9/15/2006 8:27:49 AM	segbert			Active
POU	9/15/2006 8:28:03 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10435 V1

Use	9/15/2006 8:28:51 AM	segbert	Active
Season	9/15/2006 8:29:10 AM	segbert	Active
Quantity	9/15/2006 8:29:51 AM	segbert	Active
Summary	09/15/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	9/15/2006 8:28:22 AM	segbert	Updated shape for Active POU
Summary	9/15/2006 8:32:24 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?
General	9/15/2006 8:26:50 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	9/15/2006 8:27:07 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?
Source	9/15/2006 8:27:50 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 63-10435 V1

POU	9/15/2006 8:28:03 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/15/2006 8:28:51 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?
Season	9/15/2006 8:29:10 AM	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? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	9/15/2006 8:29:51 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? (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?
POD	9/15/2006 8:27:30 AM	segbert	Updated shape

Water Supply Bank:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10435

Total Acres: 68

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

Comments:

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10435

Priority: May 9, 1987

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.74 CFS
306.0 AF

This is to certify, that RICHARD L. REINEKE
JANICE I. REINEKE

RT. 1 BOX 125
MELBA, ID 836410000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 1987; and has submitted Proof of Beneficial Use on July 18, 1988. An examination indicates that the works have a diversion capacity of .740 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.74 CFS	306.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW, Sec. 18, Township 01S, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	01W	18	NWNE 4	NENW 34	LOT 1(NWNW) 30	68
Total number of acres irrigated:						68

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

JAN 09 1991

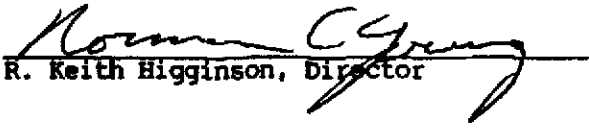
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10435

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1970.

acting for


R. Keith Higginson, Director



RECEIVED

JAN 13 1971

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

SEP 14 2006

WATER RESOURCES
WESTERN REGION

September 12, 2006

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

**Re: SRBA Claim for Water Right 63-10435 (In the Names of Byron Tlucek,
Kevin Tlucek, Rebekah Tlucek and Shelley Tlucek)**
MTBR&F File No. 22377.1

To Whom It May Concern:

Enclosed please find an original and one copy of the Snake River Basin Notice of Claim to a Water Right for water right 63-10435, in the names of Byron Tlucek, Kevin Tlucek, Rebekah Tlucek and Shelley Tlucek. Also enclosed is the requisite filing fee in the amount of \$236.00 (claim fee of \$100 plus acreage fee of \$136 (68 acres x \$2 per acre)). Please file the original and return the receive-stamped copy in the enclosed, self addressed stamped envelope. *LG*

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
Enclosures

cc: Jerry Tlucek (w/encls.)