

No Color
Documents
In File

9

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: A63-09194
Date Received: 9-28-90
Receipt No: 6018457
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: DEC 08, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	2	SW	SW	SW		CANYON

5. Description of diverting works:
ARTESIAN WELL INTO HEADBOX COLLECTION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	5.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	2	SW	SW		FISH	

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:

PATTERSON DRAINAGE WELLS AND 5 OTHER WELLS

14. Remarks:

AGREEMENT WITH NAMPA-MERIDIAN IRRIGATION DIST. FOR USE OF WELLS
SEE FILE #63-7879

NON-IRRIGATION USES: FISH/4 VATS 2.5' X 3' X 12', 16 RACEWAYS
2' X 5' X 50', 3 RACEWAYS 3' X 12' X 200'.

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

#100⁵

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: A63-09194
Date Received:
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83726
07

2. Date of Priority: DEC 08, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	2	SW	SW			CANYON

5. Description of diverting works:
ARTESIAN WELL into headbox collection system

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	5.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses: Fish propagation
4 Vats 2.5' x 3' x 12'
16 Raceways 2' x 5' x 50'
3 Raceways 3' x 12' x 200'

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	2	SW	SW		FISH	

11. Place of use in counties: CANYON

A63-09194

Page 1

Date: 02/14/89

MICROFILMED
AUG 24 1992

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

13. Other Water Rights Used:

PATTERSON DRAINAGE WELLS AND 5 OTHER WELLS

14. Remarks:

AGREEMENT WITH NAMPS-MERIDIAN IRRIGATION DIST. FOR USE OF WELLS
SEE FILE #63-7879

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am Director of
IDAHO DEPT. OF FISH & GAME, that I have signed the foregoing
document in the space below as Director of
IDAHO DEPT. OF FISH & GAME and that the statements contained in the
foregoing document are true and correct.

Director

Signature of Authorized Agent
IDAHO DEPT. OF FISH & GAME

Title and Organization

June 20, 1990
Date

State of Idaho

County of

Ada

) SS.
)

Subscribed and sworn (or affirmed) before me this 20th day

of

June

19

90

Norothy Baker
Notary Public

Seal

Residing at

Emmett, Idaho

My Commission Expires

October 31, 1991

**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 63-9194

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: State of Idaho
Dept. of Fish & Game
Address: P.O. Box 25
Boise, Idaho 83707

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

1. X **Name and Address**
 Should be: See below.
2. X **Source**
 Should be: See below.
3. X **Quantity**
 Should be: See below.
4. X **Priority Date**
 Should be: See below.
5. X **Point(s) of Diversion**
 Should be: See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: See below.
8. X **Period of Year**
 Should be: See below.
9. X **Place of Use**
 Should be: See below.
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):** See Attachment 1, attached hereto.

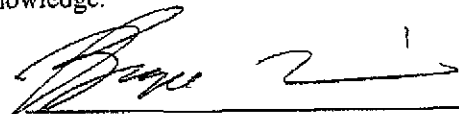
F.

VERIFICATION (must be completed)

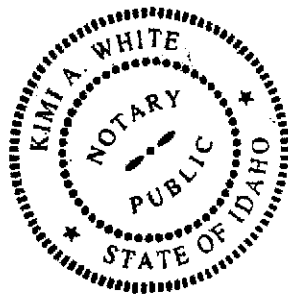
State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, 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.


S. Bryce Farris

Subscribed and sworn to before me on: June 14, 2007




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 14, 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:

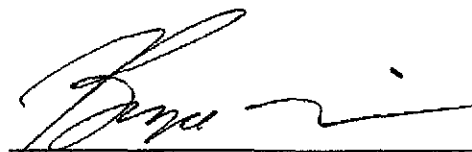
Name: State of Idaho
Dept. of Fish & Game
Address: P.O. Box 25
Boise, Idaho 83707

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT 1

63-9194

The source of this water right, and water right no. 63-7879, is water that is owned and delivered by Nampa & Meridian Irrigation District ("NMID"). NMID owns the wells formerly known as the "Hosack Wells" but now generally known as the "Patterson Wells." The water from said wells first passes through the Claimant's fish propagation facilities, which is a non-consumptive use, and then is discharged into NMID's Bray Lateral and/or Wilson Drain for delivery and use for irrigation purposes by NMID's landowners. In fact, NMID and Claimant's predecessor in interest entered into a License Agreement which grants Claimant a "license" to use NMID's water for fish propagation. A copy of said License Agreement is attached hereto.

The point of diversion listed in this water right includes NMID's Patterson Wells and thus the source of the water right is NMID's Patterson Wells. Accordingly, this water right should be disallowed and/or decreed in the name of NMID to the extent this water right is claiming to own water from NMID's Patterson Wells. Consistent with NMID's ownership of the Patterson Wells, the priority date should reflect NMID's priority for the Patterson Wells, the purpose and period of use should reflect irrigation use and the place of use should reflect the boundary of NMID.

In addition, to the extent this water right is claiming wells and/or points of diversion that are not owned by NMID, said wells are still subject to the above-referenced License Agreement. The Claimant's right to use said water is non-consumptive and NMID has the right to use said water for irrigation purposes and the place of use is the boundary of NMID. Any portion of this right that is not owned by NMID must reflect NMID's superior right to use this water right for irrigation purposes.

COPY

LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

BYRON V. ANDERSON AND SONYA J. ANDERSON

18 December 1973

Instrument No 720649

INSTRUMENT NO 720649

LICENSE AGREEMENT

COPY

717

LICENSE AGREEMENT, Made and entered into this 18th day of December, 1973, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, parties of the second part, hereinafter referred to in the singular as "Anderson";

W I T N E S S E T H:

WHEREAS, Anderson is the owner of the real property (burdened with the easement of the District hereinafter mentioned) situate in the County of Canyon, State of Idaho, particularly described as follows:

A portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M. described as commencing at the Southwest corner of said Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence East along the South line of said Section to the center of the drain ditch as now located; thence Northwesterly along the center of said drain ditch a distance of 22 rods; thence East from the center of said drain ditch, as now located, a distance of 22 feet; thence Northwesterly and parallel with said drain ditch to a point 100 feet from the North boundary line of said Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence West to the West line of said Southwest Quarter of the Southwest Quarter; thence South along the West boundary line of said Southwest Quarter of the Southwest Quarter to the point of beginning, being approximately 13.75 acres.

and,

WHEREAS, the District is the owner of the ditch known as Bray Lateral, together with the easement therefor, including the easement to convey drainage and irrigation water in such ditch and the easement to operate, maintain and repair such ditch, and which ditch is an integral part of the irrigation and drainage works and system of the District and which ditch and the said easements therefor cross and intersect said described real property of Anderson as shown on Exhibit A attached hereto; and,

WHEREAS, the District owns two artesian wells (formerly known as the "Hosack Wells" but now generally known as, and hereinafter referred to as, the "Patterson Wells") which are located in the Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, which the District uses for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage; and,

WHEREAS, the Patterson Wells were located along side the bank of the Bray Lateral, but a diversion from that point to the Wilson Drain was constructed by the District to receive the additional flow from the Patterson Wells at such time such flow could not be delivered through the Bray Lateral for irrigation use, and,

WHEREAS, all such references herein to use or development of additional discharge waters shall be consistent with and subservient to such diversion alterations between the aforementioned drain and lateral of the District, including whatever demands the

United States may make in conjunction with the use of the Wilson Drain, which is a part of its Boise Project drainage works; and,

WHEREAS, all references hereinafter appearing as the Bray Lateral shall be construed and interpreted to mean diversion under such circumstances and to either or both waterways as the District may from time to time determine to be convenient.

WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the "Anderson property") and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm; and,

WHEREAS, the District is willing to give Anderson a license for the use of water from the said Patterson Wells and for the use of said Bray Lateral for drainage purposes, upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties hereto agree each with the other as follows:

Anderson shall have the right to use the water which shall from time to time flow from said Patterson Wells, for purposes of fish propagation on the Anderson property hereinbefore described

and shall have the right to construct at the said Patterson Wells and in the Bray Lateral on the said Anderson property such diversion and transmission facilities as shall be necessary to transmit the water from the Patterson Wells to the fish farm facilities.

Anderson expressly agrees that the use of water from the Patterson Wells shall not be a consumptive use and that Anderson shall discharge into the Bray Lateral at the lower end of Anderson's facilities the same quantity of water as Anderson diverts into his facilities from the Patterson Wells, diminished only by a normal evaporation loss.

Anderson agrees that the wells to be drilled by him on the fish farm shall not be operated in such manner as to interfere with, or diminish, the flow of water from the Patterson Wells. However, the District agrees that, in conjunction with the use of water from the wells to be drilled by Anderson, the flow from the Patterson Wells may be decreased at any time when the Anderson wells are producing, and discharging into the Bray Lateral, either directly or through the fish propagation facilities of Anderson, a quantity of water equivalent to the quantity by which the flow from the Patterson Wells is then decreased.

Anderson acknowledges and agrees that the District neither guarantees any flow of water from the Patterson Wells nor agrees to supply to Anderson any specific quantity of water from the Patterson Wells. Anderson's use rights under this agreement shall be limited to whatever quantity of water is being produced by the Patterson Wells at any particular time.

The right and authority to control flow of water from the Patterson Wells shall at all times be vested in the District, and it shall be Anderson's responsibility to request the water

superintendent of the District to make any changes desired by Anderson in the amount of water being discharged from the Patterson Wells.

Anderson understands and agrees that the water flowing from the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation losses, by reason of being diverted into Anderson's fish propagation facilities. Therefore, Anderson expressly agrees that if, at any time during any irrigation season, the quantity of water being discharged into the Bray Lateral from Anderson's fish propagation facilities is less than the amount of water flowing from the Patterson Wells, the District, upon one hour's notice to Anderson, given to Anderson or to his employees or agents at the said fish farm, shall have the right to adjust the control devices at Anderson's diversion facilities as may be required to increase the flow of water in the Bray Lateral to that quantity which is being discharged by the Patterson Wells. In that regard, it shall be Anderson's responsibility to have someone available at said fish farm at all times to receive such notices from the District.

Anderson agrees to pay the District the sum of \$100.00 annually to defray additional expenses incurred by provisions of this license agreement and such amount is to be paid on or before the 15th day of December each year and such amount will be subject to review or change at the request of Anderson

on the District at the first regular meeting of the Board of Directors of the District occurring within the month of payment.

Anderson shall have the right to discharge into the Bray Lateral the water used by Anderson in his fish farming operations on the Anderson property. In that regard, the parties understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners' inches of drainage water flowing from the Patterson Wells and from other sources. It is further understood and agreed that Anderson shall be required to perform any work and furnish any materials which may be required to enlarge the Bray Lateral so as to carry any additional water that Anderson discharges into the Bray Lateral, over and above the quantity of water heretofore conveyed by the District in the Bray Lateral. Any such enlargement of the Bray Lateral, and any other work done by Anderson under the license herein granted, shall be accomplished by Anderson at his own expense and without any expense whatsoever to the District.

If additional easements are required for the purpose of carrying additional water in the Bray Lateral, over and above the quantity of water that can be accommodated by the rights of way of the District, those easements shall be obtained by Anderson and any expense involved in establishing or acquiring such easements shall be paid by Anderson.

The parties understand and agree that the Bray Lateral runs northwesterly from Patterson Wells, along the northeasterly boundary line of the fish farm, and that Anderson will construct

diversion facilities below those of the fish farm to operate in the same manner as that now existing at the Patterson Wells site and provide the District its option of diversion at such location. Anderson shall construct his discharge facilities in such manner as not to cause any erosion of the banks, sides or bottom of the Bray Lateral.

No diversion, transmission or discharge facilities shall be constructed by Anderson under the rights herein granted until the plans and specifications for such diversion facilities or such transmission or discharge facilities have been examined by, and approved by, the Board of Directors of the District and the engineers for the District. Any construction by Anderson shall be in accordance with such approved plans and specifications and no water from the Patterson Wells shall be diverted by Anderson until the completed construction of the diversion, transmission, and discharge facilities has been approved by the District and by its engineers.

Anderson agrees that he shall construct his facilities and conduct his fish farming operations in such manner as to insure that no pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock shall be discharged into the Bray Lateral. In that regard, Anderson expressly understands and agrees that in the event of a controversy between the parties regarding the discharge of pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock, it shall be Anderson's burden to prove that pollutants or solid waste materials are not

being discharged into Bray Lateral, and to prove that any other material being discharged into the Bray Lateral is not detrimental to soil, vegetation or livestock.

Anderson agrees that the District shall have the right to utilize, for irrigation purposes, the water produced by the wells to be drilled on the said Anderson property by Anderson, after such water has been used by Anderson in his fish farming operations, and that such right shall be prior and superior to the rights of any other persons claiming, under Anderson, the right to use said water from the Anderson wells.

All facilities constructed or used by Anderson under the license herein granted shall be constructed, maintained and kept in repair and kept clean at all times, by Anderson, and at the cost and expense of Anderson, and the conduit between the Patterson Wells and the Bray Lateral shall be maintained and kept in repair and kept clean at all times for the full flow of water therein, by Anderson, and at the cost and expense of Anderson.

Anderson agrees to construct and maintain his diversion, transmission and discharge facilities in a safe condition, all to the end that said facilities shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of Anderson to keep the same in safe condition.

The construction, maintenance and repair of such diversion, transmission and discharge facilities shall be accomplished by Anderson at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners.

Anderson agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson, or any use or condition thereof at any time or from the impairment of the flow of drainage or irrigation water therein from the failure of Anderson to maintain and keep in repair the said facilities of Anderson or to maintain and keep clean the conduit in said facilities of Anderson for the full flow of irrigation water through said facilities of Anderson.

Nothing herein contained shall be construed to impair the easement and right of way of the District in the Bray Lateral and all uses of said Bray Lateral and the said facilities of Anderson to be constructed and used, and the license herein provided therefor, shall remain inferior and subservient to the rights of the District in the Patterson Wells and to the use of said Bray Lateral for the transmission of drainage and delivery of irrigation water.

The District reserves the right, at its option, to remove any impediment to the flow of water through said facilities of Anderson and any hazards to persons or property which may arise by reason of the construction or condition of said facilities of Anderson at any time, and Anderson agrees to pay to the District, on demand, the costs which shall be reasonably expended for such purposes. If Anderson shall fail in any respect to properly maintain and repair such facilities of Anderson, then the District, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and Anderson agrees to pay to the District, on demand, the cost which shall be reasonably expended for such purposes.

The parties hereto understand and agree that the District has no right to in any respect impair the uses and purposes of the irrigation and drainage works and system of the District, by this contract, nor to grant any rights in its irrigation and drainage works and system incompatible with the uses to which such irrigation and drainage works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

In the event of the failure, refusal or neglect of Anderson to comply with all of the terms and conditions of this contract, then the license of Anderson under the terms hereof may be terminated by the District, and all structures in or over said Patterson

Wells and said Bray Lateral, and the rights of way therefor, which may impede or restrict the maintenance and operation of such wells or such ditch by the District with its equipment for the maintenance of its system may be removed by the District.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Anderson hereinbefore described and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and Byron V Anderson and Sonya J Anderson, husband and wife, have hereunto subscribed their names, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By Clarence L Gharring
Clarence L Gharring, President

ATTEST:

Joseph C Voight
Joseph C Voight, Secretary

Byron V Anderson
Byron V Anderson

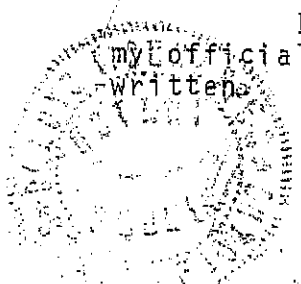
Sonya J Anderson
Sonya J Anderson



STATE OF IDAHO }
COUNTY OF CANYON } ss

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE L GHARRING and JOSEPH C VOIGHT, respectively, known to me to be the President and Secretary, respectively, of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

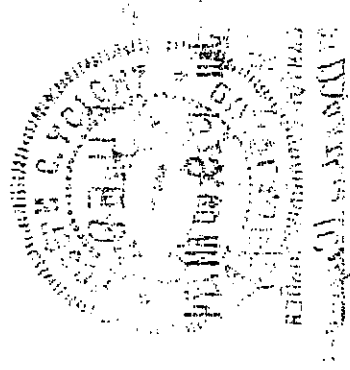
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Gladys L. Schaffer
Notary Public for the State of Idaho
Residing at Nampa, Idaho

STATE OF IDAHO }
COUNTY OF CANYON } ss

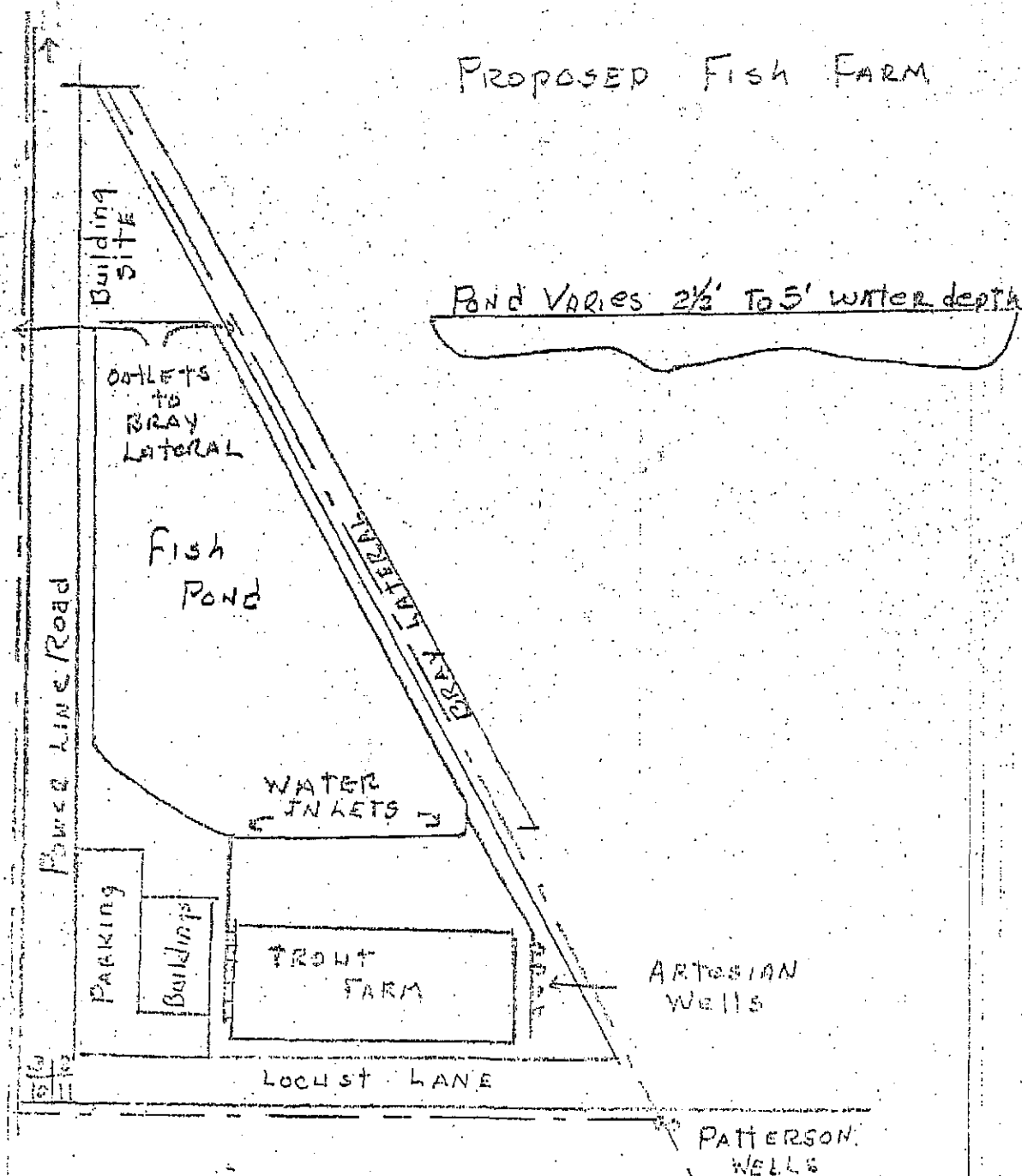
On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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


Joseph C. Voight
Notary Public for the State of Idaho
Residing at Nampa, Idaho

150248
1973-12-18
BYRON V ANDERSON
SONYA J ANDERSON
CLARENCE L GHARRING
JOSEPH C VOIGHT
18th day of December, 1973
Nampa, Idaho

PROPOSED FISH FARM



CONCRETE Ponds

- 10- 3' x 60' x 3 1/2'
- 4- 18' x 120' x 4'
- 8- 18' x 180' x 4'

WATER REQUIREMENTS

App 800' Nampa Meridian
400' to 1200' FROM NEW WELLS

RAINBOW FARM, INC.

BYRON V. ANDERSON
13.45 ACRES 1/4 SEC 2
T 2N. R 2W. B.M.
11/27/73
P.O. Box 277
NAMPA, IDAHO

EXHIBIT A

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 63-9194

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

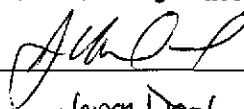
RECEIVED
OCT 30 2006
WATER RESOURCES
WESTERN REGION

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

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

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

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

DATE: 10/27/06 SIGNATURE: 

Please print your name: Jerry Deal

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

05/23/2006

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

RIGHT NUMBER: 63-9194

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
3,620.000 AFY

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION:

T02N R02W S2 NWNW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

6 points of diversion located in T02N, R02W, S2, SWSW.

2 points of diversion located in T02N, R02W, S11, NWNW

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	5.000 CFS 3,620.00 AFY

PLACE OF USE: FISH PROPAGATION Within CANYON County

T02N R02W S02 SWSW

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

05/23/2006

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

This water right is appurtenant to the described place of use.

Right 63-7879 is also diverted through the points of diversion described above.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

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

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

AGREEMENT WITH NAMPA-MERIDIAN IRRIGATION DIST. FOR USE OF
WELLS SEE FILE #63-7879 NON-IRRIGATION USES: FISH/4 VATS 2.5' X 3' X
12', 16 RACEWAYS 2' X 5' X 50', 3 RACEWAYS 3' X 12' X 200'.

The facility volume is 101,356 cubic feet

The issuance of this right does not grant any right-of-way or easement across the land of another.

This right is subject to all prior water rights and may be forfeited by five years of non-use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9194 V1

WATER RIGHT NUMBER: 63-9194 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700
Original Owner	BRYAN V ANDERSON 70 S 200 W PRESTON, ID 83263 (208)525-7161

Priority Date: 12/08/1978

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>
FISH PROPAGATION	01/01 to 12/31	5.000 CFS	3,620.00 AF
	<u>Total Diversion:</u>	5.000 CFS	3,620.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 2,	Twp 02N,	Rge 02W, B.M.
CANYON County				
GROUND WATER	NW1/4NW1/4	Sec. 2,	Twp 02N,	Rge 02W, B.M.
CANYON County				

Place of Use

FISH PROPAGATION

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	02W	2												X					

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. This water right is appurtenant to the described place of use.
3. Right 63-7879 is also diverted through the points of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9194 V1

4. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
5. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
6. F02 6 points of diversion located in T02N, R02W, S2, SWSW.
7. R09 Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
8. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
9. 2 points of diversion located in T02N, R02W, S11, NWNW
10. 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.
11. 044 Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
12. AGREEMENT WITH NAMPA-MERIDIAN IRRIGATION DIST. FOR USE OF WELLS SEE FILE #63-7879 NON-IRRIGATION USES: FISH/4 VATS 2.5' X 3' X 12', 16 RACEWAYS 2' X 5' X 50', 3 RACEWAYS 3' X 12' X 200'.
13. The facility volume is 101,356 cubic feet
14. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
15. This right is subject to all prior water rights and may be forfeited by five years of non-use

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: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/12/2006	Igagnon	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9194 V1

Priority Date	5/23/2006 11:34:57 AM	segbert	Active
POD	5/23/2006 11:35:29 AM	segbert	Active
Source	5/23/2006 11:36:57 AM	segbert	Active
POU	5/23/2006 11:37:11 AM	segbert	Active
Use	5/23/2006 11:38:38 AM	segbert	Active
Season	5/23/2006 11:38:59 AM	segbert	Active
Quantity	5/23/2006 11:39:19 AM	segbert	Active
Summary	05/23/2006	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/23/2006 11:34:58 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	5/23/2006 11:36:21 AM	segbert	Updated shape
Quantity	5/23/2006 11:39:20 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? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - as licensed
Summary	5/23/2006 11:46:41 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?
POU	5/23/2006 11:37:36 AM	segbert	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9194 V1

Use	5/23/2006 11:38:38 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	5/23/2006 11:39:00 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? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	5/23/2006 11:35:29 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	5/23/2006 11:36:57 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?
POU	5/23/2006 11:37:11 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	5/23/2006 11:36:41 AM	segbert	Updated shape
Summary	4/12/2006 1:26:12 PM	lgagnon	(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 63-9194

WATER RIGHT NUMBER: 63-9194

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700
Original Owner	BRYAN V ANDERSON 70 S 200 W PRESTON, ID 83263 (208)525-7161

Priority Date: 12/08/1978 ✓

Basis: ~~Permit~~ 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>
FISH PROPAGATION ✓	1/01 to 12/31 ✓	5.000 CFS ✓	3620. ✓
<u>Total Diversion:</u>		5.000 CFS ✓	

Location of Point(s) of DiversionGROUND WATER
CANYON CountySW1/4SW1/4 ✓
6 POD'S
NWNW
2 POD'S

Sec. 2, Twp 02N, Rge 02W, B.M.

per license

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	02W	2											X						

Conditions of Approval:

1. AGREEMENT WITH NAMPA-MERIDIAN IRRIGATION DIST. FOR USE OF WELLS SEE FILE #63-7879 NON-IRRIGATION USES: FISH/4 VATS 2.5' X 3' X 12', 16 RACEWAYS 2' X 5' X 50', 3 RACEWAYS 3' X 12' X 200'.
2. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

Same POD & POW as 63-7879

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-9194

Comments:Dates and Other Information:

Claim Received Date: 9/28/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-9194

WATER RIGHT NUMBER: 63-9194

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700
Original Owner	BRYAN V ANDERSON 70 S 200 W PRESTON, ID 83263 (208)525-7161

Priority Date: 12/08/1978

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>
FISH PROPAGATION	1/01 to 12/31	5.000 CFS	3,620.00 AF
	<u>Total Diversion:</u>	5.000 CFS	3,620.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 02N, Rge 02W, B.M.
CANYON County		
GROUND WATER	SW1/4SW1/4	Sec. 2, Twp 02N, Rge 02W, B.M.
CANYON County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	02W	2											X						

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
3. R09 Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-9194

4. Six points of diversion are located within SWSW, S02, T02N, R02W.
Two points of diversion are located within NWNW, S11, T02N, R02W.
Right 63-07879 is also diverted through the points of diversion described above.
The facility volume is 101,356 cubic feet.
5. 044 Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

Remarks:Comments:Dates and Other Information:

Licensed Date: 5/9/1994
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

04/12/2006

1

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-8194

Water Right #	Type	Twtp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-3333	Claim	02N	02W	2	SW	SW		IRRIGATION	17/17	VIOLET L CURTIS
63-3333	Water Right	02N	02W	2	SW	SW		IRRIGATION	17/20	VIOLET L CURTIS
63-7879	Claim	02N	02W	2	SW	SW		FISH PROPAGATION		STATE OF IDAHO
~~63-8194~~	Claim	02N	02W	2	SW	SW		FISH PROPAGATION		STATE OF IDAHO
63-7879	Water Right	02N	02W	2	SW	SW		FISH PROPAGATION		STATE OF IDAHO
~~63-8194~~	Water Right	02N	02W	2	SW	SW		FISH PROPAGATION		STATE OF IDAHO
63-22155	Water Right	02N	02W	2	SW	SW		DOMESTIC		SHARON A STORY
63-26117	Water Right	02N	02W	2	SW	SW		DOMESTIC		KAREN BRAVENDER
63-27744	Water Right	02N	02W	2	SW	SW		DOMESTIC		MITCH CRONRATH
63-28029	Water Right	02N	02W	2	SW	SW		DOMESTIC		C DWAYNE EXLEY

Receipt Details for ID C018457

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/28/1990 8:14:59 AM	9/28/1990	State	\$16,936.09	Warrant
Payer		IDAHO, STATE OF		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
35599			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE/FISH & GAME

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$16,936.09	ADJUDICATION FEE/FISH & GAME	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	3125		\$51.00	Claim
35	2048		\$255.00	Claim
31	2448		\$1,340.00	Claim
71	10189		\$25.00	Claim
36	2159		\$250.00	Claim
36	2158		\$260.00	Claim
36	2056		\$80.00	Claim
36	2055		\$690.00	Claim
35	3021		\$60.00	Claim

31	2316		\$1,446.00	Claim
21	2159		\$52.08	Claim
35	53		\$100.00	Claim
21	2153		\$50.89	Claim
35	2054	A	\$72.00	Claim
35	2890		\$300.00	Claim
35	2050		\$1,000.00	Claim
65	12828		\$58.63	Claim
21	4006		\$83.21	Claim
34	861	B	\$92.00	Claim
36	49	A	\$126.66	Claim
85	4232		\$61.07	Claim
85	11789		\$58.00	Claim
36	28		\$68.00	Claim
37	426	B	\$78.00	Claim
71	7078		\$170.00	Claim
34	10919		\$315.00	Claim
71	10170		\$25.00	Claim
72	10491		\$58.00	Claim
72	10492		\$58.00	Claim
72	10493		\$58.00	Claim
72	10494		\$58.00	Claim
72	10495		\$58.00	Claim
72	10496		\$58.00	Claim
75	10937		\$58.00	Claim
3	2059		\$220.00	Claim
21	14		\$60.00	Claim
21	15		\$52.00	Claim
21	2040		\$53.00	Claim
21	2099		\$150.00	Claim
21	2100		\$110.00	Claim
34	861	A	\$120.00	Claim
35	2916		\$191.00	Claim
35	8631		\$52.77	Claim
36	2706		\$504.00	Claim
36	2711		\$64.00	Claim
36	4020		\$583.00	Claim
36	4065		\$155.00	Claim

36	7234		\$172.00	Claim
36	7249		\$290.00	Claim
37	2489		\$200.00	Claim
37	2695		\$290.00	Claim
37	7038		\$70.00	Claim
37	8271		\$80.00	Claim
63	132	K	\$63.00	Claim
63	133	K	\$63.00	Claim
63	2191		\$85.00	Claim
63	7879		\$300.00	Claim
63	9194		\$100.00	Claim
63	10220		\$56.38	Claim
71	2088		\$300.00	Claim
71	7079		\$400.00	Claim
72	7185		\$200.00	Claim
74	7010		\$290.00	Claim
75	2142		\$150.00	Claim
75	2154		\$25.00	Claim
77	2083		\$55.00	Claim
77	2121		\$440.00	Claim
77	2124		\$65.00	Claim
77	2135		\$2,550.00	Claim
77	2138		\$250.00	Claim
77	7078		\$250.00	Claim
82	7048		\$90.00	Claim
82	7156		\$100.00	Claim
85	2123		\$52.40	Claim
63	132	L	\$61.00	Claim

[Print Report](#)

DATE: 05/09/00
PAGE: 192

TOTAL DIVERSION: 5,000 CFS

CANYON County

FS

100

Audit: 11/29/90 STERLING

Water Right Number - 63-09194

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STATE OF IDAHO1 - DEPT OF FISH & GAME
2 - PO BOX 25
3 -City- BOISE State- ID Zip- 83707
Phone - 208-000-0000*** O - ORIGINAL OWNER ***
ANDERSON

BRYON V

1 -

2 -

3 -

City- Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/08/1978 14 WESTERN L - LICENSE+ - - - - Source - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No. - - - - +

TwN Rng Sec Tract Lot RFlg County

02N 02W 2 SW SW (27) CANYON
11 NW NW (27) CANYON

+ - - - - Description - - - - - Period From - - - - - Period To - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +

19 - FISH PROPAGATION 01/01 12/31 5.000 3620.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
5.000 3620.00 36.190

+ - - - - Place of Use - - - - - Description - - - - - County - - - - - +

TwN Rng Sec Tract Lot Acres Code

02N 02W 2 SW SW 19 FISH PROPAGATION (27) CANYON

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - PATTERSON DRAINAGE WELLS AND 5 OTHER WELLS

+ - - - - Remarks - - - - - +
Six points of diversion are located within SWSW, S02, T02N, R02W.

Two points of diversion are located within NWNW, S11, T02N, R02W.

Right 63-07879 is also diverted through the points of diversion described above.

The facility volume is 101,356 cubic feet.

WATER RIGHT

+ - - - -	- - - - -	- Old Water Right Numbers	- - - - -	+ - - - +
+ - - - -	- - - - -	- Old Water Right Numbers	- - - - -	+ - - - +
		No Old Water Right Numbers found.		

+ ----- + Conditions of Approval + ----- +
 R03 - Measuring devices of a type approved by this Department shall
 - be maintained at the point of diversion and point of effluent
 - discharge.
 R09 - Return water shall be treated to insure that the effluent
 - meets Idaho Water Quality Standards.
 004 - The issuance of this right in no way grants any right-of-way
 - or easement across the land of another.
 R41 - Use of water under this right is subject to policies set forth in
 - the State of Idaho Water Plan, including Policy No. 5G.

+ - - - Decree Plaintiff	- - +	+ - - - Decree Defendant	- - +	+ - Decree Date	- +
				00/00/0000	

-Comments-

No Comments Found

+ - - Audit Fields - 01/12/88 05/01/88 CONVERT 06/13/91 GARRETT 01/19/92 POST-STD 04/23/92 TAYLOR
04/01/94 CHAPMAN

[illegible]

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09194

Priority: December 8, 1978

Maximum Diversion Rate: 5.00 CFS

Maximum Diversion Volume: 3620.0 AF

This is to certify, that STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 25

BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 8, 1978; and has submitted Proof of Beneficial Use on January 5, 1984. An examination indicates that the works have a diversion capacity of 36.190 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>
FISH PROPAGATION	01/01 to 12/31	5.00 CFS	3620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 2, Township 02N, Range 02W
NWNW , Sec. 11, Township 02N, Range 02W
CANYON County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

02N 02W 2

SWSW

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. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.
8. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

JUN 13 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09194

CONDITIONS/REMARKS:

9. Six points of diversion are located within SWSW, S02, T02N, R02W.
10. Two points of diversion are located within NWNW, S11, T02N, R02W.
11. Right 63-07879 is also diverted through the points of diversion described above.
12. The facility volume is 101,356 cubic feet.

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 9th
day of MAY, 1994.

Acting for R. Keith Higginson, Director

JUN 13 1994

APPROVED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09194

Date of Priority: December 8, 1978

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 3620.0 AF

Comes now STATE OF IDAHO

DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-09194, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	5.00 CFS	3620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 2, Township 02N, Range 02W
NWNW , Sec. 11, Township 02N, Range 02W
CANYON County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

02N 02W 2 SWSW

RECEIVED

JUN 13 1994

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

signed at Boise, this 29th day of April, 1994.

Cynthia Robertson Staff Biologist
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09194

FOR DEPARTMENT USE ONLY

Preliminary check by RD Fee = 200 Received by W # C030147 Date 4-25-94 ✓

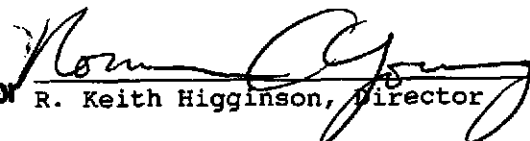
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-09194 with the following;

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. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.
8. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
9. Six points of diversion are located within SWSW, S02, T02N, R02W.
10. Two points of diversion are located within NWNW, S11, T02N, R02W.
11. Right 63-07879 is also diverted through the points of diversion described above.
12. The facility volume is 101,356 cubic feet.

Witness my hand this 9th day of MAY, 1994.


Acting for R. Keith Higginson, Director

ok
gmu

State of Idaho
Department of Water Resources

RECEIVED

JAN 28 1982

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Byron V. Anderson, hereby assign to Rainbow Farms, Inc.
of Box 277, Nampa, ID 83651
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 63-9194
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 27th day of January, 19 82.

Byron V. Anderson
Permit Holder (A SINGLE PERSON)

NA

Spouse of Permit Holder

State of Idaho)
County of Canyon) ss.

On this 27th day of January, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (~~she~~) (~~they~~) executed the same.

seal

Leiter Choo
Notary Public residing at
Boise, ID

My commission expires:
9/20/84

MICROFILMED

Assigned to:
Rainbow Farms Inc.
P.O. Box 277, Nampa, ID
83651

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-9194

RECEIVED
DEC 8 1978

To appropriate the public waters of the State of Idaho

APPROVED
Department of Water Resources
Western Regional Office

1. Name of applicant Byron V. Anderson Phone 467-4700

Post office address Box 277 Nampa, ID 83651

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2 Township 2N

Range 2W B.M. C anyon County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5.0 for fish prop. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Artesian well with flow through
fish ponds

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 190 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2 Township 2N

Range 2W B.M.

(2) Amount of power to be generated: _____ horsepower 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: fish propagation

RECORDED

[illegible]

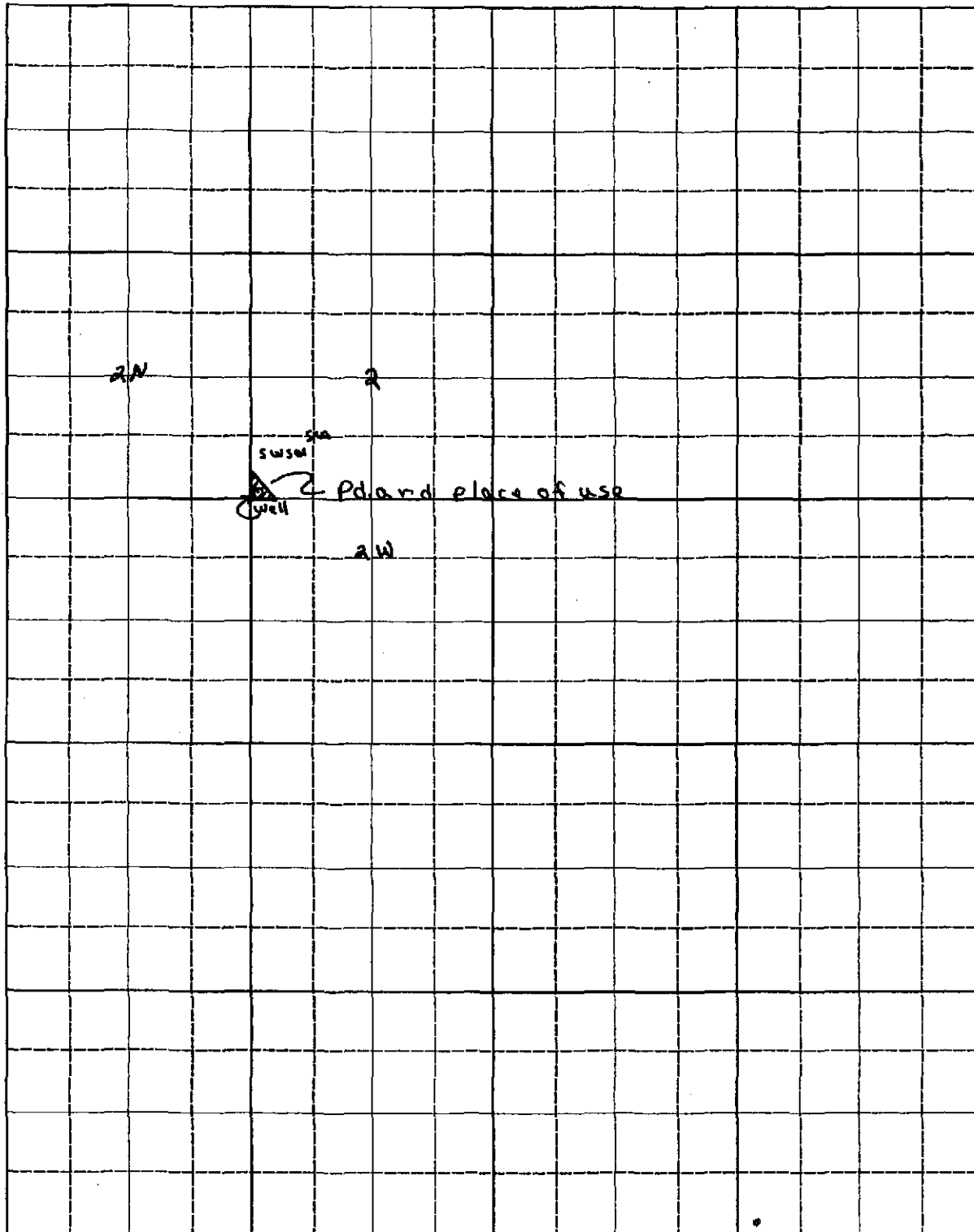
c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Agreement with Nampa-Meridian Irrigation District over use of
drainage well water is on file at your office with permit number 63-7879
and will include water from this well.

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



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.

Byron W. Anderson
(Applicant)

Proposed Priority 12-8-78

Received by R.W. Date 12/08/78 Time 12:10 pm

Preliminary check by R.W.H. Fee \$ 75.00

Received by LW Date 12/08/78 #12512

Publication prepared by DBS Date 12/14/78

Published in Idaho Free Press
Emmett Messenger

Publication dates 12/21 & 12/28/78

Publication approved DBS Date 1/22/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS SS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9194, 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 March 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) Measuring devices of a type approved by this department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 9th day of March, 19 79.

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

- Permit No. 63-9194
1. Owner: STATE OF IDAHO FISH & GAME Phone No. 465-5005
Current Address: P.O. Box 25 Boise, ID. 83707
2. Accompanied by: Walt Roste & Rick Lowell EXAM. DATE: 6-4-91
Address: some Nampa Hatchery Phone No. some
Relationship to Permit Holder: Nampa Hatchery manager and Asst. Mgr.
3. Source: groundwater tributary to Wilson Drain

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-7879, 63-03333 ☐ Copies Attached
2. Other water rights with same point of diversion: 63-3333, 63-7879 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

See attached

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

RECEIVED
JUN 13 1991

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

See attached

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>See attached list</i>					

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SUSU		2	2N	2W	Canyon	Ortho photo quad map
			NW	NW	11	2N	2W	Canyon	"

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
2N	2W	2											H						

Do not use this space

RECEIVED
JUN 13 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
flow meter	AA	Scientific Instruments		090125		
flow meter	AA	Scientific Instruments		090137		

2. Measurements:

Open channel measurements were taken simultaneously at two locations in concrete channels that contained the flow from 7 wells - 3 in one and 4 in the other. At the same time IFEG personnel measured the outflow of each raceway over dam boards at the tail end for comparison purposes and calibration of IFEG measurement method.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: IDWR measurements = $16.2 + 15.68 = 31.88$ cfs.
IFEG measurements = 35.41 cfs.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: $3.6 \times$ _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$$V_{DIV} = 5 \text{ cfs} \times 365 \times 1.9835 = 3,620 \text{ cfs} \rightarrow \text{smaller}$$

$$V_{REQ} = \underset{\substack{\text{change} \\ \downarrow}}{2.3 \text{ AF}} \times \underset{\substack{\text{hr} \downarrow \\ \text{(max REQ'D)}}}{3 \text{ changes}} \times \underset{\substack{\text{day} \\ \text{yr}}}{24 \text{ hrs}} \times 365 \text{ days} = 60,444 \text{ AFA}$$

TOTAL RACEWAY VOL

RECEIVED

JUN 13 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This permit and 03-7879 use the same sources and same places of use. Other rights in same QP do not affect this permit.

See attached narrative for additional remarks.

Remarks:

6 points of diversion in SWSW Sec 2, T2N R2W

2 points of diversion in NNNW Sec 11, T2N R2W

Note:

Total volume required by hatchery based on 3 water changes/hour.

Total volume supplied by system equivalent to one change/hour when all raceways are in use.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Fish propagation	1-1	12-31	5 cfs	3,620 afa
Totals:			5 cfs	3,620 afa

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Melvin T. Schulte

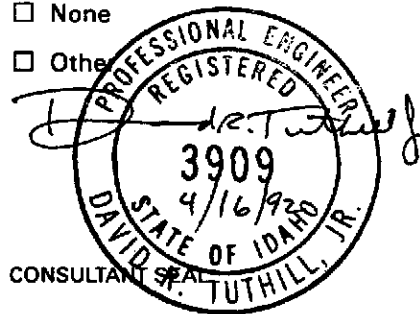
Signature

Melvin T. Schulte

Certification Date

8-19-91

Field Report Preparation Date



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

JUN 13 1994