

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 26 2010	
By _____	_____ Clerk Deputy Clerk

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NOS. 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10192, 2-10193, 2-10287 and 2-10288.**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief

February 25, 2010

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, and Special Master Dolan's September 17, 2009, *Order Requiring 706 Report*, the Director of the Idaho Department of Water Resources ("Department") submits this Supplemental Director's Report ("Report") regarding subcase numbers 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10192, 2-10193 2-10287 and 2-10288. This report was prepared under the supervision of Gary Spackman, Interim Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following Department employee has knowledge of the information contained in the Report: Donald V. Shaff, Adjudication Bureau Chief.

II. SUMMARY OF THE ISSUES

At issue are the Department's recommendations for water rights 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10192, 2-10193 2-10287 and 2-10288, collectively known as the West End Project. Objections were filed to each of these water rights by Farm Development Corporation ("FDC"). FDC objected to the inclusion of a combined diversion remark on each water right limiting the quantity for all of the rights to 87.57 cfs. As an example, the remark under quantity from 2-105 provides:

The rights listed below are limited to a total combined diversion rate of 87.57 cfs.
Combined Right Nos.: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10287, 2-10288, 2-10192, and 2-10193.

Objections were also filed by FDC to the season of use for water rights 2-2219C and 2-2219D, 2-2313, 2-10192, 2-10193 arguing that the season of use should be extended to 3/1 though 11/15.

III.DISCUSSION OF THE COMBINED DIVERSION REMARK

These thirteen water rights all relate to what is commonly known as the West End Project (“Project”), a high lift pump project designed to divert water from the Snake River. All thirteen of these water rights divert from the same point of diversion, a pumping plant located at T01N, R03W, Section 16, Lot 3 (NWNW). The following chart presents an overview of the water rights:

Subcase No.	Basis	Priority Date	Claimant	CFS
02-00068	Beneficial Use	5/16/1963	Harvest Farm Co.	7.7
02-00105	Beneficial Use	3/15/1965	Farm Development Corp.	9.16
02-02168	License	12/26/1961	Carl F. Chase Trust/Joyce M. Chase Trust	11.78
02-02201	License	2/1/1963	Marilyn Brandt	3.16
02-02202	License	2/1/1963	Allen Noble Farms, Inc.	2.73
02-02203	License	2/1/1963	Carl F. Chase Trust/Joyce M. Chase Trust	2.94
02-02219C	License	3/26/1963	Farm Development Corp.	46.32
02-02219D	License	3/26/1963	Winemakers, LLC	8.4
02-02313	License	5/28/1964	Marilyn & Paul Rasgorshek	5.88
02-10192	License	3/26/1963	John Brandt/Marilyn Brand/Donald Brand	8.57
02-10193	License	3/26/1963	Symms Fruit Ranch, Inc.	2.43
02-10287	Beneficial Use	5/28/1964	Winemakers, LLC	1.1
02-10288	Beneficial Use	3/15/1977	Winemakers, LLC	0.66
Total cfs				110.83

In its recommendations for these water rights, the Department included a condition limiting the diversion rate for all the rights to a total of 87.57 cfs. The Department included the combined diversion rate limit on these 13 water rights because the diversion measurement taken for the Project during the licensing exam for water right no. 2-2219 showed the Project was diverting only 87.57 cfs. Absent information showing a higher diversion rate was historically diverted, the Department believes the combined diversion rate limit must be included in the

recommendations to prevent enlargement of the water rights. There has been no evidence presented to the Department the Project historically diverted 110.83 cfs.

A. Licensing File for Water Right No. 2-2219

The Report of the Examiner ("Report"), dated August 21, 1968, includes detailed information regarding the Project pumps. The Report and notes related to the exam are attached as Attachment A. In the report, the examiner found that the project has 12 electric pumps. However, the examiner also notes that the ditch rider (named Lee Curly Thompson) told the examiner the Project uses only 11 of the pumps to deliver water and one pump is held in reserve as a standby pump. See Attachment A at 4. An IDWR employee took measurements of the discharge of the project pumps on June 20, 1967. He determined the pumps delivered a maximum of 87.57 cfs. See Attachment A at 7. It is significant that this measurement was taken after the priority date of all the beneficial use rights except the small enlargement claim 2-10288. Because the measurement was taken after the beneficial use rights were established, the Department believes this measurement is reflective of how much water these water rights have historically diverted.

There are other documents in the license file that further suggest that the project only diverted approximately 88 cfs of water. As part of the water right licensing process, the water right holder must file a document affirming that the water has been put to beneficial use. This document is called the Deposition of Holder. For this license, B.G. Miller, Chairman of Farm Development Corporation, signed the Deposition of Holder for FDC. In his sworn statement, Mr. Miller states the Project is able to convey 88 cfs of water. See Deposition of B.G. Miller, attached as Attachment B.

Also as part of the water right licensing process, the water right holder must find two disinterested witnesses to sign a document affirming that the water has been put to beneficial use. FDC provided sworn statements from two individuals, W.H. Reynolds and Darwin Panicheri. The Deposition of W.H. Reynolds affirms that the project will deliver 88 cfs of water. See Deposition of W.H. Reynolds, attached as Attachment C. The Deposition of Darwin Panicheri also states the project will deliver 88 cfs of water. A copy of the Deposition of Darwin Panicheri is attached as Attachment D.

Additional Records

The United State Geological Service (USGS) collected diversion information for the Project from April 2000 to September 2003. A copy of the records from the USGS website is attached as Attachment E. The records show the maximum amount of water diverted by the Project for these four irrigation seasons was 81 cfs. See Attachment E. This is consistent with how the Department believes the project has historically operated.

IV. DISCUSSION OF THE SEASON OF USE

Water rights 2-2219C and 2-2219D, 2-2313, 2-10192, 2-10193 are all based upon licenses. These water rights were licensed with a 3/15 to 11/15 season of use. The Department recommended these water rights with a 3/15 to 11/15 season of use, but the Department also included the Department's standard "shoulder remark" allowing irrigation to begin as early at 3/1 provided other elements of the water right are not exceeded and the early use of the water is subordinated. The shoulder remark was created early in the SRBA in response to the Idaho Supreme Court's decision in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411 (1998), which held specific dates must be used for the season of use ~~must~~ on water rights. In reaction to the decision, the Department developed a standard irrigation season for every area of

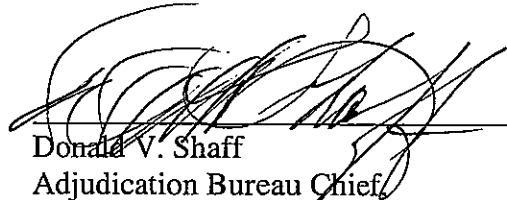
the state. The Department includes shoulder remarks on recommendations when the season of use of a previously licensed water right is shorter than the Department's standard season. This approach provides the water user flexibility to take advantage of the longer season so long as it will not cause injury to other water users that would otherwise be injured by the expansion of the irrigation season.

The Court should maintain the shoulder remark and keep the recommended season of use for two reasons. First, extension of the irrigation season without the shoulder remark would be a collateral attack upon the license. These five water rights were all licensed with the shorter 3/15 to 11/15 irrigation season. Second, the shoulder remark plays a very important role in protection against injury. While the shoulder remark allows for early season irrigation, the subordination protects other water users who were either licensed or decreed a longer season of use and have come to rely upon the water availability during that that early time period. Simply removing the shoulder remark and expanding the season of use could result in injury to those water users.

V. CONCLUSION

The best evidence presented to date suggests that the Project only historically diverted a maximum of about 88 cfs of water. If this is true, removing the combined diversion condition would cause injury to other water rights as these water rights could divert up to 110 cfs from the Snake River. The Department recommends the SRBA Court maintain the combined diversion condition for these water rights. Furthermore, removal of the shoulder remark and extending the season of use would be both a collateral attack on the license and would result in injury to other water users. The Department recommends the SRBA Court maintain the recommended season of use and the use of the standard shoulder remark.

Submitted this 25nd day of February, 2010.



Donald V. Shaff
Adjudication Bureau Chief
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 26 day of February, 2010.

Document Served: Supplemental Director's Report Regarding SRBA Subcase Nos. 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10192, 2-10193 2-10287 and 2-10288.

Persons Served:

1. Original to:

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

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

2. Copies to:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HARVEST FARM CO
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

FARM DEVELOPMENT CORP
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CARL F CHASE TRUST
JOYCE M CHASE TRUST
12317 LONE STAR RD
NAMPA, ID 83651

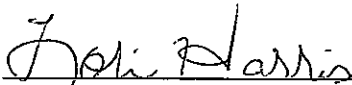
SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL, ID 83607

DONALD K BRANDT
JOAN M BRANDT
MARILYN I BRANDT
203 11TH AVE S
NAMPA, ID 83651

WINEMAKERS LLC
PO BOX 1019
SUNNYSIDE, WA 98944-1019

MARILYN RASGORSHEK
PAUL A RASGORSHEK
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701

ALLEN NOBLE FARMS INC
PO BOX 1582
BOISE, ID 83701



Idaho Department of Water Resources

Attachment A

Form 23
2M-4-65

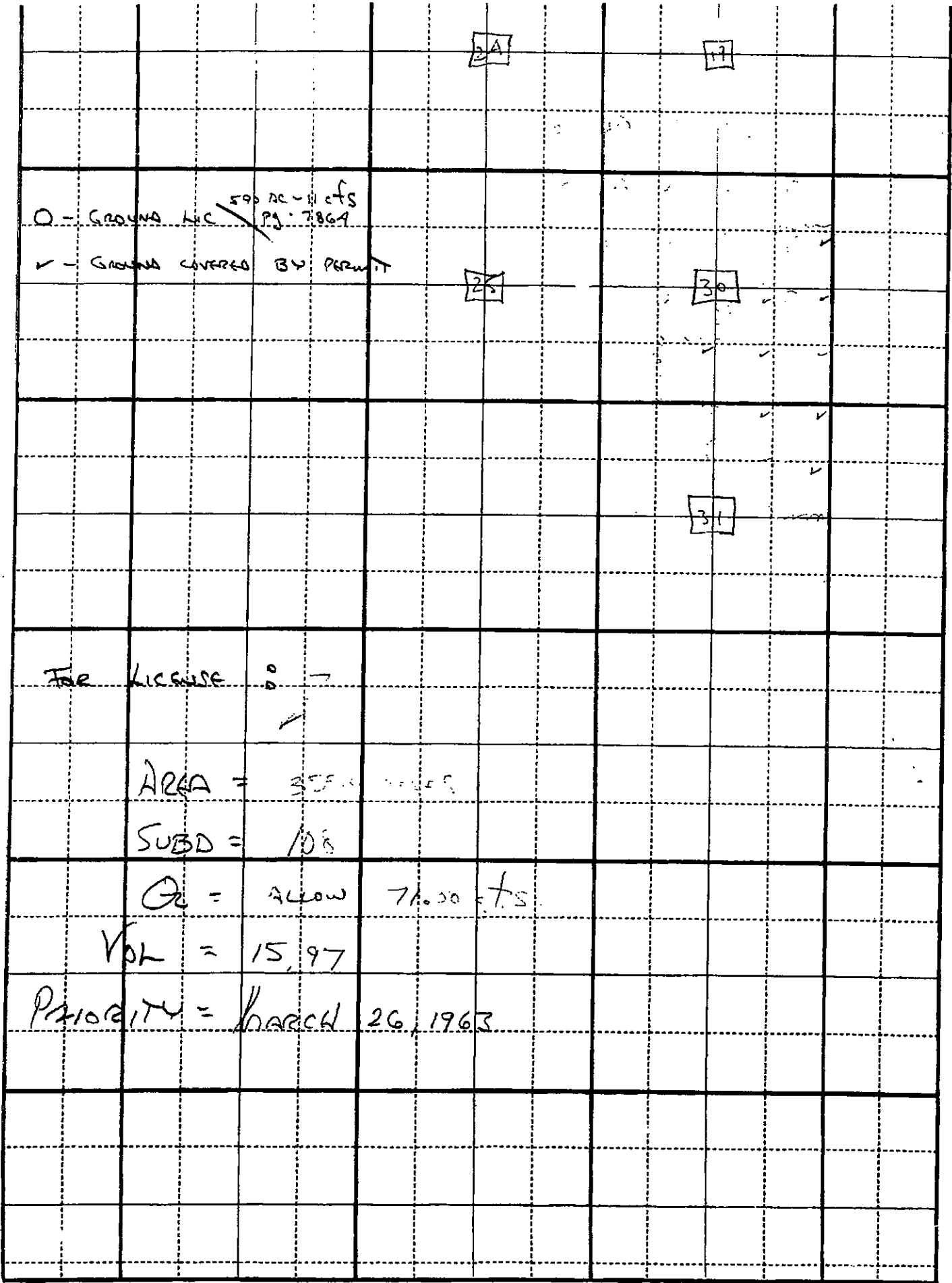
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 31125/02-2219

REPORT ON PROOF OF Beneficial Use

RECEIVED
MAY 10 1965



590 AC - 11 cfs
PJ-7869

O - GROUND LIC
V - GROUND COVERED BY PERMIT

2A

17

25

30

31

FOR LICENSE 00 -

AREA = 3550 AC

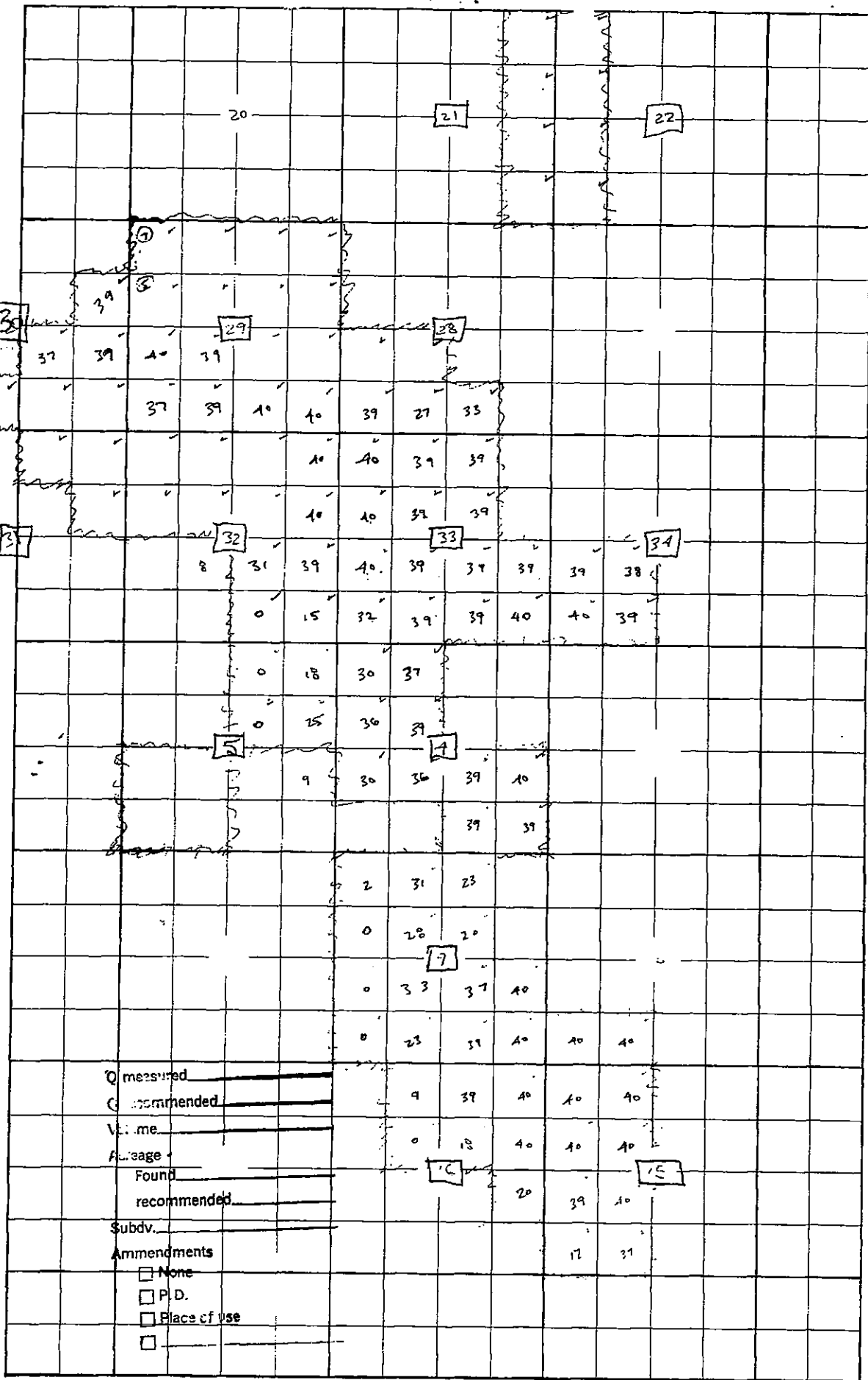
SUBD = 108

Q_a = ALLOW 71,000 cfs

VOL = 15,97

PRIORITY = MARCH 26, 1963

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



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

WEST GARD PROJECT

D.W. ... 466-7821

Form 23
2M-4-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF EXAMINER

Permit No. 31125/022219

This proof is for Beneficial Use In Water District No.

1. Name of applicant Farm Development Corporation

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the Lot 3 of Section 16
T. 1 N R. 3 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

The 12 elec powered turbine pumps discharge into a 36" penstock - into concrete canal & is diverted by 11 diffract sprinkler pumping stations as well as many open gravity discharge diversions. NOTE: THE SYSTEM IS DESIGNED TO CONVEY 5500 gpm - SEE LIC PG 7864 & REMARKS

5. Water is used for: irrigation purposes

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Sections 4, 5, 9, 10, 15, and 16, all in T. 1 N, R. 3 W, B.M. and sec. 21; 22, 28, 29, 30, 31, 32, 33, 34, all in T. 2 N, R. 3 W, B.M. 3530 TOTAL

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

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

Remarks: EXPOSITIONS SHOW 3762 NO2 7/32 @ 45 lbs G₂ = 88 cfs
NOTE: 3762 NO2 7/32 @ 45 lbs = (3762 NO2) (1.72 gpm) = 12 cfs.
148.8 gpm

CURRENT WATER MEASUREMENT 6-20-67 BY R.H. SHOWS 87.57 cfs. ^{2 pumps}

DITCH RIDGE IS DIVERTING APPROX 76% OF THE 5500 gpm USING 11 pumps & ONE FOR STANDBY. (LEE CURRY THOMPSON) WELLS 195 2222

IRRIGATION REQUIREMENT = 1.5 AC-FI / ACRE / SEASON

This examination was made on the 21st day of AUG, 1968 DRF

(Signed) _____ Examiner.

CONTRACT

B.G. Miller, Co of B., 309 Highland View Drive, Boise
Farm Development Corporation
P. O. Box 1201
Boise, Idaho
Permit No. 31125/02-2219

Division Station (spencer)
open canal (dunnover)
Sparks right pump
distribution lateral
Pipelines

3763-3651-45A
Q-8890

Examination for Beneficial Use

County Canyon
Quantity 77 c.f.s. - 603 -
Sec. 16 T. 1 N. R. 3 W

Source Snake River

P.D.: Lot 3, sec. 16, T. 1 N, R. 3 W, B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works: March 28, 1964

Other Rights: U. S. S. R.

Filed: March 26, 1963

Due: May 17, 1974

Made: December 15, 1967

Priority: March 26, 1963

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

N.W. Sec 37

02-2219
312 652A

WEST END PROJECT

March 7 1963

600 HP, US Holo shaft Motor #1300679
Worthington Pump #8266 (18-2503-4)

600 HP, US Holo shaft Motor #1304621
Worthington Pump #8270 (18-2503-4)

600 HP, US Holo shaft Motor #1300678
Worthington Pump #8269 (18-2503-4)

600 HP, US Holo shaft Motor #1304725
Worthington Pump #8267 (18-2503-4)

600 HP, US Holo shaft Motor #1303562
Worthington Pump #8266 (18-2503-4)

600 HP, US Holo shaft Motor #1304417
Worthington Pump #8265 (18-2503-4)

600 HP, US Holo shaft Motor #1303561
Worthington Pump #8263 (18-2503-4)

600 HP, Holo shaft Motor #1304416
Worthington Pump #8271 (18-2503-4)

600 HP, US Holo shaft Motor #1301752
Worthington Pump #8264 (18-2503-4)

600 HP, US Holo shaft Motor #1305379
Worthington Pump #8272 (18-2503-4)

600 HP, US Holo shaft Motor #1307118
Worthington Pump #8262 (18-2503-4)

600 HP US HOLOSHAFT MOTOR
WORTHINGTON VERTICAL TURBINE

All pumps have a 14" BMS check valve and 14" x 2' pipe to 36" penstock. There is an automatic Cla-Val. 8" safety #48848 plus an 8" gate valve in bottom end of penstock. Penstock is 36" x 1800' with a 485' head to concrete canal 4' bottom x 12' top x 4' deep, and graduates down in size after major diversion along its length. All diversions are measured by either Sparling or McGrometer Meters. (MOST ARE NOT OPERATING PROPERLY)

250 lbs / sq in on penstock
See attachment.

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION #3

Date 6-20 1967 DISCHARGE MEASUREMENT NOTES
Nez Perce River at 150' below Discharge

Angle cor- rected	Dist. from initial point	Width	Depth	Obser- vation depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At point	Mean in ver- tical			
EW	2.0	.25	0								
	2.5	.50	0.6		50	43	2.57			.3	0.77
	3.0	.50	1.1		60	43	3.08			.55	1.69
	3.5	.50	1.7		80	52	3.39			.85	2.88
	4.0	.50	2.2		80	49	3.59			1.10	3.95
	4.5	.50	2.7		80	46	3.82			1.35	5.16
	5.0	.75	3.2		80	44	4.00			2.40	9.60
	6.0	1.00	3.25		80	43	4.09			3.25	13.33
	7.0	1.00	3.25		80	41	4.28			3.25	13.98
	8.0	1.00	3.30		80	43	4.09			3.30	13.50
	9.0	.75	3.10		80	47	3.74			2.33	8.66
	9.5	.50	2.70		80	51	3.45			1.35	4.66
	10.0	.50	2.20		80	53	3.33			1.10	3.67
	10.5	.50	1.70		60	41	3.23			.85	2.74
	11.0	.50	1.35		60	43	3.08			.68	2.10
	11.5	.55	.75		50	48	2.31			.41	.95
	12.1	.30	0								
											57
											87.62
											436.00
											1.20

No. _____ of _____ Sheets, Comp. by RH Chk. by RH

0 .10 .20 .30 .40 .50 .60 .70 .80

LJ-200
1-63

STATE OF IDAHO 822
DEPARTMENT OF RECLAMATION

Date 6-24, 1967 DISCHARGE MEASUREMENT NOTES

Nampa River River at 150' below discharge

Area cross-section	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for bot. angle or	Area	Discharge
							At point	Mean in vertical			
EU	2.0	.25	0								1.5
	2.7	.50	0.6		50	45	2.44			.3	* 1.74
	3.2	.50	1.1		60	44	3.01			.55	1.68 ^{2.27}
	3.7	.50	1.5		60	43	3.08			.75	2.31
	4.2	.50	2.1		80	51	3.45			1.05	3.62
	4.7	.50	2.7		80	47	3.74			1.35	5.05
	5.2	.75	3.0		80	46	3.82			2.10 ^{2.5}	8.66
	6.2	1.00	3.05		80	45	3.91			3.05	11.98 ³
	7.2	1.00	3.05		80	46	3.82			3.05	11.65
	8.2	1.00	3.0		80	47	3.74			3.10	11.65 ^{2.9}
	9.2	.75	2.80		80	49	3.59			2.21	7.94 ^{2.3}
	9.7	.50	2.20		80	51	3.45			1.10	3.80
	10.2	.50	1.80		60	45	2.96			.90	2.64 ⁵
	10.7	.50	1.20		60	47	2.82			.60	1.69
	11.2	.60	0.80		50	47	2.36			.48	1.13
EU	11.9	.35	0								7.25
	12.7										7.56
											5.0
											3590.00

No. _____ of _____ Sheets. Comp. by R N Chk. by R N

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0 10 20 30 40 50 60 70 75

LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION 822

Date 6-20, 1967 DISCHARGE MEASUREMENT NOTES

Nampa Land Ranch River at 160' below discharge

Angle coef. Point	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
Ev 2.4	.2	0									
2.8	.45	0.48			40	42	2.12		.22	4	.47
3.3	.50	0.90			60	45	2.94		.45		1.32
3.8	.50	1.56			60	43	3.08		.75		2.31
4.3	.50	1.90			60	41	3.23		.95		3.07
4.8	.50	2.30			80	49	3.59		1.15		4.12
5.3	.75	2.80			80	49	3.59		2.10		7.584
6.3	1.00	2.80			80	47	3.74		2.80		10.0547
7.3	1.00	2.85			80	48	3.67		2.85		10.0546
8.3	1.00	2.90			80	48	3.67		2.90		10.0664
8.3	.75	2.60			60	40	3.31		1.95		6.465
9.8	.50	1.80			60	45	2.94		.90		2.645
10.3	.50	1.30			50	41	2.70		.65		1.756
10.8	.50	.90			50	46	2.41		.45		1.08
11.3	.45	1.30			30	48	1.40		.14		.20
Ev 11.7	.2	0									
											62.55
											67.77
											3127.5

No. _____ of _____ Sheets, Comp. by R.H. Chk. by R.H.

0 10 20 30 40 50 60 70 75

1 125 HP US HOLE # 129974
WORTHINGTON VT # 8448 10" D
125 HP US HOLE
WORTHINGTON VT # 8447 10" D
GATE VALVE
INTO 16" MAIN LINE 11616S
NOTE - INLET ON OPP BANK OF CANAL
BESIDES STRUCTURE POND

2 .6 FROM P.W.
75 HP US HOLE # 134962
WORTHINGTON VT # 8449
10" D UNDER

3 .75 FROM P.W. NOBLE - BEAVER POND

↑
2.3 FROM P.W.
50 HP US HOLE # 1301993
WORTHINGTON # 8410
8" D INTO 20" P.W. MAIN LINE STAKE
75 HP US HOLE # 1301894
WORTHINGTON VT # 8404
12" D INTO 20" UNDER MAIN LINE

UNDEVELOPED

WEST END PROJECT

5. 2.5 F.P.

6. 3.0 F.P.
 50 HP US HOCO # 1299226
 W-8445 16" D UNDERGROUND

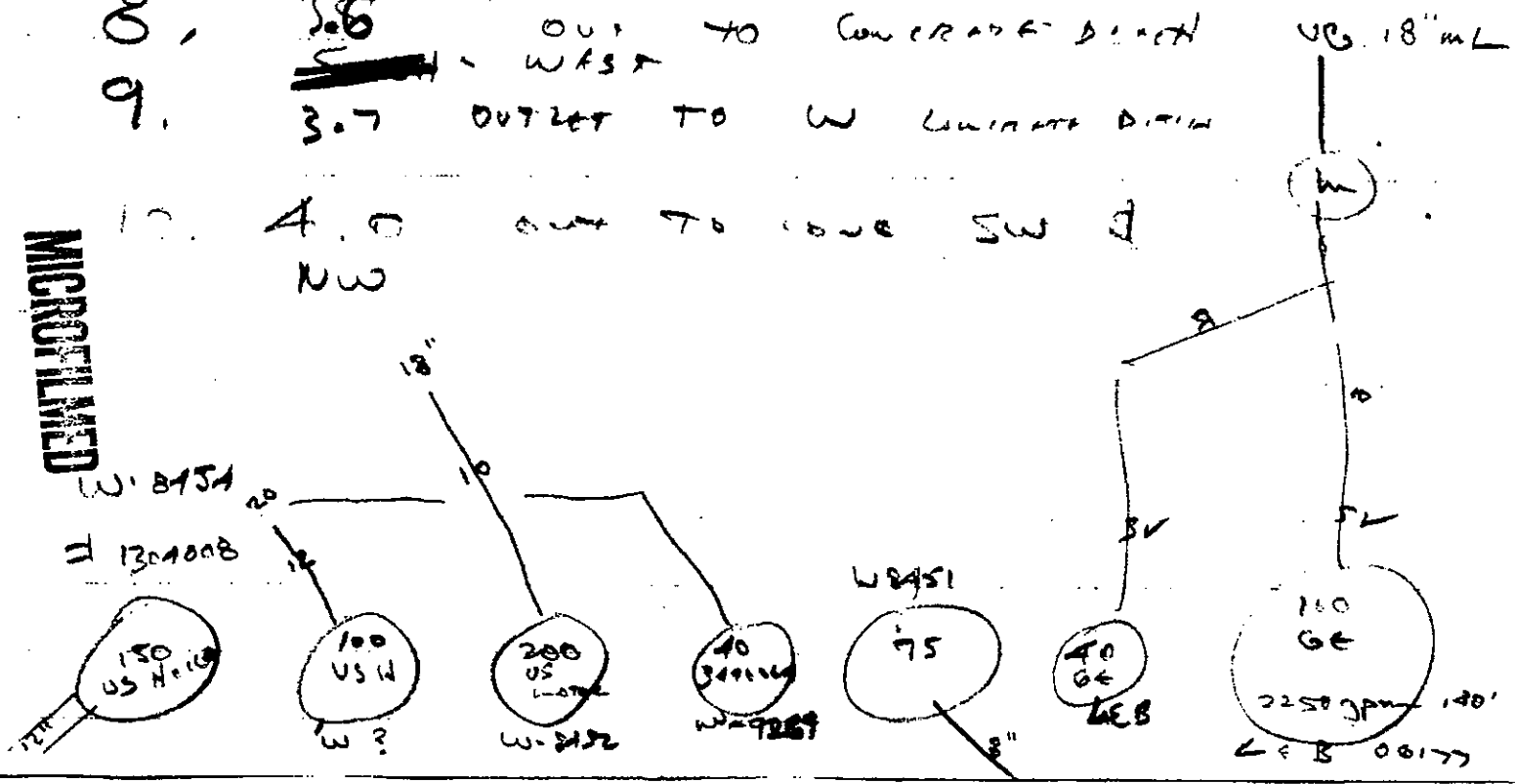
7. 3.1
 — 30 HP US HOCO # H-1018459
 W 8446 10" D UNDERGROUND
 — 25 HP CENTURY CANT MOTOR
 BERTON CENTRAL PUMP # 10289
 6" D

8. 3.6 OUT TO CONCRETE DITCH
~~5.0~~ WEST

9. 3.7 OUTLET TO W LUNATE DITCH

10. 4.0 OUT TO LOW SW D
 NW

MICROFILMED



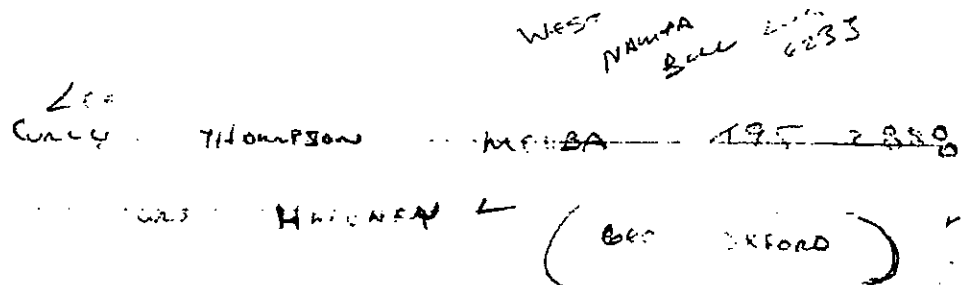
8 Pumps	3055"	381 7/8
10 "	3693"	369
12 "	4361"	363 1/2
B-N		320
Lowndes		800
Pickall	Booth	550
Dyer	Sons	350
FDC		3480
		<hr/> 5500
		4400 80%
11 Pumps		4034

11. OUT TO Pond & Pump

12. OUT TO Pond on Right - N. # Pump
 across canal to complete ditch
 3HP US HOLIDAY
 10" Δ

MIRACULOUS

WATER METER



MR PANGBORN

WEST END TRACT

B G. WILSON

218

IDAHO BUILDING

AVERAGE

Attachment B

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 31125

RECEIVED
DEC 22 1963
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: B.G. Miller,
309 Highland View Drive, Boise, Idaho, P. O. Box 1201, Boise, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Farm Development Corporation; Boise, Idaho; Chairman of the Board;
General authority granted by the bylaws.

Ques. 3. State number, approval date of permit, and date of priority: Permit No. 31125;
approved May 17, 1963; date of priority March 26, 1963.

Ques. 4. State source of water supply: Snake River
Give location of point of diversion, showing subdivision, section, township and range

Lot 3 in Section 16, Township 1 North, Range 3 West of the Boise Meridian,
Canyon County, Idaho.

Ques. 5. Describe your works of diversion: Pump station, penstock, open canal,
diversion ponds, relift pumps and distribution
laterals and pipelines; state amount of water they are capable of conveying from point of diversion to place of use: 88 CFS; Give name of canal or ditch

or other works by which water is conducted to such place of use: west end project canal
_____ ; if a well, state depth of well _____ ; depth and size of casing _____ ; depth to water _____ ; if pump is used, state discharge of pumps: 88 CFS ; tell how it was measured or determined _____

State Reclamation Engineer ; if sprinkler irrigation, give number and size of nozzles and operating pressure: 3762 nozzles 5/32" at 45# pressure

Ques. 6. State for what purpose water is used: irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

See attached sheet

31125

State nature of all improvements which have been made as a direct result of said use:

water delivery system and farm buildings

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: N/A

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

N/A

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ownership acquired by assignment from the original permit holder

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: May 1963 - Time used since first use:

five years

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

I know of no other water rights appurtenant to the above described lands.

(sign) B Seuller

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise, County of Ada

State of Idaho, on this 15th day of November December, A. D. 19 67.

William F. Ringert

My commission expires July 17, 1971.

31125

Attachment C

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 31125

FILED
MAY 13 1967
DIVISION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

W. H. Reynolds, 33 years, Boise, Idaho, Treasurer of Farm Development Corporation, 6517 Grunder Drive, Boise, Idaho 83705

Ques. 2 Are you acquainted with Farm Development Corporation, the holder of Permit No. 31125? How long have you known him and where does he reside?

more than five years

Ques. 3. Have you read or heard said Permit No. 31125 read, and are you familiar with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Snake River

Give location of place of diversion, showing subdivision, section, township and range
Lot 3 in Section 16, Township 1 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Describe works for conveying water to place of use: pump station, penstock, canal, diversion ponds, relift pumps and lateral ditches and pipelines.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 88 CFS How much water have you seen being so

conveyed? 88 CFS

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

See attached sheet

31125

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

N/A

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Silt loam soil, partly flat and partly gently rolling topography;
one miner's inch per acre required for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 1965

Other times you have seen such use: During every irrigation season since 1965

(Signed):



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Boise, County of Ada, State of Idaho, on this 1st day of November December, A. D. 19 67



Notary Public for the State of Idaho
Residing Boise, Idaho

My commission expires July 17, 1971

31125

Attachment D

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 31125

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Darwin Pancheri, 32, Route #1, Melba, Idaho, Farm Manager,

Route #1, Melba, Idaho.

Ques. 2 Are you acquainted with Farm Development Corporation, the holder of Permit No. 31125? How long have you known him and where does he reside?

more than five years

Ques. 3. Have you read or heard said Permit No. 31125 read, and are you familiar with its provisions and conditions: Yes X No. _____

Ques. 4. State source of water supply: Snake River

Give location of place of diversion, showing subdivision, section, township and range

Lot 3 in Section 16, Township 1 North, Range 3 West, Boise Meridian, Canyon County, Idaho

Describe works for conveying water to place of use: pump station, penstock, canal diversion ponds, relift pumps and lateral ditches and pipelines.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 88 CFS How much water have you seen being so

conveyed? 88 CFS

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

See attached sheet

31125

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

N/A

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Silt loam soil, partly flat and partly gently rolling topography;
one miner's inch per acre required for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? On or about May 1, 1963

Other times you have seen such use: Throughout the irrigation season in every year since 1963.

(Signed):

Darwin Penscheri

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

Boise, County of Ada, State of Idaho, on this 1 st day of December, ~~November~~, A. D. 19 67.

William F. Rigert

Notary Public for the State of Idaho

Residing Boise, Idaho

My commission expires July 17, 1971

31125

Attachment E



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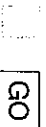
[Idaho Water Science Center Home Page](#)

[Data for Idaho](#)

USGS 1317275 WEST END PROJECT CANAL NR MELBA ID

PROVISIONAL DATA SUBJECT TO REVISION

Available data for this site Time-series: Daily data



LOCATION.--Lat 43° 25'45", Long 116° 42'19" (NAD27), in NE1/4 NW1/4 sec.16,
T.1 N., R.3 W., Canyon County, Givens Hot Spring quad., Hydrologic Unit
17050103, on right bank of Snake River, approximately 1 mi north of Givens
Hot Springs.

PERIOD OF RECORD.--April 2000 to September 2003 (irrigation seasons only)
(discontinued).

GAGE.--Water-stage recorder. Elevation of gage is 2,720 ft above NGVD of 1929,
from topographic map.

REMARKS.--Canal carries water pumped from the Snake River for irrigation
 EXTREMES FOR PERIOD OF RECORD --Maximum daily discharge, 81 ft³/s June 30, 2000;
 no flow for long periods.

Available Parameters <input checked="" type="checkbox"/> All 1 Available Parameters for this site <input checked="" type="checkbox"/> 00060 Discharge (Mean)	Period of Record 2000-04-01 2003-09-30	Output format <input type="radio"/> Graph <input type="radio"/> Graph w/ stats <input type="radio"/> Graph w/ meas <input checked="" type="radio"/> Table <input type="radio"/> Tab-separated	Begin date 2000-06-30 End date 2010-02-21	<input type="button" value="GO"/>
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Summary of all available data for this site

DATE	Jun 2000	Jul 2000	Aug 2000	Sep 2000	Oct 2000	Nov 2000	Dec 2000	Jan 2001	Feb 2001	Mar 2001	Apr 2001	May 2001	Jun 2001	Jul 2001	Aug 2001
1		75 A	65 e A	60 A	17 A	---	---	---	---	---	0.0 A	12 A	30 A	42 A	23
2		72 A	70 e A	43 A	26 A	---	---	---	---	---	1.7 A	10 A	27 A	51 A	24
3		70 e A	65 e A	19 A	30 A	---	---	---	---	---	2.6 A	12 A	19 A	50 A	35
4		70 e A	65 e A	33 A	26 A	---	---	---	---	---	3.7 A	19 A	30 A	54 A	31
5		55 e A	60 e A	37 A	19 A	---	---	---	---	---	2.9 A	15 A	31 A	51 A	23
6		70 e A	48 e A	39 A	19 A	---	---	---	---	---	0.0 A	14 A	30 A	48 A	25
7		60 e A	75 e A	41 A	10 A	---	---	---	---	---	0.0 A	16 A	28 A	47 A	22

8	65 e A	65 e A	38 A	0.0 A	---	---	---	---	---	---	---	---	---	0.0 A	13 A	30 A	39 A	25
9	50 e A	60 e A	32 A	19 A	---	---	---	---	---	---	---	---	---	0.0 A	18 A	29 A	43 A	31
10	60 e A	55 e A	12 A	25 A	---	---	---	---	---	---	---	---	---	0.0 A	16 A	25 A	42 A	35
11	65 e A	50 e A	38 A	21 A	---	---	---	---	---	---	---	---	---	0.0 A	21 A	41 A	40 A	36
12	55 e A	50 e A	51 A	12 A	---	---	---	---	---	---	---	---	---	0.0 A	18 A	39 A	26 A	28
13	75 e A	50 e A	49 A	4.1 A	---	---	---	---	---	---	---	---	---	3.2 A	18 A	37 A	20 A	25
14	65 e A	60 e A	45 A	0.0 A	---	---	---	---	---	---	---	---	---	0.0 A	23 A	34 A	18 A	25
15	60 e A	60 e A	40 A	0.0 A	---	---	---	---	---	---	---	---	---	0.0 A	18 A	39 A	16 A	29
16	60 e A	55 e A	25 A	0.0 A	---	---	---	---	---	---	---	---	---	0.0 A	17 A	43 A	30 A	29
17	65 e A	60 e A	0.0 A	5.2 A	---	---	---	---	---	---	---	---	---	0.0 A	16 A	43 A	36 A	27
18	70 e A	60 e A	39 A	5.7 A	---	---	---	---	---	---	---	---	---	1.9 A	9.2 A	46 A	37 A	32
19	60 e A	64 A	55 A	5.9 A	---	---	---	---	---	---	---	---	---	7.7 A	7.4 A	47 A	38 A	25
20	55 e A	58 A	51 A	3.1 A	---	---	---	---	---	---	---	---	---	6.2 A	5.3 A	49 A	39 A	24
21	65 e A	67 A	48 A	0.0 A	---	---	---	---	---	---	---	---	---	4.4 A	19 A	53 A	28 A	23
22	55 e A	72 A	53 A	0.0 A	---	---	---	---	---	---	---	---	---	4.7 A	27 A	51 A	19 A	28
23	55 e A	70 A	41 A	9.1 A	---	---	---	---	---	---	---	---	---	7.6 A	35 A	52 A	30 A	25
24	55 e A	67 A	24 A	4.3 A	---	---	---	---	---	---	---	---	---	13 A	33 A	44 A	33 A	22
25	65 A	66 A	21 A	0.0 A	---	---	---	---	---	---	---	---	---	20 A	31 A	41 A	27 A	14
26	63 A	53 A	21 A	0.0 A	---	---	---	---	---	---	---	---	---	23 A	31 A	39 A	32 A	9.0
27	64 A	25 A	24 A	3.7 A	---	---	---	---	---	---	---	---	---	26 A	23 A	46 A	30 A	14

