

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-10064
Date Received: 5-24-06
Receipt No: W034211
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 24 2006
WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

BRIAN M HOWARD Phone: (208) 467-4230
7999 S POWERLINE RD
NAMPA ID USA 83686-9405

LAURA LYN HOWARD Phone:
7999 S POWERLINE RD
NAMPA ID USA 83686-9405

2. Date of Priority: 06/11/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	27	NE NE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.06	9

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	27	NE	NE	IRRIGATION	2
Section Acres						2
Total Acres						2

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:

14. Remarks:

This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.

15. Basis of Claim: License

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 do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): *B. Miller* Date: 05-23-06
Lauree Lynn Howard Date: 5-23-06

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of May 2006 *Maribel Tamez*

Notary Public

Residing at Nampa, ID

My commission Expires Sept. 31, 2008

MARIBEL TAMEZ
NOTARY PUBLIC
STATE OF IDAHO

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: 63-10064

BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405
Telephone Number: (208)467-4230

LAURA LYN HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

RECEIVED

OCT 13 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: 10-11-06 SIGNATURE: B. M. Howard

Please print your name: Brian M. Howard

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

06/02/2006

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

RIGHT NUMBER: 63-10064

NAME AND ADDRESS: BRIAN M HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

LAURA LYN HOWARD
7999 S POWERLINE RD
NAMPA ID 83686-9405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
9.000 AFY

PRIORITY DATE: 06/11/1983

POINT OF DIVERSION:

T02N R02W S27 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.060 CFS

9.00 AFY

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

PLACE OF USE: IRRIGATION Within CANYON County

T02N R02W S27 NENE 2.00

2 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.

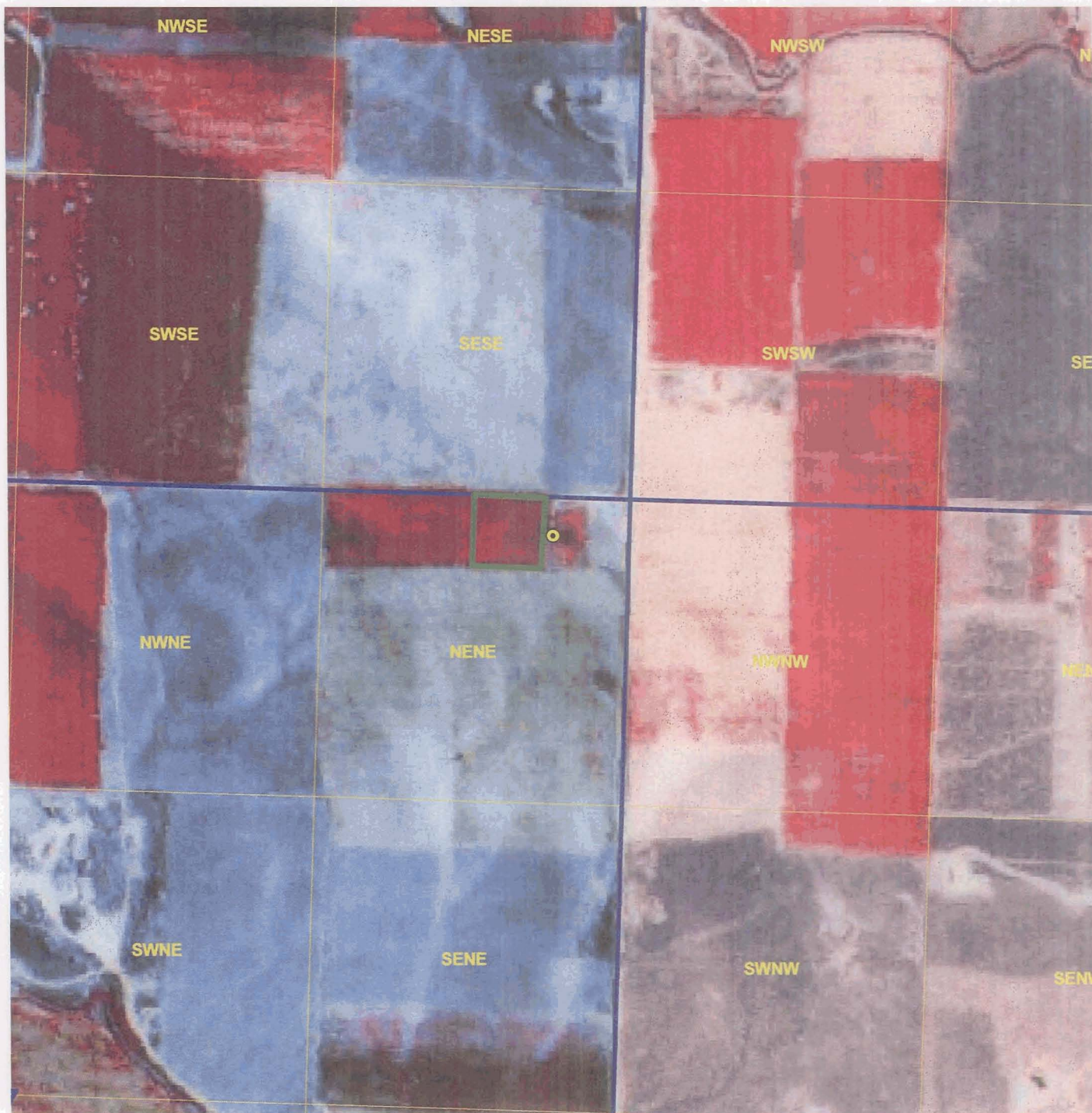
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

63-10064

T02N R02W S27



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

Total irrigated
acres = 2



500 0 500 Feet



IDWR

Prepared by: Sandy Egbert

Date: June 2, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-10064

05/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
'610C	Claim	02N	02W	27	NE	NE		IRRIGATION	11/21	HOWARD W MYLANDER
10064	Claim	02N	02W	27	NE	NE		IRRIGATION	2/2	BRIAN M HOWARD
10064	Water Right	02N	02W	27	NE	NE		IRRIGATION	2/2	LAURA LYN HOWARD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10064

Priority: June 11, 1983

Amount:

.06 CFS

9.0 AFA

This is to certify, that BRIAN M. HOWARD
LAURA LYN HOWARD

RT. 7 BOX 7201B
NAMPA, ID 83651

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 9, 1983, and has submitted proof to the Department of Water Resources on August 24, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .07 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.06 cfs	9.0 afa

LOCATION OF POINT OF DIVERSION(S): NENE , Sec. 27, Township 2N, Range 2W
Canyon County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
2N	2W	27	NENE	2			2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.

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MAY 12 1987

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 15 day of MAY, 1987.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 63-10064 IN THE NAME
OF BRIAN M. &/OR LAURA
LYN HOWARD

ORDER ADVANCING
DATE OF PRIORITY

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 63-10064 for the issuance of a license, the Department makes the following Findings of Fact, Conclusions of Law, and Order pursuant to the provisions of Idaho Code.

FINDINGS OF FACT

1. On August 18, 1983 the Department approved Application for Permit No. 63-10064 to appropriate the public waters of the State of Idaho with a priority of June 9, 1983.

2. On April 30, 1986 the Department sent the permit holder a notice that a license examination fee was required before an examination could be conducted confirming the extent of use developed under the permit.

3. The fee was due on June 29, 1986, 60 days from the date of the notice; however, the fee was not received until July 1, 1986, 2 days late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the fee was late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 63-10064 should be advanced 2 days.

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 63-10064 is advanced to June 11, 1983.

Dated this 30th day of March, 1987.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

MAY 12 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

- b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{IR} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 4.5 = 9.0 \\ V_{DR} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 29.2 \text{ AF} \\ V &= \text{Smaller of } V_{IR} \text{ and } V_{DR} = \end{aligned}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 63-76101A-gw-different pld.

- b) Other water rights with same point of diversion: none

- c) Analysis: Recommend R32 modified to
R27
this right when

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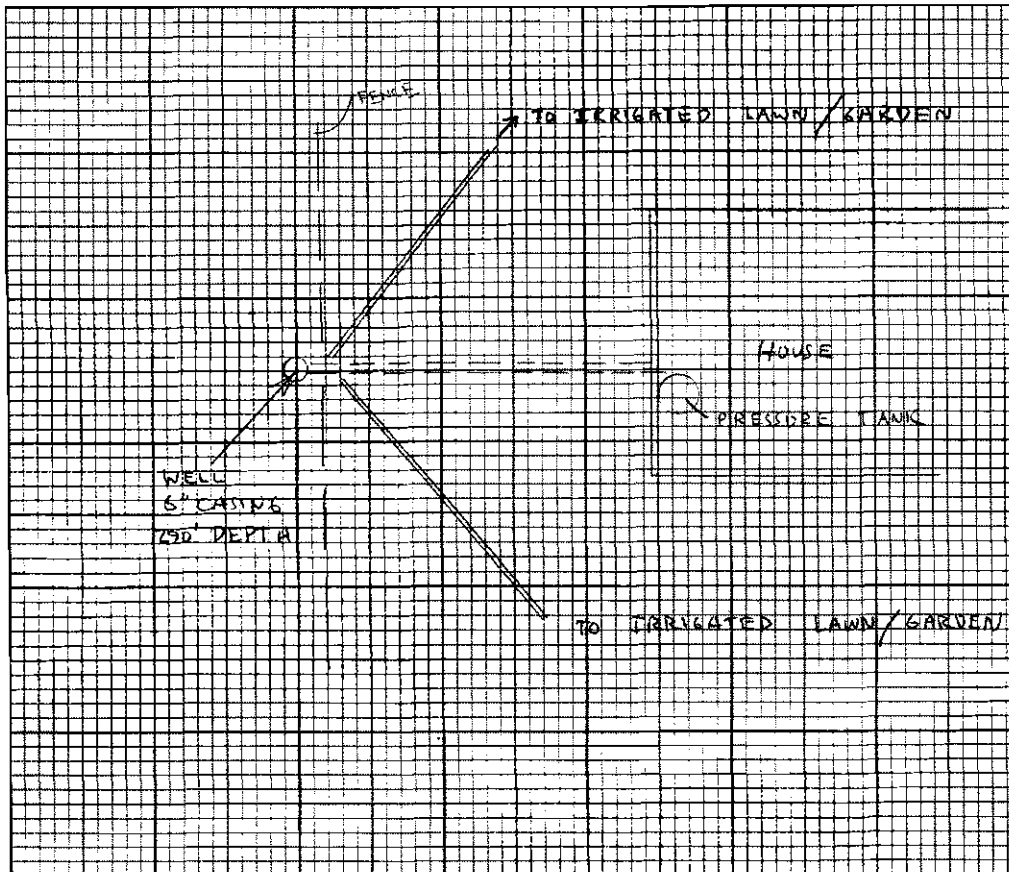
MAY 12 1987

10 day

- Date 3/16/87

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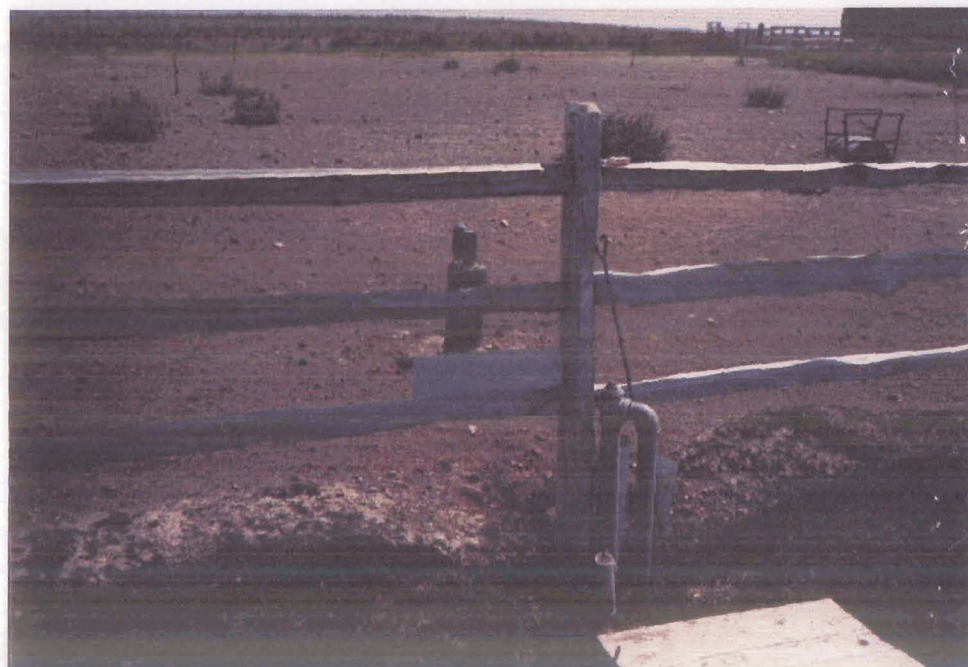
10. Other water rights on these lands 63-7610A
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks This water right when combined with 63-7610A cannot exceed a total of 1 inch per acre (.02 cfs) and 9.5 A.F. per year.
- Recommended Uses: $Q = .06$ CFS for 2 acres 3/15 - 11/15
 $V = 9$ AFA " acres 3/15 - 11/15
15. 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
16. Examiner's/Consultant's Signature Richard J. Gephart Date 3/11/86
 Consultant's License Number _____
 IDWR Director's Authorization to Conduct
 Beneficial Use Examination 3/11/86
 Date







STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant BRIAN M. AND/OR LAURA LYN HOWARD Phone 467-4230
Post office address Rt. 7, Box 7201B, Nampa, ID 83651

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27 Township 2N
Range 2W B.M. Canyon County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for irrigation purposes from 3/15 to 11/15 (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. .06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with pump and pipeline
into sprinkler system

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 _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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: _____

MICROFILMED

REF ID:

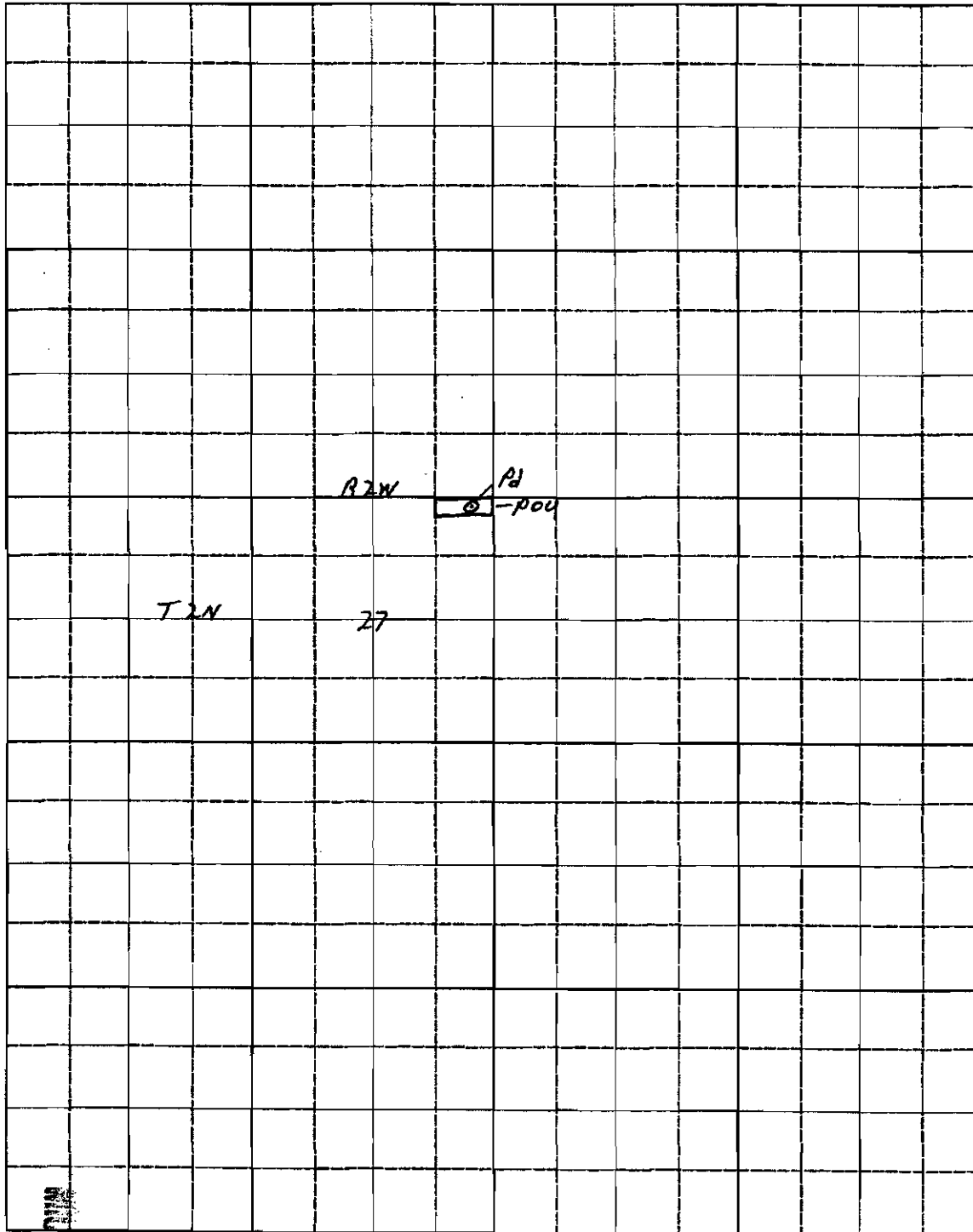
Total number of acres to be irrigated 2

None

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

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.

Laura Lynn Howard
(Applicant)

