

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 63-31846
Date Received: 2/15/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHARI KAY PORTER Phone: (208)585-6658
21578 LANSING LN
MIDDLETON ID USA 83644

RICHARD A PORTER Phone: (208)585-6658
21578 LANSING LN
MIDDLETON ID USA 83644

2. Date of Priority: 09/29/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02W	15	SE NW	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	03/15	11/15	0.05	13.5

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 13.5 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
04N	02W	15	SW	NW		IRRIGATION	0.7
			SE	NW		IRRIGATION	2
			NW	SW		IRRIGATION	0.3
						Section Acres	3
						Total Acres	3

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31794.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

The well shall be cased with un-perforated casing and sealed to the first confining layer to prevent interaction with local surface water.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

15. Basis of Claim: License

WATER RIGHT NO. 63-31846
As Modified by Transfer No. 71110

In accordance with the approval of Transfer No. 71110, Water Right No. 63-31846 is now described as follows.

Right Holder: RICHARD A PORTER And
 SHARI KAY PORTER
 21578 LANSING LN
 MIDDLETON ID 83644

Priority Date: September 29, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.05 CFS	13.5 AF
			0.05 CFS	13.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 15 Twp 04N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02W	15																	3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. The well shall be cased with un-perforated casing and sealed to the first confining layer to prevent interaction with local surface water.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of June, 2004



 Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71110

This is to certify that: RICHARD A PORTER
21578 LANSING LN
MIDDLETON ID 83644
(208)585-6658

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31846	AJC/License	09/29/1978	0.05 cfs	13.5 af	N/A	3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

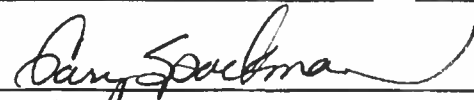
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31846	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31846	63-31846	0.05 cfs	13.5 af	N/A	3.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.05 cfs	13.5 af	N/A	3.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of June, 2004



Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31794

WATER RIGHT NUMBER: 63-31794

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN CLARK
	, ZZ
Current Owner	CARLOS POST 6000 LITTLE FREEZEOUT RD CALDWELL, ID 83605 (208)459-4534

Priority Date: 09/29/1978

Basis: License

Status: Parent

<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>
STOCKWATER	01/01 to 12/31	0.120 CFS	6.10 AF
IRRIGATION	03/15 to 11/15	2.470 CFS	688.50 AF
	<u>Total Diversion:</u>	2.470 CFS	688.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 36, Twp 06N, Rge 03W, B.M.
GEM County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	36	X	X	X	X									X		X		

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	36	34.0	7.0	26.0	40.0									36.0		10.0		153.0

Total Acres: 153

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31794

Remarks:

1. General SPLIT RIGHT: SEE RIGHT NOS. 63-31845, 63-31846 AND 63-31847.

2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31758.

Comments:

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: A63-09179C
Date Received: 2/14/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CARLOS POST 208-482-7777
Address: 6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.240		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.240 C.F.S. (and/or) 1185.12 A.F.A.

8. Total consumptive use is 917.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	7.0
			SW	NE		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	03W	36	SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	39.0
			SW		SE		IRR	35.0
			SE		SE		IRR	35.0
							Section Acres	262.0
							Total Acres	262.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

THIS CLAIM IS A RESULT OF A SPLIT DUE TO A CHANGE IN OWNERSHIP.

15. Basis of Claim: LICENSE

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

RECEIVED
FEB 07 2000
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): Lic 63-9179
 Adjudication Claim No(s): A63-9179A

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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 Carlos Post
6000 Little Freezout

4. New Owner/Claimant(s) Tony and Linda Hackett
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 6025 Little Freezout
 City, State and ZIP Code Caldwell ID 83605
 New Telephone Number (208) 459 4079

5. Date you acquired the property 6-6-95

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>25</u>	Number and type of stock _____
Diversion rate in CFS <u>40</u>	Number of homes you acquired <u>N/A</u> Other uses _____

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

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

18574 184916 95010614
FURNISHED COURTESY OF:

PAGES 1 2

6.00

Notary Public
Linda McGrath
Deputy

Order as a Deed

May 23, 1995

May 23, 1995

3:49 PM

Security Title Co.

Recorded at request of
County, IDAHO ss.

STEWART TITLE

READ & APPROVED BY GRANTEE(S): YH LD

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 95010614 LM

WARRANTY DEED

FOR VALUE RECEIVED CARLOS L. POST AND LAURA E. POST, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto TONY HACKETT AND LINDA HACKETT, husband and wife

GRANTEE(S), whose current address is: 2951 W. HIGAN, MERIDIAN, IDAHO 83642
the following described real property in GEM County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 18, 1995

CARLOS L. POST

Carlos L Post

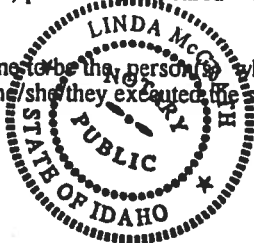
LAURA E. POST

Laura E Post

STATE OF IDAHO)
COUNTY OF CANYON)

On this _____ day of _____, in the year of _____, before me, the undersigned, a Notary Public in and for said State, personally appeared CARLOS L. POST AND LAURA E. POST

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Signature: Linda McGrath

Name: LINDA MCGRATH

(type or print)

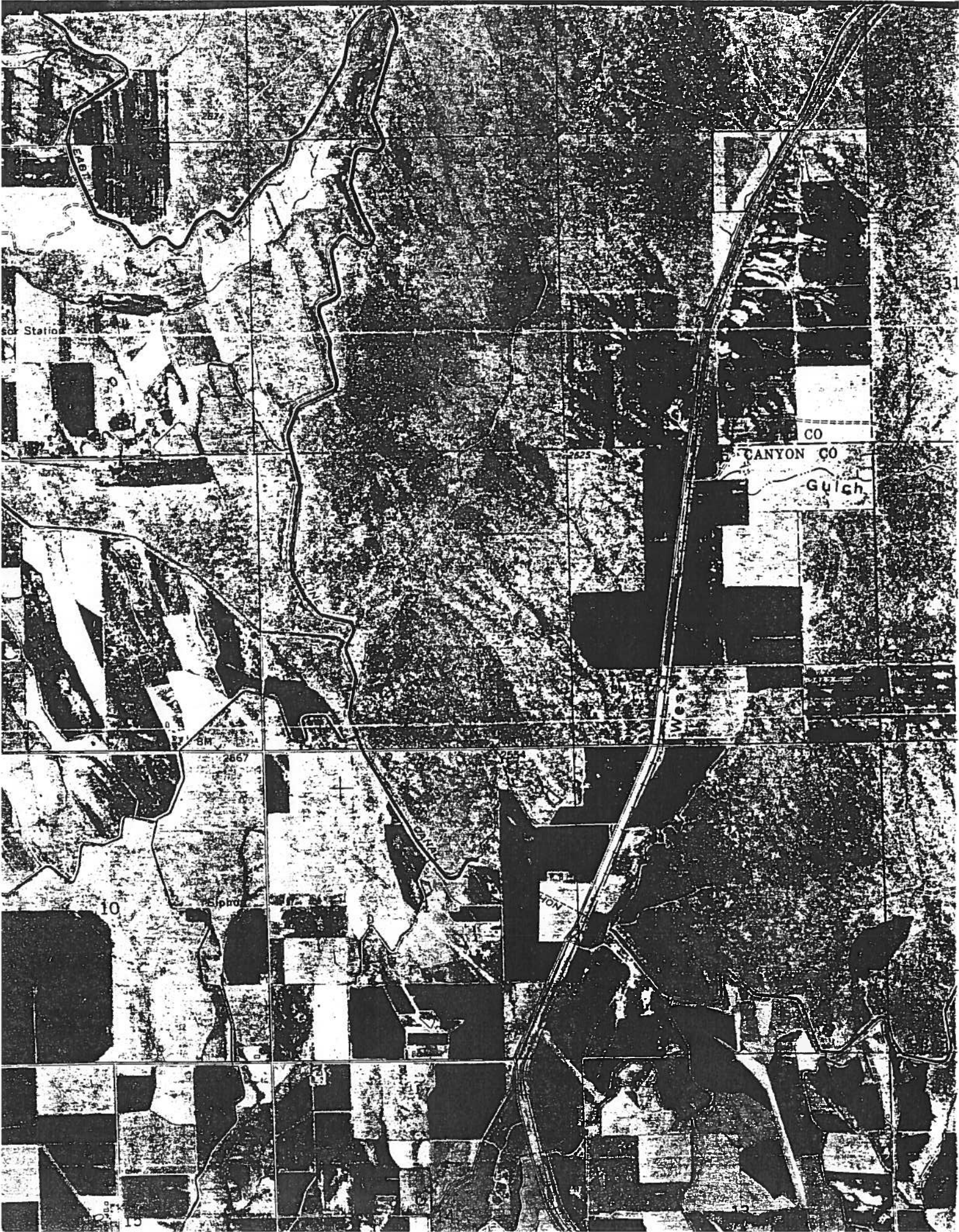
Residing at: MERIDIAN, IDAHO

My Commission Expires: 05/28/99

EXHIBIT 'A'

184916
PAGES 2 of 2

That part of the N 1/2 of the NE 1/4 of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, lying West of Little Freeze Out Road.



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: A63-09179A
Date Received: 2/14/1990
Receipt No: C014697
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLOS POST
Address: 27346 MIDDLE RD
WILDER ID

208-482-7777

83676

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	03/15	11/15	4.800	40.0K
STOCKWATER	01/01	12/31	0.120	

7. Total Quantity Appropriated is:

~~4.800~~ 4.800 C.F.S. (and/or)

8. Total consumptive use is

1039.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	32.0
			SW	NE		IRR	

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0

Section Acres 287.0

Total Acres 287.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Split

Alb3-09179 A

Alb3-09179 C

Carlos Post

4.24 total cfs

POD = same

POU = 6N3W S-36

* only change: NWNE

7 ac.

all other $\frac{1}{4}$ $\frac{1}{4}$ same.

AFA = 1185.12

Cons. Use 917.

Alb3-09179 D

Jony Hackett

.40 cfs

POD = same

POU = 6N 3W S-36

NWNE

25 ac

AFA = 113.08

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A63-09179A
Date Received: 2/14/1990
Receipt No: C014697
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARLOS POST
Address: 6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605 208-482-7777

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.640		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.640 C.F.S. (and/or) 1298.20 A.F.A.

8. Total consumptive use is 1004.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	32.0
			SW	NE		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0

Section Acres 287.0

Total Acres 287.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.
CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

04/11/2006

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

RIGHT NUMBER: 63-31846
NAME AND ADDRESS: RICHARD A PORTER
21578 LANSING LN
MIDDLETON ID 83644

SHARI KAY PORTER
21578 LANSING LN
MIDDLETON ID 83644

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.050 CFS
13.500 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:
T04N R02W S15 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.050 CFS 13.50 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 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
T04N R02W S15 Lot 4 SWNW 0.70 T04N R02W S15 Lot 6 SENW 2.00
T04N R02W S15 NWSW 0.30

3 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

04/11/2006

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

The well shall be cased with un-perforated casing and sealed to the first confining layer to prevent interaction with local surface water.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31794.

The right holder shall accomplish the change authorized by Transfer No. 71110 within one (1) year of the date of the approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

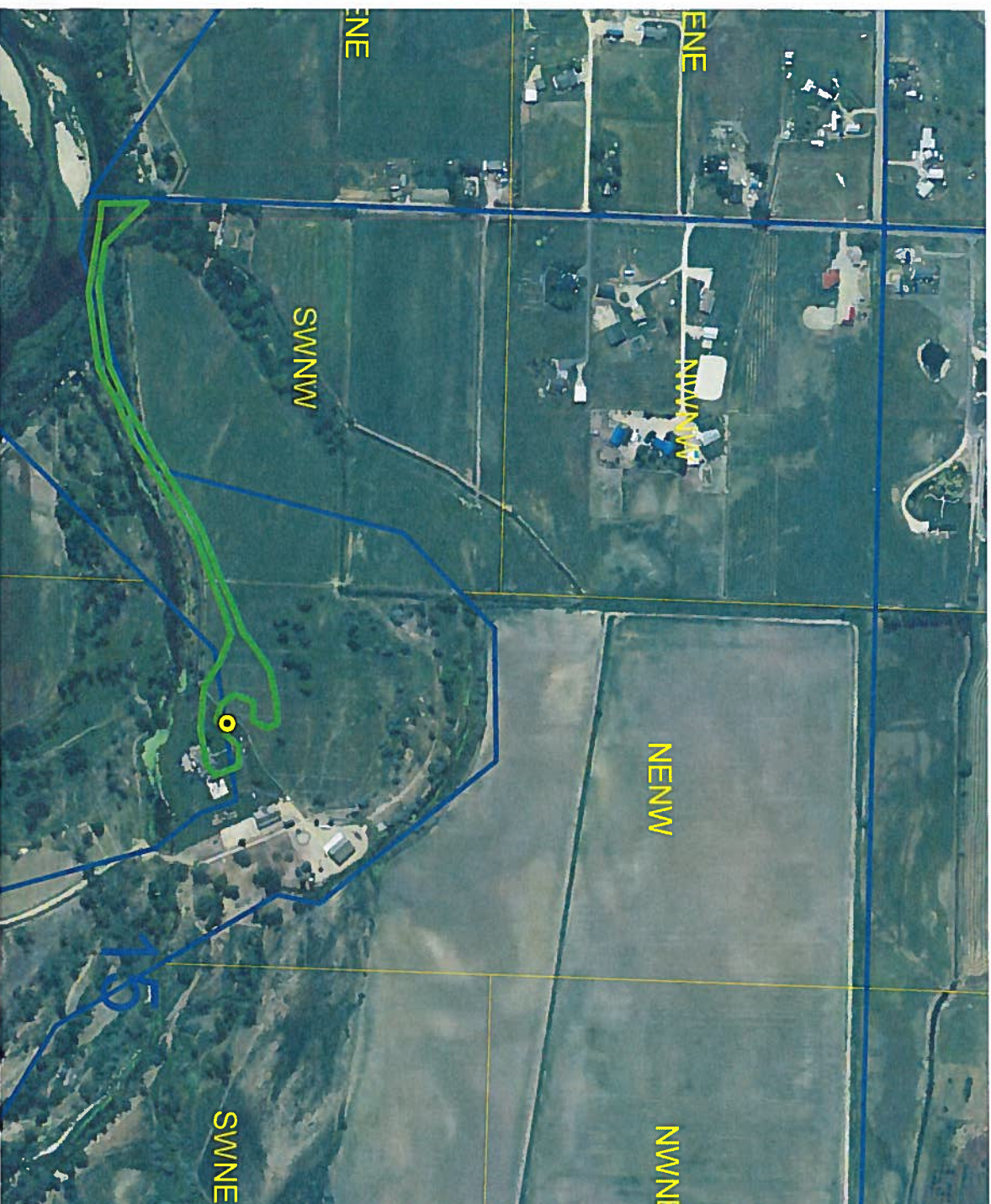
Idaho Department of Water Resources

**T04N, R02W,
SEC 15**

Claim No: 63-31846

Prepared By: Kimberly Brown

Date: April 11, 2006



Place of Use



Section Lines

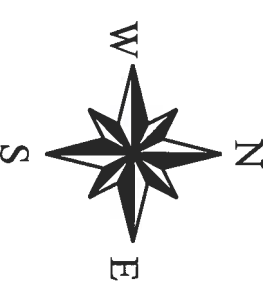


1/4 1/4



Point of Diversion

Irrigated Acres = 3



2004 NAPP



SPF Water Engineering, LLC
water resource consultants

RECEIVED

OCT 27 2006

WATER RESOURCES
WESTERN REGION

October 24, 2006

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Jan Shurte

Subject: Notice of Error Reply, 63-31846

Dear Jan,

Enclosed on behalf of Richard Porter is a Notice of Error Reply. Mr. Porter agrees with the preliminary recommendation on the above referenced water right.

Sincerely,



Scott N. King, P.E.
Senior Project Engineer

cc: Richard Porter

File: 198.0010

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: 63-31846

RICHARD A PORTER
21578 LANSING LN
MIDDLETON ID 83644
Telephone Number: (208) 585-6658

SHARI KAY PORTER
21578 LANSING LN
MIDDLETON ID 83644
Telephone Number: (208) 585-6658

RECEIVED

OCT 27 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: 10/9/06

SIGNATURE:

Richard A. Porter

Please print your name:

RICHARD A. PORTER

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31846

WATER RIGHT NUMBER: 63-31846 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHARI KAY PORTER ✓ 21578 LANSING LN MIDDLETON, ID 83644 (208)585-6658
Current Owner	RICHARD A PORTER ✓ 21578 LANSING LN MIDDLETON, ID 83644 (208)585-6658

Priority Date: 09/29/1978 ✓
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>
IRRIGATION ✓	03/15 to 11/15 ✓	0.050 CFS ✓	13.50 AF ✓
	<u>Total Diversion:</u>	0.050 CFS ✓	13.50 AF ✓

Location of Point(s) of Diversion
GROUND WATER Sec. 15, Twp 04N, Rge 02W, B.M. ✓
CANYON County ✓

POB in "intermittent lands"

Place of Use
IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	15							.7	2.0				.3					3.0
Total Acres: 3 ✓			L4 L6 ADD Govt. lots																

Conditions of Approval:

1. T07 ✓ The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. P21 ✓ THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31794.
3. R69 ✓ This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. X81 ✓ The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

ADD S39 - Season of use begins 3/1.

No. 71110

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31846

- Expl. 5. 046 ✓ Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Expl. 6. ✓ The well shall be cased with un-perforated casing and sealed to the first confining layer to prevent interaction with local surface water.
- Expl. 7. T08 ✓ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

Comments: ✓

1. psdaggs 6/11/2004 1:33:41 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 71110

Water Supply Bank:

Parent -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-9179A

WATER RIGHT NUMBER: 63-9179A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O CIGNA CORP SOUTH BUILDING S-305 900 COTTAGE GROVE RD BLOOMFIELD, CT 06002
Original Owner	JOHN CLARK , ZZ

Priority Date: 09/29/1978
Basis: License
Status: Active Transferred

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	4.740 CFS	1,318.50 AF
STOCKWATER	1/01 to 12/31	0.120 CFS	6.70 AF
	<u>Total Diversion:</u>	4.740 CFS	1,325.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 36, Twp 06N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 03W 36	40.0	32.0	32.0	40.0									40.0	39.0	35.0	35.0	293.0

Total Acres: 293

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-9179A

Comments:

1. STAYLOR 6/24/1998 TRANSFER 5285

Comment: Transfer 5285 changes the point of diversion, place, nature & season of use under a portion of Right 63-09179, splitting the right into Parts A & B.

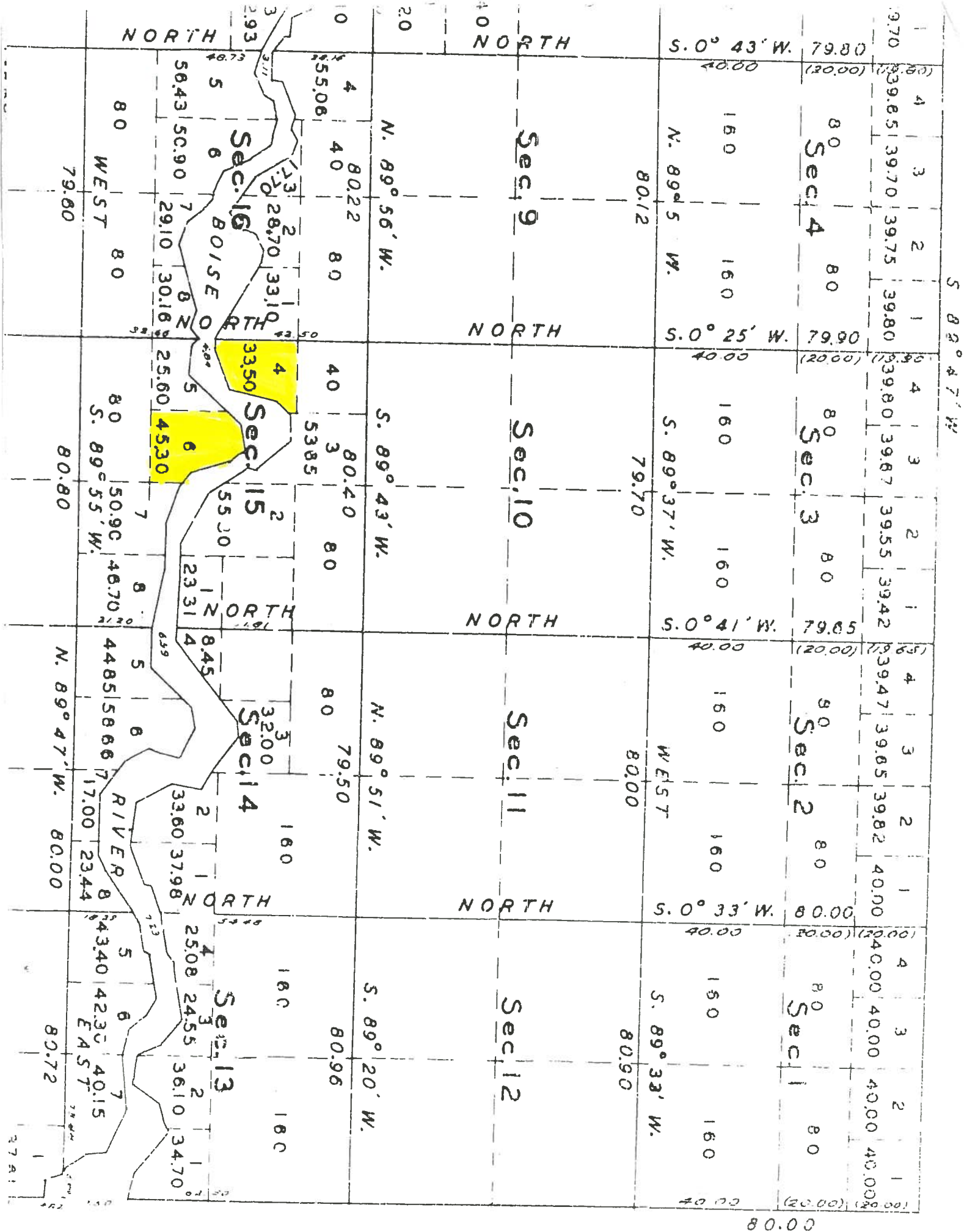
2. psdaggs 11/27/2002 8:27:57 AM Approved Transfer 69920

Comment: Approved transfer 69920 is associated with all or part of this Right and the following records.

Claim 63-31494 3.59 cfs 1005.1 afa 222 total acres

Claim 63-31495 0.65 cfs 180 afa 60 total acres

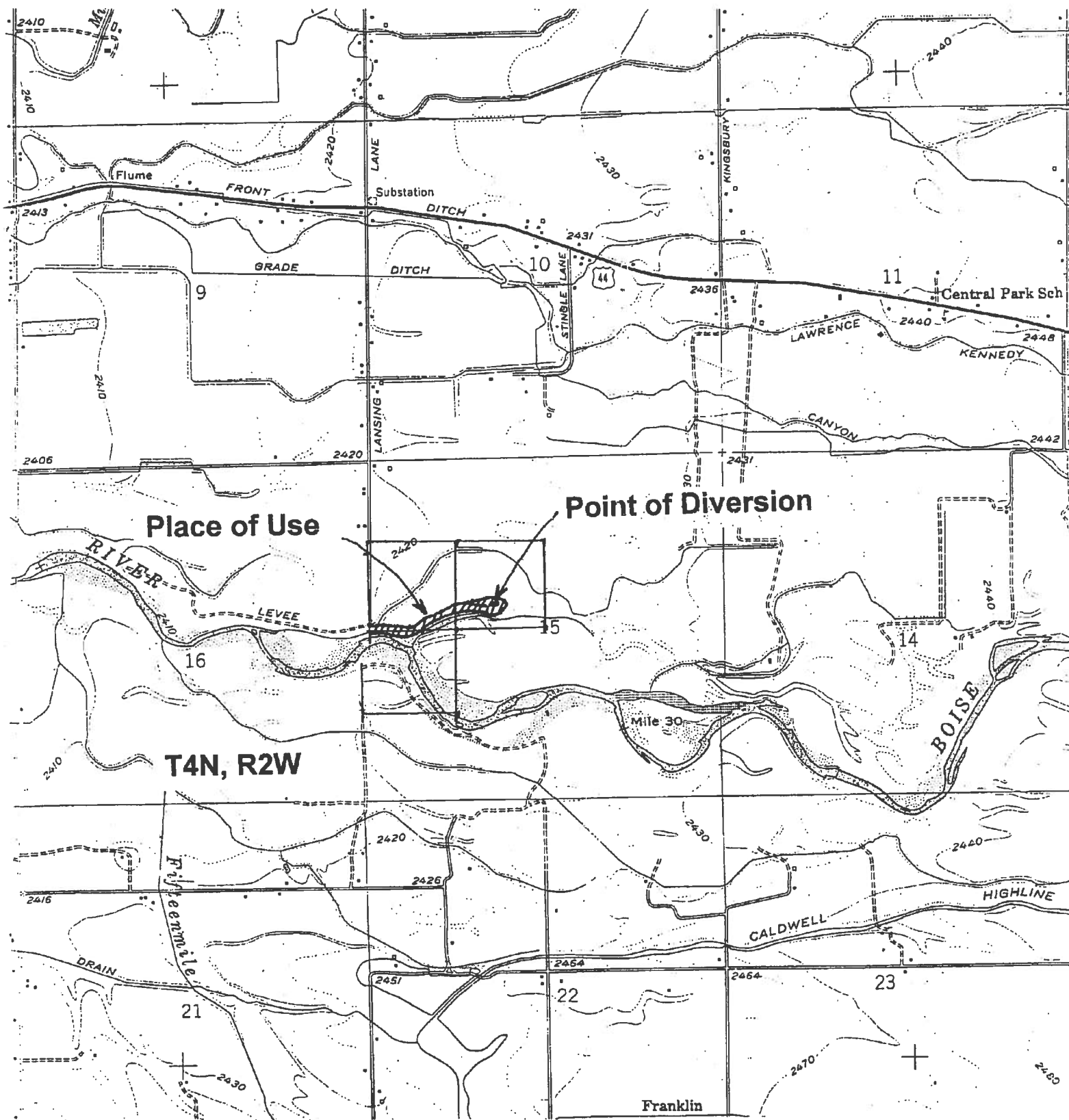
Water Supply Bank:



80.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



T04N R02W S15

SWNW

SENW

NWSW

NESW



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-31846

04/10/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-163	Claim	04N	02W	15	SW	NW		IRRIGATION	33/4015.5	CANYON COUNTY WATER CO LTD
179B	Claim	04N	02W	15	SW	NW		IRRIGATION	33/4015.5	CANYON COUNTY WATER CO LTD
2406	Claim	04N	02W	15	SW	NW		IRRIGATION	13/29248	DRAINAGE DIST NO 2
1761	Claim	04N	02W	15	SW	NW		IRRIGATION	33/3986.2	CANYON COUNTY WATER CO LTD
1762	Claim	04N	02W	15	SW	NW		IRRIGATION	13/3514.5	CANYON COUNTY WATER CO LTD
~~11846~~	~~Claim~~	~~04N~~	~~02W~~	~~15~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~0.7/3~~	~~SHARI KAY PORTER~~
2406	Water Right	04N	02W	15	SW	NW		IRRIGATION	13/29248	DRAINAGE DIST NO 2
-163	Claim	04N	02W	15	SE	NW		IRRIGATION	18/4015.5	CANYON COUNTY WATER CO LTD
179B	Claim	04N	02W	15	SE	NW		IRRIGATION	18/4015.5	CANYON COUNTY WATER CO LTD
1761	Claim	04N	02W	15	SE	NW		IRRIGATION	18/3986.2	CANYON COUNTY WATER CO LTD
~~11846~~	~~Claim~~	~~04N~~	~~02W~~	~~15~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~2/3~~	~~SHARI KAY PORTER~~
1049	Claim	04N	02W	15	SE	NW	6	IRRIGATION	3/50	ROBERT S HOROWITZ
-163	Claim	04N	02W	15	NW	SW		IRRIGATION	5/4015.5	CANYON COUNTY WATER CO LTD
179B	Claim	04N	02W	15	NW	SW		IRRIGATION	5/4015.5	CANYON COUNTY WATER CO LTD
1761	Claim	04N	02W	15	NW	SW		IRRIGATION	5/3986.2	CANYON COUNTY WATER CO LTD
~~11846~~	~~Claim~~	~~04N~~	~~02W~~	~~15~~	~~NW~~	~~SW~~		~~IRRIGATION~~	~~0.3/3~~	~~SHARI KAY PORTER~~
5239	Water Right	04N	02W	15	NW	SW		IRRIGATION	10/445	FRANKLIN DITCH CO
1049	Claim	04N	02W	15	NW	SW	5	IRRIGATION	10/50	ROBERT S HOROWITZ

does Canyon Co. Water Co. surface
water supplement this right?

No - see attached letter
dated 2/12/04 ~~1~~ Dan

Nelson's Memorandum dated 3/17/04.

RECEIVED

FEB 18 2004

WATER RESOURCES
WESTERN REGION

February 12, 2004

Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Use on Land Proposed for Irrigation Following Transfer

Dear Mr. Nelson:

I understand that you recently inquired about the past sources of water used for irrigation of the 3 acres of my land proposed as the place of use following transfer of a portion of water right 63-31494. The lands are located in the SWNW, SENW, and NWSW of Section 15, T 4N, R2W.

The 3-acre area proposed for irrigation following the transfer does not receive live water from the canal system. In past years, portions of these lands have been irrigated with wastewater or District 63 rental pool water pumped from the adjacent slough. Some of the landscape near the house (less than ½ acre) has been irrigated from the domestic well. Canal water is used on the fields located north of the proposed 3-acre place of use.

Sincerely,



Richard A. Porter

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 3/17/04

**RE: RICHARD AND SHARI KAY PORTER TRANSFER, RIGHT 63-31758,
TRANSFER # 71110**

The transfer proposes to retire 3 acres in the NESE S36 T6N R3W and move the appurtenant groundwater to irrigate 3 acres of ground at a new location. The new location is in the S ½ NW AND NWSW S15 T4N R2W, Canyon County. The applicant will move 0.05 cfs and 13.5 afa of water to the new place of use.

AUTHORITY TO FILE:

The applicant has provided a sales agreement showing that they have purchased 3 acres worth of the water right to move to their property. The applicant has provided a tax notice to show they own the land where the water will be moved. I have verified the tax notice with the Ada County Tax lot information in ArcView. The parcel number and name matches the information supplied by the applicant

WATER RIGHT VALIDITY:

Adjudication staff has reviewed this water right for priority and other issues concerning the Snake River Basin Adjudication (SRBA) on previous transfers. The only issue is to prove that this ground has been irrigated. The ground in questions lies directly beneath a pivot shown in the 1992 and 1994 aerial photos. Irrigation of the ground on the 1987 aerial photo is questionable, but the latter photos show the use was resumed, and would be recommended in the SRBA.

INJURY TO OTHER WATER RIGHTS:

This right has been transferred for other uses and for a further distance than what is proposed in this transfer. There is no evidence before the department to suggest that approval of this transfer would injure other water rights.

ENLARGEMENT OF USE:

The applicant has proposed moving the same acres, rate, and volume to the new place of use. The applicant has proposed to place these acres on a 3-acre parcel of ground that currently runs in-between their driveway and a slough from the Boise River. This area has never been irrigated by any other source, so enlarge of use should not be an issue.

LOCAL PUBLIC INTEREST:

Our office has no information to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

This transfer proposes beneficial use consistent with conservation of water resources in Idaho and has been operating using licensed water rights with the State of Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARRATIVE

This application has been filed on a portion of water right license 63-9179. This license has been split several times. Most of the land from the original place of use will be retired and no longer used. There are no recommended or licensed water rights other than the splits from the original license on the lands being retired.

The new place of use has never been irrigated, but there are several water rights that have irrigated the surrounding farm property currently managed by the Porters. 63-12550 is for aesthetic purposes in the slough mentioned above, and 63-31409 is for irrigation from the slough south for the area south of the slough. The proposed use is located north of the slough between the farm ground and the slough. The driveway separates the farm ground and the slough area. The surrounding farm ground is irrigated with canal rights.

The splits for these rights have been monitored rather well. The consultants have done a very good job to avoid listing the same lands for the many splits on this farm. **In order to allow several transfers to proceed on this right at the same time, 63-31794 was split into 63-31845 (unchanged portion), 63-31846 (Porter Portion) and 63-31847 (Witte Portion) prior to transfer data entry.**

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.

Receipt Details for ID C014697

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/14/1990 4:20:32 PM	2/14/1990	State	\$936.00	Check
Payer	ROBERTS, JOSEPH W./RHODON			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5580			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$936.00	ADJUDICATION FEES	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	7867		\$350.00	Claim
63	9179	A	\$347.00	Claim
63	20719		\$25.00	Claim
63	7885	C	\$214.00	Claim

[Print Report](#)