

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: A63-08046
Date Received: 2/06/1990
Receipt No: MDP 5761
Received By: GR

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

1. Name: BEN GAHLEY 208-722-6393
Address: 27128 GOTSCH RD.
PARMA, ID 83660

OR
Name: MAXINE E. GAHLEY 208-722-6393
Address: 27128 GOTSCH RD.
PARMA, ID 83660

2. Date of Priority: OCT 08, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04W	18	NE	SE	SW	5	CANYON

5. Description of diverting works:
WELL, 94' DEPTH, 12" CAS., W/15 HP TURBINE PUMP TO GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/31	0.570		207.00

7. Total Quantity Appropriated is:
0.570 C.F.S. (and/or) 207.00 A.F.A.

8. Total consumptive use is 161.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A63-08046

Page 1

Date: 02/06/90

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	18	SE	SW	5	IRR	46.0
Section Acres							46.0
Total Acres							46.0

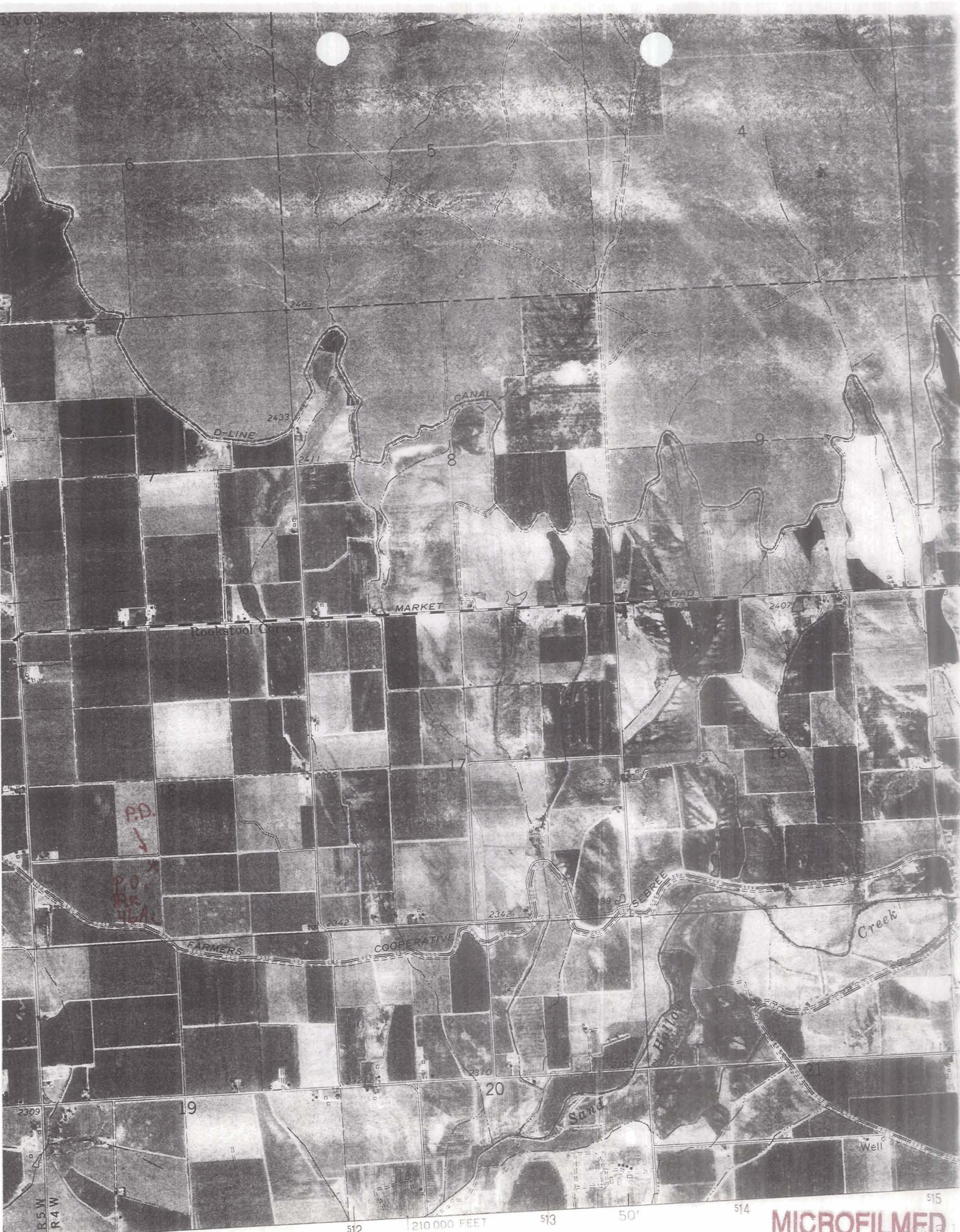
11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
FARMERS COOPY & BLACK CANYON

14. Remarks:

15. Basis of Claim: LICENSE



duced by the Geological Survey
from 1:90,000-scale aerial

T05N R04W, Sec 18

MICROFILMED
AUG 24 1992

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ben Gahley Date: 2-7-90
_____ Date: _____

State of Idaho)
County of CANYON) ss.

Subscribed and sworn (or affirmed) before me this 6th day
of FEB. 19 90
Donna P. Luby
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

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

RIGHT NUMBER: 63-8046

NAME AND ADDRESS: DEBRA A GSBERT
24148 GOODSON RD
PARMA ID 83660

~~MAXINE E CAHLEY~~
~~BEN CAHLEY~~
~~27128 GOTSCH RD~~
~~PARMA ID 83660~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.570 CFS
207.000 AFY

PRIORITY DATE: 10/08/1974

POINT OF DIVERSION:

T05N R04W S18 NESESW Lot 5 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 10/31

0.570 CFS
207.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R04W S18 Lot 5 SESW 46.00

46 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.

**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

Water Rights: 63-8046

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

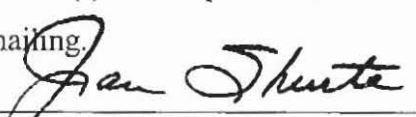
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 29, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 29, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

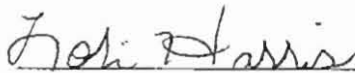
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Debra Gebert
24148 Goodson Rd
Parma ID 83660

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 29, 2007

DEBRA A GEBERT
24148 GOODSON RD
PARMA ID 83660

Re: Water Right No. 63-8046

Dear Ms. Gebert:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the printed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
 JUN 04 2007
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-8046	NO fee				
63-4450	#25-				
~~63-4449~~					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Ben + Maxine Gahley

4. New Owner/Claimant(s)

Debra A Gebert

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

24148 Goodson Rd

City, State and ZIP Code

PARINA Id 83660

New Telephone Number

(208) 722-6511

5. Date you acquired the property

3/8/05

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by DB
 Received by DB
 Processed by AD AJ

Date 6-4-07
 Date 6-4-07
 Date 6-25-07

Receipt Amt. \$25 -
 Receipt No. W035451
 WR _____ Date _____

200512020

RECORDED

15 PM 3 PM 4 20

CANYON COUNTY RECORDER
Jude Almon

David P. McAnaney
Debra A. Gebert

WHEN RECORDED

RETURN TO:

McAnaney & Associates PLLC
1101 W. River Street, Suite 100
Boise, Idaho 83702

WARRANTY DEED

GRANTOR, **David P. McAnaney as Successor Trustee of the Gahley Family Revocable Trust**, does hereby bargain, deed, and convey unto **Debra A. Gebert, a married woman, as her sole and separate property**, whose current address is 24128 Goodson Road, Parma, Idaho 83660, as GRANTEE and to Grantee's successors and assigns, all of Grantor's right, title and interest in and to the real property situated in Canyon County, Idaho, more particularly described as follows:

See attached Exhibit A

Commonly known as: 27128 Gotsch Road, Parma, Canyon County, Idaho 83660.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

Grantor, for itself and its successors and assigns, hereby covenants with Grantee, her heirs and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its successors and assigns, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or her heirs or assigns, and at the expense of Grantee, its successors and assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor, its successors and assigns will forever warrant and defend all of the property so granted to Grantee, and her heirs, against every person lawfully claiming the same or any part thereof.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

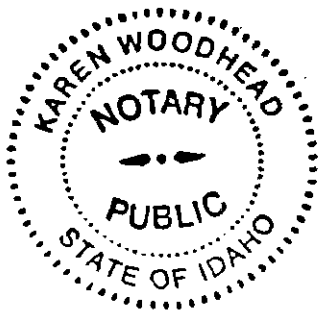
IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument
this 8th day of March, 2005.

THE GAHLEY FAMILY REVOCABLE TRUST

By: David P. McAnaney, Trustee
David P. McAnaney, Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 8 day of March, 2005, before me, the undersigned, a Notary Public, personally appeared **David P. McAnaney**, as Trustee of the Gahley Family Revocable Trust, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing at: Bose Idaho
My commission expires: 5/11/05

EXHIBIT A
LEGAL DESCRIPTION

Government Lot 5 and a portion of Government Lot 4 of Section 18, Township 5 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4; thence

South 89° 11' 51" East along the North boundary of said Government Lot 4 a distance of 887.44 feet to the Northeast corner of said Government Lot 4; thence

South 89° 11' 51" East along the North boundary of said Government Lot 5 a distance of 1,320.97 feet to the Northeast corner of said Government Lot 5; thence

South 00° 40' 03" West along the East boundary of said Government Lot 5 a distance of 1,411.41 feet to the Southeast corner of said Government Lot 5; thence

North 89° 48' 18" West along the South boundary of said Government Lot 5 a distance of 1,320.14 feet to the Southwest corner of said Government Lot 5; thence

North 89° 48' 18" West along the South boundary of said Government Lot 4 a distance of 593.74 feet; thence

North 05° 46' 17" East a distance of 337.20 feet; thence

North 85° 03' 18" West a distance of 329.54 to a point on the West boundary of said Government Lot 4; thence

North 00° 53' 00" East along said West boundary a distance of 1,071.96 feet to the POINT OF BEGINNING.

Together with twenty (20) shares of stock in the Farmers Co-Operative Ditch Company, Ltd., a corporation

08/17/2006

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

RIGHT NUMBER: 63-8046

NAME AND ADDRESS: MAXINE E GAHLEY
27128 GOTSCH RD
PARMA ID 83660

BEN GAHLEY
27128 GOTCH RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.570 CFS
207.000 AFY

PRIORITY DATE: 10/08/1974

POINT OF DIVERSION:

T05N R04W S18 NESESW Lot 5 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 10/31

0.570 CFS

207.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S18 Lot 5 SESW 46.00

46 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.



Idaho Department of Water Resources

63-8046

T05N R04W S18



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

Total irrigated
acres = 46.0



400 0 400 800 Feet

IDWR

Prepared by: Sandy Egbert

Date: August 17, 2006

1987 NAAP Photography

5/1/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Claim	63 303A	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											22					4	26
Rec	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0
Rec	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0
Rec	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0
Rec	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0
Rec	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0
Rec	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N04W18											X	X					0

5/1/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page2

Claim	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	05N04W18												22					4	26
Rec	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	05N04W18												X	X					0
Rec	63 2878	BLACK CANYON IRRIGATION DIST,	ELIJAH DRAIN, WILSON DRAIN	05N04W18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N04W18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Claim	63 8046	MAXINE E GAHLEY, BEN GAHLEY,	GROUND WATER	05N04W18													46					46
Rec	63 8046	MAXINE E GAHLEY, BEN GAHLEY,	GROUND WATER	05N04W18													46					46
Right	63 21333	ANNA L DURNIL, M WAYNE DURNIL, ELEANOR J FRITTS,	GROUND WATER	05N04W18																X		0
Right	63 21933	WAYNE A WARREN,	GROUND WATER	05N04W18						X												0
Right	63 21933	WAYNE A WARREN,	GROUND WATER	05N04W18						X												0
Right	63 23842	RAYBURN SUTER CO,	GROUND WATER	05N04W18									X									0
Right	63 23842	RAYBURN SUTER CO,	GROUND WATER	05N04W18									X									0
Right	63 26045	MARVIN VEARL SORENSON, LARRY SORENSON,	GROUND WATER	05N04W18													X					
Right	63 4429	WAYNE A WARREN,	GROUND WATER	05N04W18						X												0
Right	63 4450	BEN GAHLEY, MAXINE E GAHLEY,	GROUND WATER	05N04W18											X							0
Right	63 8046	BEN GAHLEY,	GROUND WATER	05N04W18													46					46
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	05N04W18	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	05N04W18												22					4	26

[illegible]

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. Priority October 8, 1974 Amount 0.57 cfs

THIS IS TO CERTIFY, that Ben Gahley
of Parma, Idaho, has complied with the terms and conditions of Permit
No. 63-8046 issued pursuant to Application for Permit dated October 8, 1974,
and has submitted proof to the Department of Water Resources on April 5, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.57 cfs of water from a groundwater source,
tributary to , and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>October 31</u>	at <u>0.57</u> cfs and	<u>207</u> acre feet
	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>
	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.57 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
207 acre feet per year, said waters to be diverted within the Government Lot 5, Sec. 18,
Twp. 5N, Rge. 4W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4W	18												46					46

Total number of acres irrigated 46

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

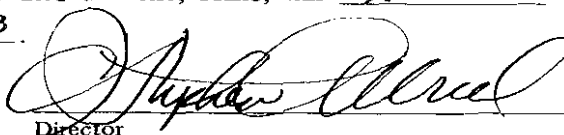
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of

FEBRUARY

, 19 78


Director

RECORDED

Identification No. _____

Application No. 63-8046

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Ben Gahley Phone: 722-6396
post office address Rt. 1, Parma, ID 83660
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is Lot 5 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 18 Township 5 N
Range 4 W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.92 for Irrigation purpose from March 15 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.92 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well and pump into gravity ditch

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 100 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$10,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	4 W	18	Lots 4&5																46

Total number of acres to be irrigated 46

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

Black canyon 2nd unit for 31 acres. This well will be supplemental

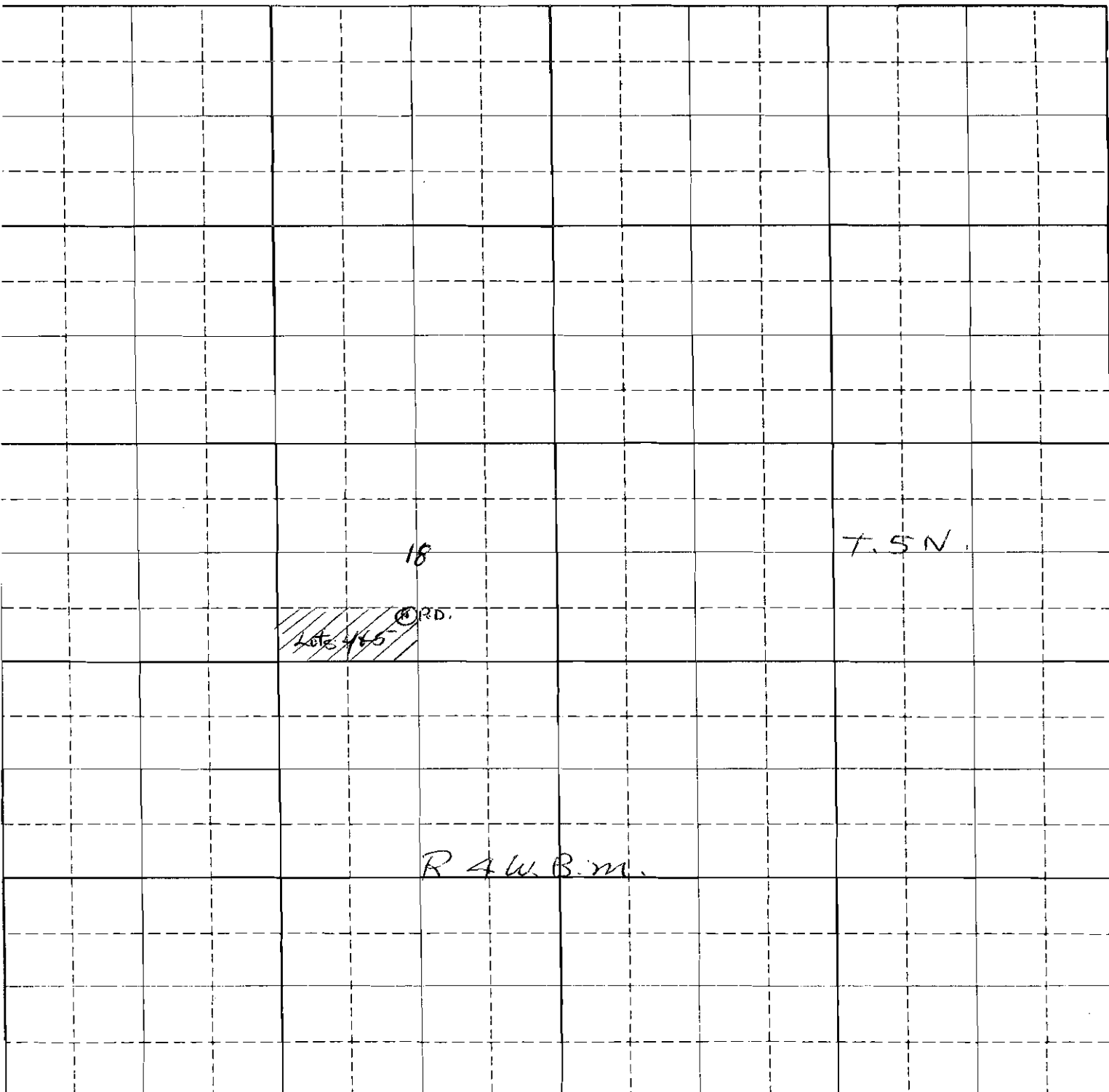
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use 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

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.

Ben Lohby
(Applicant)

Proposed Priority 10-08-1974

Received by RWH Date 10-8-1974 Time 2:35 P.M.
Preliminary check by RWH Fee \$ 25.00
Received by SW Date 10-8-74 # 15271
Publication prepared by Cu Date 10-11-74
Published in Karna Review
Publication dates Oct. 17 & Oct. 24
Publication approved Cu Date 10-28-74
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by de BDF

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. 63-8046, 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 November 1, 19 79.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 19 day of November 19 74.


Director

RCR

INGOLF

Rge. 4W

T
5
N

7B

lot *
5

Diagram of System

DATE OF EXAM 13 June 77

ACREAGE

Found _____
Recommended 46

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q = 157 c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured 157 cfs Method of measurement CFS

Total Q recommended _____ Meter No. _____ Type Weir Condition _____

Total V recommended 207 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Measure over 2' rectangular weir .185 = 0.57 cfs
at a depth of 2" above weir

SYSTEM DESCRIPTION:

12" well on 100' w/ 15 HP submersible pump motor
w/ discharge into gravity flow ditch

REMARKS:

system in operation Mr. Johnston present during insp.

Examiner's Signature Erin Ballan Date 13 June 77

Checked by YSL Date 7-5-77

Approved by _____ Date _____