

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: A63-28247
Date Received: 2/23/1990
Receipt No: W009458
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: COUNTY OF CANYON
Address: 1115 ALBANY
CALDWELL ID

83605

208-454-7304
RECEIVED
FEB 8 1993

2. Date of Priority: MAY 20, 1910

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources
Western Regional Office

4. Point of Diversion:

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

5. Description of diverting works:

WELL, 6" X 110', 60' WATER LEVEL, 50' WATER DEPTH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.250		15.00

7. Total Quantity Appropriated is:

0.250 C.F.S. (and/or) 15.00 A.F.A.

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

9. Non-irrigation uses:

DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	03W	36	NE	NW		DOMEST	

11. Place of use in counties: CANYON

A63-28247

Page 1

Date: 02/01/93

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

13. Other Water Rights Used:

THE ORIGINAL WATER DIVERSION WAS 1910 PER MRS. HUSTON

14. Remarks:

JOINT USE - CANYON COUNTY WITH PARKS & WATERWAYS

ATTACHMENTS: 1. CANYON COUNTY PLAT MAP
2. AERIAL MAP
3. 1/4 SECTION PLAT MAP
4. COPY OF ENVELOPE SHOWING ACCT. NUMBER
5. LEGAL DESCRIPTION
6. WELL DRILLER'S REPORT

15. Basis of Claim: BENEFICIAL USE

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 463-28247

Date Received

Receipt Number W00 9458

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 23 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Canyon County Phone (208) 454-7304Mailing Address 1115 Albany, Caldwell, ID Zip 836052. Date of Priority (Only one (1) per claim) Spring, 19103. Source of water supply (a) Ground Water (Well)which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 3N Range 3W Section 36,
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: N/A

b. If instream flow, beginning point of claimed instream flow is:

Township N/A Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Total depth 110 feet60' water level, 50' water depthDiameter 6"(Well Driller's Report and other report differ slightly)

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from January 1 to December 31 amount .25 or 15

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) 15 (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Residence, maintenance building for Parks & Recreation

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3</u>	<u>3</u>	<u>36</u>					<u>D</u>												

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
The original water diversion was 1910 per Mrs. Huston. or None ()

14. Remarks:

Joint use - Canyon County with Parks and Waterways

Attachments: 1. Canyon County Plat Map

2. Aerial Map

3. 1/4 Section Plat Map

4. Copy of Envelope Showing Acct. Number

5. Legal Description

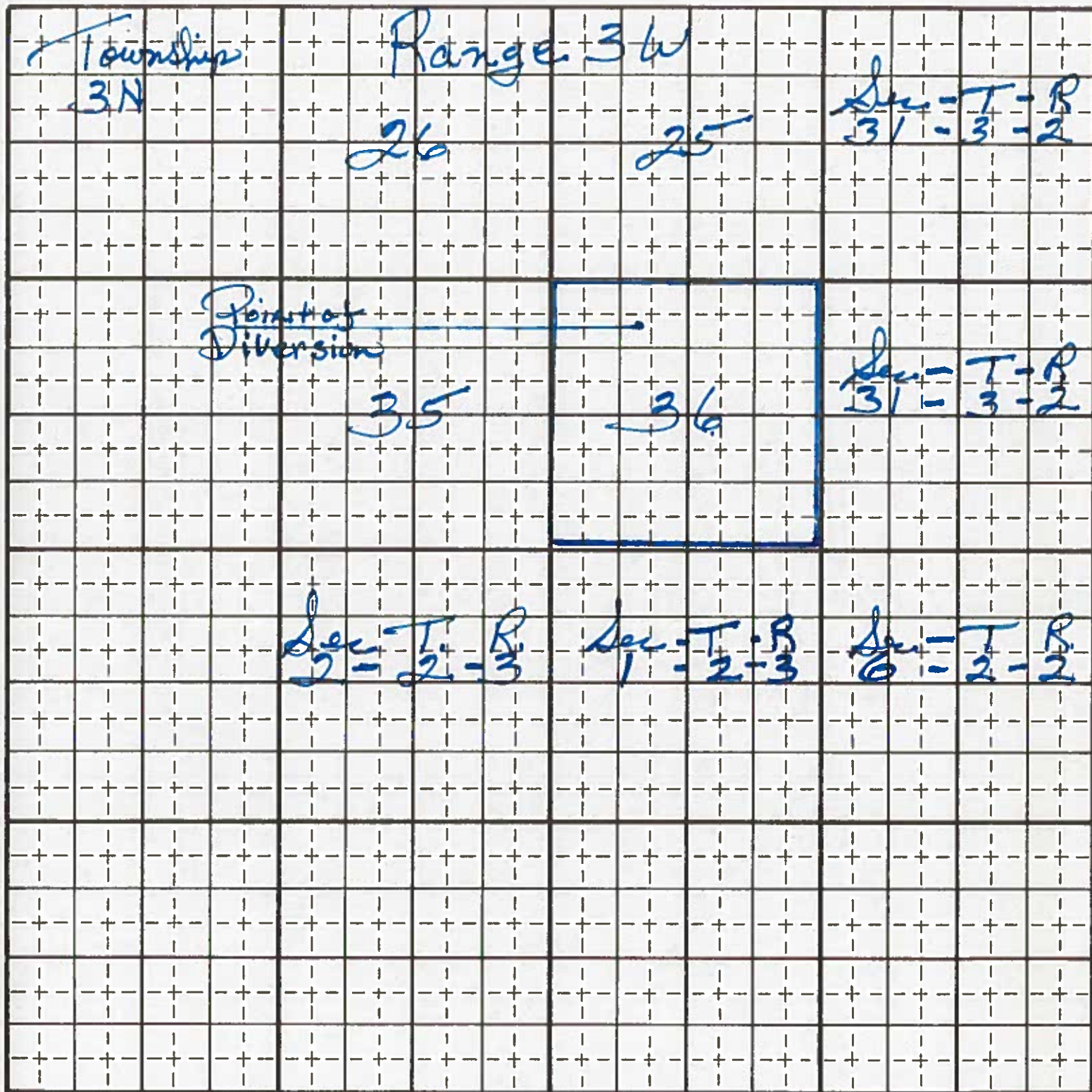
6. Well Driller's Report

Last Name Canyon County Ident No. _____

MICROFILMED
Copies: White State, Yellow Claimant
AUG 6 2 1997

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

Scale: 2 inches equals 1 mile



Last Name CANYON County Ident No. _____

MICROFILMED
Copies: White-S Aug 6 2 1994

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments 6

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Commissioner Glenn O. Koch
Title _____

of Canyon County, Idaho Organization _____, that I have signed the foregoing

document in the space below as Commissioner of Canyon County, Idaho
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Glenn O. Koch

Title and Organization Board of County Commissioners Date 2-23-90

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 23 day of February 19 90

SEAL

Notary Public Marki Germain

Residing at Caldwell, Id

My Commission Expires 9-7-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Charles L. Saari will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Charles L. Saari

Address P.O. Box 668, Caldwell, Idaho, 83606-0668

Date 2-21-90

Last Name Canyon County Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
AUG 02 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

2-1-92

CLAIMANT'S NAME Canyon CountyCLAIM IDENT. NO. A63-28247

DATE RECEIVED	2-23-90 RECEIPT #	FEE PAID \$ <u>25.00</u>	FEE REQ'D \$ <u>25.00</u>	YES	NO	Required Info?
1-19-93						
1. Is the name and address complete with zip code?				☒	☐	*
2. Is a priority date entered?			<u>5-20-1910</u>	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.				☒	☐	*
3. (a) Is a source entered?				☒	☐	*
(b) Is a tributary to entered? (if required)			<u>N/A</u>	☒	☐	
4. Is the legal description of the p.d. sufficient?				☒	☐	*
5. Is there a description of the diverting works?				☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.				☒	☐	*
Is the period of use included?				☒	☐	
Is a quantity claimed for each use?				☒	☐	*
7. Is a total quantity claimed entered?				☒	☐	
8. If required is a consumptive use entered?			<u>N/A</u>	☒	☐	
Is the consumptive use correct?			<u>N/A</u>	☒	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?				☒	☐	*
If multiple domestic, is single ownership indicated?			<u>NA</u>	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?			<u>3N 3W</u>	☒	☐	*
11. Is (are) the county(ies) entered?				☒	☐	
12. Is the ownership of p.u. checked?				☒	☐	
13. Are other water rights listed or "none" indicated?				☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)			<u>N/A</u>	☒	☐	
15. Is the basis of the claim indicated?				☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?			<u>N/A</u>	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			<u>N/A</u>	☒	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid?			<u>N/A</u>	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?				☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?				☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?				☒	☐	*
22. Is the fee enclosed correct?			<u>Exempt</u>	☒	☐	*

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AUG 02 1994

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 23. Is this claim being rejected and returned to claimant? | _____ | ☒ |
| 24. Can this claim be data entered? | ☒ | _____ |
| 25. Was claim modified? | ☒ | _____ |
| If yes, do modifications require notification to claimant?
Note: Modifications made must be explained in comments stating
where the information for any changes was found. | | |

Claim reviewed by: CA Date 1-20-93
 Claim data entered by: _____ Date _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
 THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
 RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Modify letter for priority date (5-20-1910) and
non-irrigation use (Domestic, 1 Home). Also, enter
15 AF for diversion volume but no consumptive use
volume.

POOR ORIGINAL

33109-000-0

R33109-000-0
CANYON COUNTY

145-00

MH 74477

10/23/85 DR

CALDWELL

ID 83605

363N3W NW
TAX 15 IN NENU

County Park
TRCB010

Year of
Sale

Remarks:

APPRS'D

BLDG. CLASS

Building or Site
Address

RURAL LAND

Building and /or Type	FULL CASH VALUE					Number	Class	No. Acres	Full Cash Value	ASSESSED VALUES, RATIO AND YEAR				
	1986	1987	1988	1989	1990					%	%	%	%	%
						1	IA							
						2	IG							
						3	NIA							
						5	DG							
						12	Res. Tr.							
						13	Com. Tr.							
						14	Ind. Tr.							
						15	Sub. Res.							
						16	Sub. Com.							
						17	Sub. Ind.							
						18	Oth. Rur. Land							
						70	Min. Rt. Res.							
						19	Waste							
						Total								

URBAN LAND

Building and /or Type	FULL CASH VALUE					Number	Class	No. Acres	Full Cash Value	ASSESSED VALUES, RATIO AND YEAR				
	1986	1987	1988	1989	1990					%	%	%	%	%
						20	Res.							
						21	Comm.							
						22	Ind.							
						Total								

CAT
81

QTY

FCV

TOTALS

\$0

TRCB010

Total Full Cash Value

RATIO

Assessed Value

Total

ATTACHMENT 4: COPY OF ENVELOPE
SHOWING ACCOUNT NUMBER

MICROFILMED
AUG 02 1984

ASSESSOR'S TAX NUMBER LIST CANYON COUNTY

POOR ORIGINAL

YEAR 19 80

Section 36-3-3

This includes former Tax 14

NUMBER	DESCRIPTION
Tax 15	A part of the North Half of the NW$\frac{1}{4}$ of Section 36, T3N, R3W of the Boise Meridian in Canyon County, Idaho, more particularly described to wit: Commencing at the Southeast corner of the North half of the NW$\frac{1}{4}$ of Section 36, T 3N, R 3W of the Boise Meridian, the INITIAL POINT of this description, said point being South 0°57' West 1335.48 feet (formerly of record South 0°18' West 1328.8 feet and South 0°01'27" East 1334.74 feet) from the NE corner of the said NW$\frac{1}{4}$; Thence North 0°57' East 535.40 feet (formerly of record N 0°01'27" West 534.66 feet and formerly of record North 0°18' East) along the East boundary of said N$\frac{1}{2}$NW$\frac{1}{4}$; Thence North 89°58'10" W (formerly of record S 89°00' W and S 89°00'10" West) 1331.85 feet along the S boundary of Wild Rose Ranchettes to a point on the boundary of the Deer Flat Reservoir (Lake Lowell) (said point bearing S 60°34'10" East 1515.91 feet from the NW corner of said Section 36); Thence S 60°34'10" East 147.09 feet along the boundary of the said Deer Flat Reservoir to a point which bears N 60°34'10" W 35.8 feet from Lake Lowell Mon. LL 194; Thence N 89°40'50" East (formerly of record N 88°59' E) 170 feet; Thence S 0°37'50" W (formerly of record S 0°04' East) 80 feet; Thence N 74°48'10" W 128.58 feet formerly of record N 75°30' W 113 feet) to a point on the boundary of Deer Flat Reservoir (which bears south 26°31'30" E 31.01 feet from said Lake Lowell Mon. LL194); Thence S 26°31'30" E 286.60 feet along the boundary of said Deer Flat Reservoir; Thence S 89°21' E 11.82 feet to a brass monument (marked Cor. No. 2 ROW DEED 40); Thence continue S 89°21' East (formerly of record East 300 feet to a brass monument (marked Cor. No. 3 ROW DEED 40); Thence continue S 89°21' East 276.80 feet; Thence S 70°16'40" E 460.28 feet to the INITIAL POINT of this description.

Instrument # 8/1448 recorded August 24, 1979 and Instrument # 870646 recorded August 16, 1979.
Elmer G. Huston and Ralph L. Parsons to Canyon County.

10.4258 Ar

07/15/94

RECEIVED

AUG 02 1994

WATER RESOURCES
WESTERN REGION

COMMUNICATION DOCUMENTATION

Claim Nos. A63-28247 and A63-28248

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Carter Fritschle

Date: July 18, 1994

Contact Person(s): Phil Sloan, Canyon County, (208) 454-7304

Nature of Contact and Substance of Communication: Mr. Sloan called concerning the modification letter and computer generated copies of the claims referenced above. I checked the data base to confirm the information on Canyon County's copies of the claims was consistent with IDWR's records for these claims. I explained that the consumptive use was considered "de minimus" for small domestic and stockwater claims, and therefore a consumptive use was not entered into the data base record for these claims. I also explained that "Domestic, 1 Home" was added from the additional information supplied with their claim to the information submitted on claim no. A63-28248.

Mr. Sloan also asked about the Notice of Filing Director's Report Part II & III; United States' and Tribal Non-consumptive Claims. I explained how the abstracts listed the claims, and which volume may contain claims near Canyon County's claims. I also told him I had heard that Idaho Water Users Association was planning on conducting meetings to discuss this particular director's report. I looked up IWUA phone number and gave it to him.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

February 2, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Charles L. Saari
Deputy Prosecuting Attorney
Canyon County Courthouse
P.O. Box 668
Caldwell, ID 83606-0668

RE: Snake River Basin Adjudication (SRBA)
Canyon County - Notices of Claim #A63-28247 & A63-28248

Dear Mr. Saari:

I am forwarding to you data-entered copies of the claims you filed for Canyon County in the Snake River Basin Adjudication.

Consumptive use for claims filed for domestic purposes as defined by I.C. 42-111(A) has a "de minimus" consumptive use. I have modified Canyon County's two claims to reflect this. Please review the enclosed claims to assure that these modifications are in agreement with these water rights.

If you believe our data is incorrect, and you wish to make any changes to these Notices of Claim, please contact me and I will prepare amended Notices of Claim for your signature.

If you believe the modifications are correct, you may retain these copies of your claims for your records.

Please feel free to contact this office if you have any questions.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CLF:sf:west
Enclosures:

(2) Notices of Claim to a Water Right

MICROFILMED
AUG 11 1994

CLAIMANT'S NAME: Canyon County DATE: 12-10-92

COUNTY: Canyon

EMPLOYEE: Carter Fritschle

RE: Telephone conversation with Chuck Saari (454-7391).

Mr. Saari stated that he does not need to receive a copy of the Docket Sheet since Ned Kerr receives one. Therefore, Canyon County overpaid claim A63-08955 or receipt W006595 by \$23⁰⁰.

Amount Paid 75⁰⁰

Correct Fee 52⁰⁰

Overpayment 23⁰⁰

Canyon County also filed a beneficial use claim which should have a total filing fee of \$75⁰⁰ (receipt no. W009458). However, only \$50⁰⁰ was paid.

Amount paid 50⁰⁰

Correct Fee 75⁰⁰

Under payment 25⁰⁰

Therefore, an additional payment of \$2⁰⁰ is required for the claim based on beneficial use.

2 beneficial use claims were submitted in place of the one claim (receipt # W009458). Each of the "new" claims is for 13,000 gpd or less. Therefore, no additional filing fee is required and the overpayment of \$23⁰⁰ should be refunded.

MICROFILMED

AUG 02 1994

ct 1-21-93

AK3-28247

To CLF
Date 1-6-73 Time 11:28 A.M.
P.M.

WHILE YOU WERE OUT

Phil Sloan
of Canyon Co.
Phone 434-7442
AREA CODE NUMBER EXTENSION

Telephoned	☒	Please call	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message House dates from 1910

Mobile added some time later
May claim 2 domestics -
(of adjust corner lot)
? on amount of irrigated lawn.

Signed [Signature]

MICROFILMED

AUG 02 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 21, 1992

Charles L. Saari
Deputy Prosecuting Attorney
Canyon County
P.O. Box 668
Caldwell, ID 83606-0668

A63-28247

RE: Snake River Basin Adjudication (SRBA)
Canyon County - Notices of Claim ~~#A63-08316~~
and ~~#A63-08955~~

Dear Mr. Saari:

We are returning Canyon County's Notice of Claim to a water right for the well at Lake Lowell. There are some problems with this claim which require your attention. We are also enclosing the yellow claimant copies of the two Notices of Claim referenced above and your receipts #W006595 and #W009458 for filing fees. Please retain these receipts and yellow claim copies for your records.

A critical item of the water right, the date of priority, was left off the claim in Item #2. This is the date that the water was first placed to beneficial use for the purpose claimed. If the source of your water is a groundwater source, i.e. a well, the date of priority date for any use other than domestic use as defined in Idaho Code 42-111 must be before March 25, 1963. If your use does not meet these requirements, an Application for Permit (enclosed) may be necessary.

We cannot determine if you wish to claim a 1910 priority date or a 1985 priority date. If the well drilled in 1985 replaced a well that was used by Mrs. Huston dating back to 1910, then the earlier priority date may be appropriate provided the diversion rate of the ground water and the total volume diverted annually has not increased since 1910.

Finally, the correct filing fee for this claim is \$75.00, and only \$50.00 was paid toward this fee at the time of filing. An overpayment of the filing fee for claim #A63-08955 (see Receipt #W006595) was in the amount of \$23.00. Therefore, if you wish to continue with the filing of this claim, we can credit the \$23.00 from Receipt #W006595, and only an additional \$2.00 would be required if this claim is resubmitted.

MICROFILMED

AUG 02 1994

Charles L. Saari
December 21, 1992
Page 2 - Canyon County

Please return this document to my attention by January 21, 1993. If we do not receive it by that date, we will assume you do not wish to continue the filing process, will refund your filing fees and return the attachments to this claim.

Do not hesitate to contact me if you have any questions or need assistance.

Sincerely,



Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CLF:sf:state:tf

Enclosures:

Original Notice of Claim
Receipts #W009458 & #W006595
Claimant Copies, #A63-08316 & #A63-08955
Permit Application w/Instructions

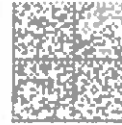
MICROFILMED

AUG 02 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
\$01.11⁰
0004389393 FEB 02 2007
MAILED FROM ZIP CODE 83705

ADDRESSEE
UNKNOWN

NA1A

Attorney

RECEIVED

FEB 13 2007

WATER RESOURCES
WESTERN REGION

63-28247

28248

05/18/2006

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

RIGHT NUMBER: 63-28247

NAME AND ADDRESS: COUNTY OF CANYON
1115 E ALBANY ST
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/20/1910

POINT OF DIVERSION:

T03N R03W S36 SWNEW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within CANYON County

T03N R03W S36 NENW

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

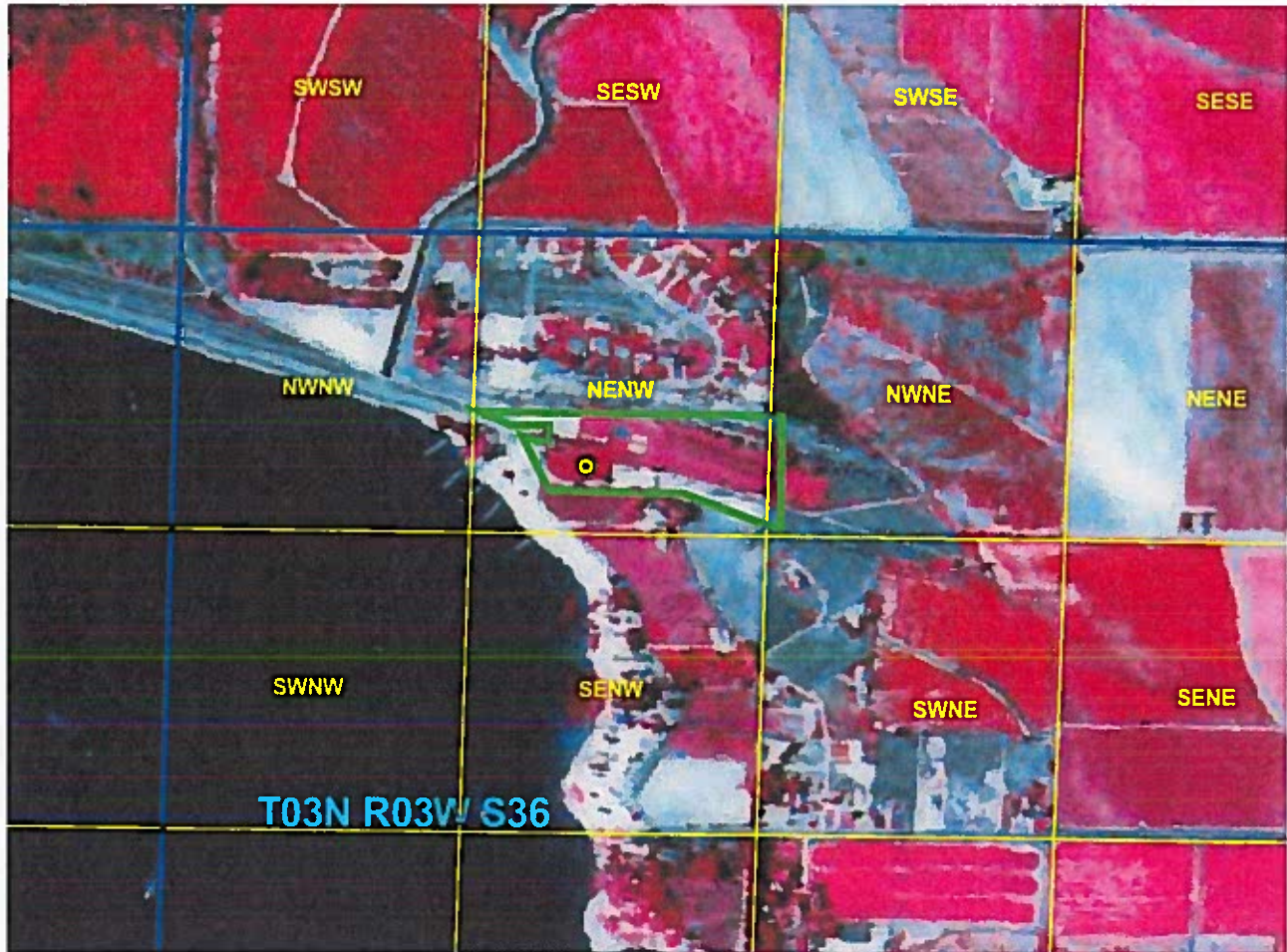
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R3W SECTION(S) 36
WATER RIGHT (S): 63-28248 & 63-28247



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



MEMORANDUM

TO: ADJUDICATION CLAIMS FILE 63-28247 & 63-28248

FROM: DANIEL A. NELSON

DATE: 5/18/06

SUBJECT: CLAIM REVIEW

The above two mentioned claims were filed by County of Canyon on the same parcel of ground. In reviewing the claims, a \$25.00 fee was paid for each claim, which would suggest that both rights are exempt uses. It was difficult to determine if there could actually be two exempt uses on the same property under a single ownership. However, since one of the uses appears to be a residence and the other use is a commercial use (shop), it was determined that two exempt uses could be recommended without limiting the combination of the two rights to a maximum of 13,000 gallons per day. Therefore, we can allow a domestic use under Idaho Code 42-111 for 63-28247 for the single home limited to 13,000 gallons per day, and we can allow a second domestic use under Idaho Code 42-111 (b) for the second home and shop limited to 2,500 gallons per day. Each right will be limited to 0.04 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-28247 V1

WATER RIGHT NUMBER: 63-28247 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L SAARI PO BOX 668 CALDWELL, ID 83606-0668 (208)454-7391
Current Owner	COUNTY OF CANYON 1115 E ALBANY ST CALDWELL, ID 83605 (208)454-7338

Priority Date: 05/20/1910

Basis: Beneficial Use

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NW1/4	Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

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

Conditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-28247 V1

Comments:

1. SEGBERT 5/22/1998 COPIED FROM REMARKS

Comment: JOINT USE - CANYON COUNTY WITH PARKS & WATERWAYS ATTACHMENTS: 1. CANYON COUNTY PLAT MAP 2. AERIAL MAP 3. 1/4 SECTION PLAT MAP 4. COPY OF ENVELOPE SHOWING ACCT. NUMBER 5. LEGAL DESCRIPTION 6. WELL DRILLERS REPORT

2. dnelson 5/18/2006 Claim Review

Comment: The above two mentioned claims were filed by County of Canyon on the same parcel of ground. In reviewing the claims, a \$25.00 fee was paid for each claim, which would suggest that both rights are exempt uses. It was difficult to determine if there could actually be two exempt uses on the same property under a single ownership. However, since one of the uses appears to be a residence and the other use is a commercial use (shop), it was determined that two exempt uses could be recommended without limiting the combination of the two rights to a maximum of 13,000 gallons per day. Therefore, we can allow a domestic use under Idaho Code 42-111 for 63-28247 for the single home limited to 13,000 gallons per day, and we can allow a second domestic use under Idaho Code 42-111 (b) for the second home and shop limited to 2,500 gallons per day. Each right will be limited to 0.04 cfs.

3. dnelson 5/18/2006 Text

Comment: PARCEL NO. 8R03N03W362700 PROPERTY ALSO KNOWN AS 12974 IOWA AVE

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	5/18/2006 7:42:06 AM	dnelson			Active
Priority Date	5/18/2006 7:43:24 AM	dnelson			Active
POD	5/18/2006 7:47:09 AM	dnelson			Active
Source	5/18/2006 7:47:55 AM	dnelson			Active
POU	5/18/2006 7:49:40 AM	dnelson			Active
Use	5/18/2006 7:50:50 AM	dnelson			Active
Season	5/18/2006 7:52:13 AM	dnelson			Active
Quantity	5/18/2006 7:53:13 AM	dnelson			Active
Summary			05/18/2006	dnelson	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-28247 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	5/18/2006 7:42:07 AM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: Exempt domestic uses no field exam required.
General	5/18/2006 7:43:25 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Exempt domestic use priority date not required.
Source	5/18/2006 7:47:55 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Exempt domestic use source verification unnecessary.
POU	5/18/2006 7:49:11 AM	dnelson	Updated shape for Active POU
POU	5/18/2006 7:49:40 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Maps were provided by applicant to verify place of use.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-28247 V1

Season	5/18/2006 7:52:13 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Exempt domestic use allows year round use.
Quantity	5/18/2006 7:53:13 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Exempt domestic use does not require measurement.
Summary	5/18/2006 8:01:47 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	5/18/2006 7:46:27 AM	dnelson	Updated shape
POD	5/18/2006 7:47:10 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-28247 V1

Use	5/18/2006 7:50:50 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Exempt domestic use verification unnecessary.
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-28247

WATER RIGHT NUMBER: 63-28247

Owner Type Name and Address
Attorney CHARLES L SAARI
 PO BOX 668
 CALDWELL, ID 83606-0668
 (208)454-7391

Current Owner COUNTY OF CANYON
 1115 E ALBANY ST
 CALDWELL, ID 83605
 (208)454-7338

Priority Date: 05/20/1910
Basis: Beneficial Use
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.250 CFS	15.00 AF
	<u>Total Diversion:</u>	0.250 CFS	15.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4NW1/4 Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County

Place of Use

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

Conditions of Approval:

- JOINT USE - CANYON COUNTY WITH PARKS & WATERWAYS ATTACHMENTS: 1. CANYON COUNTY PLAT MAP 2. AERIAL MAP 3. 1/4 SECTION PLAT MAP 4. COPY OF ENVELOPE SHOWING ACCT. NUMBER 5. LEGAL DESCRIPTION 6. WELL DRILLER'S REPORT

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 2/23/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

Combined Use Limits:

N CODES

N-10 N+2

Limit to 13,000 gpd.

X01 Domestic use is for
one home.

OK.

OK Exempt.

Limit to 0.040 CFS

NO UBLUMP

MODY
TO
COMMENTS

REAL PROPERTY INQUIRY

+++++

01 6R33109-000- -0 207-00 N SCH131+ 81 7.85

+++++

CANYON COUNTY

+

+

+

+

+

1115 ALBANY ST

+

CALDWELL ID 83605

+

+++++

36-3N-3W NW

+

TOTAL

7.85

TAX 15 IN NENW

+

COUNTY PARK

+

SURVEY INST

+

DR DRAIN DR VALUE

APPR TAM

+

CLASS REAP 04 MAN

UNIT 0

12974 IOWA AVE, CA

+

PARCEL 6R03N03W362700 H/O N C/B N

+

PRIOR ACCOUNT 5R33109-000- -0

+

02 MH on Property NO

MODE:F ACTION:

PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT

TRQK101

System User- IDWRR

Date 04/03/2006

Time 10:20

REAL PROPERTY INQUIRY

+++++

01 6R33109-000- -0 207-00 N SCH131+ 81 7.85

+++++

CANYON COUNTY

+

+

+

+

+

1115 ALBANY ST

+

CALDWELL ID 83605

+

+++++

36-3N-3W NW

+

TOTAL

7.85

TAX 15 IN NENW

+

COUNTY PARK

+

SURVEY INST

+

DR DRAIN DR VALUE

APPR TAM

+

CLASS REAP 04 MAN

UNIT 0

12974 IOWA AVE, CA

+

PARCEL 6R03N03W362700 H/O N C/B N

+

PRIOR ACCOUNT 5R33109-000- -0

+

02 MH on Property NO

4/3/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

[illegible]

[illegible]

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

AJ0749NP
No. R63-28247

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COUNTY OF CANYON 1115 ALBANY CALDWELL ID 83605 (208) 454-7304	05/20/1910	DOMESTIC	01-01 12-31	0.25 CFS	15.00 AFA
TOTAL DIVERSION:					0.25 CFS	15.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R03W S36

SWNENW

CANYON County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03N	03W	36	:																	:

POU County: CANYON

Non-Irrigation Uses: 1 HOME

Other Rights: THE ORIGINAL WATER DIVERSION WAS 1910 PER MRS. HUSTON

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 8R03N03W362700
PROPERTY ALSO KNOWN AS 12974 IOWA AVE

Dates: Exam Made Date: Verified Date: 05/22/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/22/1998 User-ID: SEGBERT Subject: COPIED FROM REMARKS

11009458 - \$25

AJ0749NP
No. R63-28247

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/22/98
PAGE: 2

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Comments: Date: 05/22/1998 User-ID: SEGBERT Subject: COPIED FROM REMARKS
JOINT USE - CANYON COUNTY WITH PARKS & WATERWAYS

ATTACHMENTS: 1. CANYON COUNTY PLAT MAP
2. AERIAL MAP
3. 1/4 SECTION PLAT MAP
4. COPY OF ENVELOPE SHOWING ACCT. NUMBER
5. LEGAL DESCRIPTION
6. WELL DRILLER'S REPORT

Audit: 05/22/98 SEGBERT

AJ5856NP

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

DATE: AUG-21-1997

PAGE: A-432

RIGHT NUMBER: 63-28247

NAME & ADDRESS: COUNTY OF CANYON
1115 ALBANY
CALDWELL ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.25 CFS
15.0 AFY

PRIORITY DATE: 05/20/1910

POINT OF DIVERSION: T03N R03W S36 SWNW Within CANYON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC DOMESTIC, 1 HOME	01-01 12-31	0.25 CFS
			15.0 AFY

PLACE OF USE: DOMESTIC Within CANYON County
T03N R03W S36 NENW

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

JOINT USE - CANYON COUNTY WITH PARKS & WATERWAYS

- ATTACHMENTS:
1. CANYON COUNTY PLAT MAP
 2. AERIAL MAP
 3. 1/4 SECTION PLAT MAP
 4. COPY OF ENVELOPE SHOWING ACCT. NUMBER
 5. LEGAL DESCRIPTION
 6. WELL DRILLER'S REPORT

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Parcel No. 8R03N03W362700

0 home - county par 2

AKA 12974 Iowa Ave CA

Verified by dc Date 4-14-98

Verification Source: Computer

Receipt Details for ID W009458

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/23/1990 3:31:14 PM	2/23/1990	Western	\$50.00	Check
Payer		CANYON COUNTY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
302994			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION CLAIM FEE	410162	9337	00		6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	28247		\$25.00	Claim
63	28248		\$25.00	Claim

Print Report