

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: 63-8188

JIMMY RAY TUTTLE
8241 BUTTE RD
MELBA ID 83641
Telephone Number: (208)495-2170

KATHY M TUTTLE
8241 BUTTE RD
MELBA ID 83641
Telephone Number: (208)495-2170

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

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: 10-25-06

SIGNATURE: Jimmy Tuttle

Please print your name: Jimmy Tuttle

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

SCANNED

NOV 08 2006

10/17/2006

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

RIGHT NUMBER: 63-8188

NAME AND ADDRESS: JIMMY RAY TUTTLE
8241 BUTTE RD
MELBA ID 83641

KATHY M TUTTLE
8241 BUTTE RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS

PRIORITY DATE: 08/14/1975

POINT OF DIVERSION:

T01S R02W S10 NWNE Within CANYON County

T01S R02W S10 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

1/01 12/31

0.200 CFS

PLACE OF USE: FISH PROPAGATION Within CANYON County

T01S R02W S10

NWNE

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.

FACILITY VOLUME IS 0.16 AF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

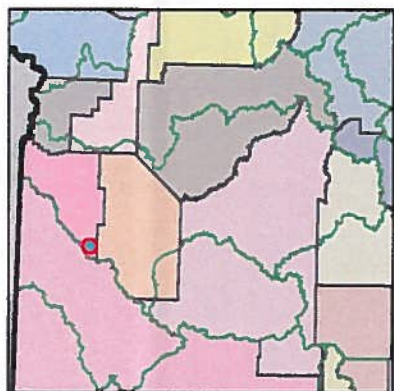
SRBA Recommendation:

63-8188

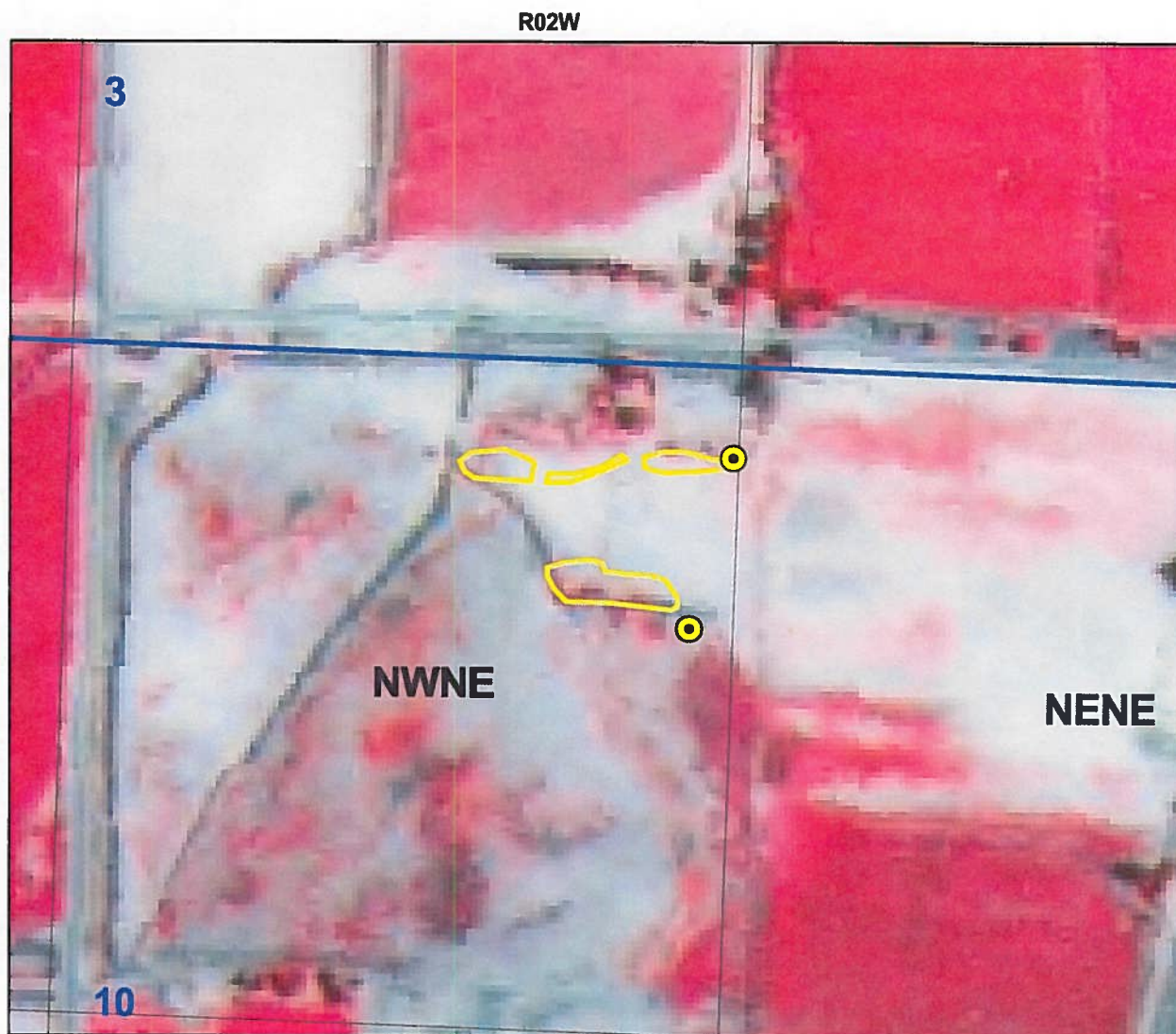
(Fish Propagation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-08188

<u>R ELEMENT</u>	<u>FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION</u>	<u>FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE</u>	<u>CLAIM VERIFIED BY CODE (SEE BELOW)</u>	<u>CHANGE CLAIM Y/N</u>	<u>CLAIMANT CONTACT NEEDED - Y/N**</u>	<u>REVIEW COMPLETED WHOM/DATE</u>	<u>"R" RECORD</u>
<u>PRIORITY*</u>	<u>N</u>						
<u>T. OF DIV.</u>							
<u>SOURCE</u>							<u>DATA ENTRY COMPLETED</u> BY _____ DATE _____
<u>L. OF USE</u>							<u>FINAL RECOMMENDATION</u> BY _____ DATE _____
<u>IV. AMOUNT CFS/AF</u>							
<u>CONSUMPTIVE USE</u>							
<u>NATURE OF USE</u>							
<u>PERIOD OF USE</u>							
<u>BASIS OF CLAIM</u>							
<u>REMARKS</u>							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

*IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: Claimed as licensed. See A63-08137, A63-08189

WR5809NP
No. 63-08188

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/20/95
PAGE: 78

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEE RUPPERT	08/14/1975	FISH PROPAGATION	01-01 12-31	0.200 CFS	
C	GERDA RUPPERT					
	STAR RT. BOX 11					
	MELBA ID 83641			TOTAL DIVERSION:	0.200 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R02W S10 NWNE

CANYON County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	02W	10	:																	:
			:																	:

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:
63-08189

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Remarks: THIS RT. WHEN COMBINED WITH RTS. 63-8137 & 63-8189 SHALL NOT
EXCEED 3.2 CFS.
FACILITY VOLUME IS 0.16 AF.

Dates:	App. Received:	Priority Date:	08/14/1975
	Proof Due Date: 09/01/1980	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 12/16/1980		

Misc: Water District Number: Field Exam Fee:

Audit: 06/18/85 05/01/88 CONVERT

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8188 Priority August 14, 1975 Amount 0.2 cfs

THIS IS TO CERTIFY, that Lee and Gerda Ruppert
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 63-8188 issued pursuant to Application for Permit dated August 14, 1975
and has submitted proof to the Department of Water Resources on September 22, 1980
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 3.2 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>Fish</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.20</u> cfs and <u>n/a</u>	
<u>Propagation</u>	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 0.2 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
n/a acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Twp.
1S, Rge. 2W in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	2W	10	X																

Total number of acres irrigated _____

Facility Volume is 0.16 acre feet.
This right when combined with Right Nos. 63-8137 and 63-8189 shall not exceed
3.2 cfs.

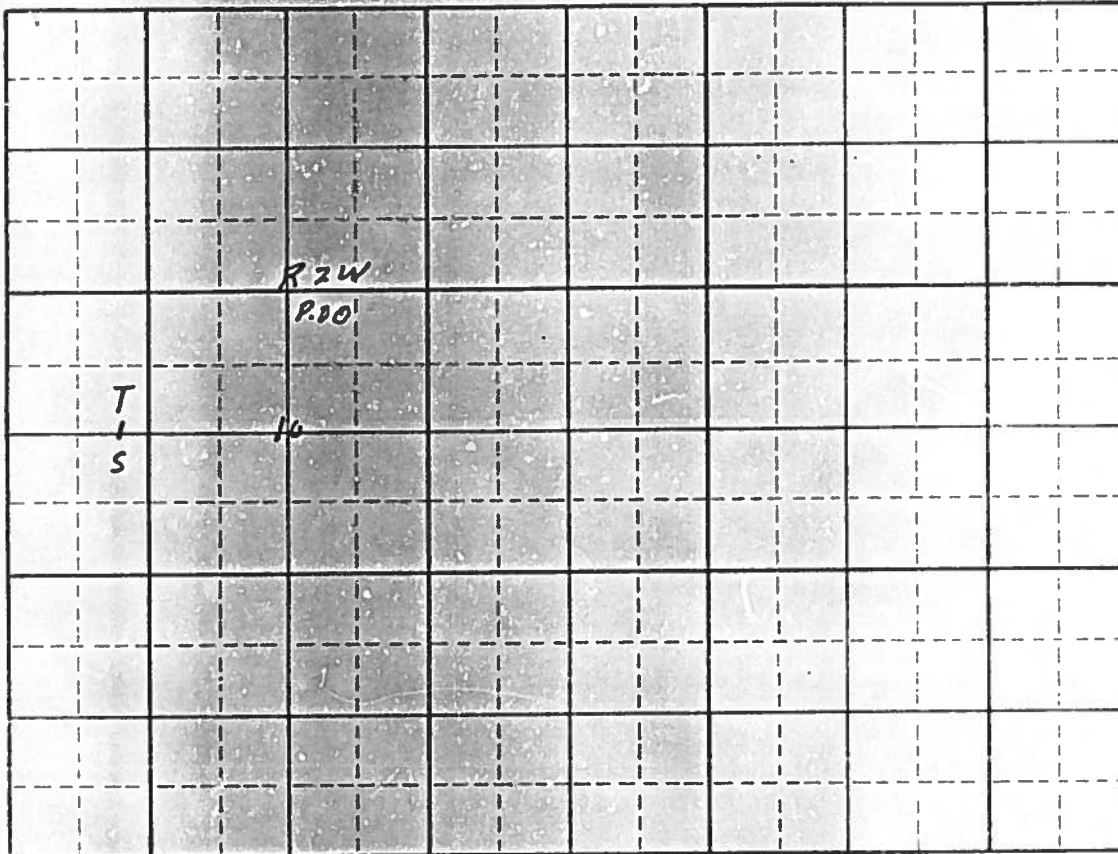
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222 Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non use.

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 29th day of
April, 19 82.

Acting for the Director

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW NE Sec 10 TIS R2W

Point (s) of Use:

TWP	RGL	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	
15	2W	10	X																

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

Examiner's Signature

John K. Meyer

Date

9/25/80

Checked by

003

Date

10/3/80

Approved by

Robyn

Date

10/

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT63-8188
Permit No.

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

REMARKS

☐ Appointment letter mailed:☐ Telephone call made:
(List Telephone No. used)☐ Appointment scheduled for:
(Date, time, location)

7/24/90 JKN

EXAMINATION

Date

7/24/90

Accompanied by

Lee Ruppert

Total Q measured

3.2 ✓

If source is surface water, estimate total flow of source

Methods of measurement

AA Meter

Meets Permit requirements?

yes

Measurement calculations:

$$A = 1.86 \quad D = 0.6 \quad W = 3.1' \quad 46 \text{ Rev} \times 2.224 + 0.016 = 102.32 \div 60 = 1.70$$
$$1.70 \times 1.86 = 3.2 \text{ cfs} \quad 63-8189 \quad 2.2 \quad \text{Rec. 2 cfs} \checkmark$$
$$63-8137 \quad 3.0 \quad 3.0 + 0.2 = 3.2 \text{ Total OK}$$

WELL/DIVERSION NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description 12" artesian well - 40 ft deep - 4 fish ponds.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Irrigation requirement =

Q (cfs)

V (afa)

AFA/Acre

FROM

TO

Fish Propagation

.2 ✓

-

111

12/31

Total

.2 ✓

111

12/31

Remarks

on same source as 63-8189 + 63-8137

Fishery Volume for 4 ponds is $4(30' \times 15' \times 4') = 0.16 \text{ Aft}$
PER TELECON 4/John Noyes 3-31-82 J.J.

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: A63-08188
Date Received: 6/18/1992
Receipt No: W014930
Received By: FW

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

1. Name: KATHY M TUTTLE 208-495-2170
Address: 8241 BUTTE RD
MELBA ID 83641

AND/OR

Name: JIMMY RAY TUTTLE 208-495-2170
Address: 8241 BUTTE RD
MELBA ID 83641

2. Date of Priority: AUG 14, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	10		NW	NE		CANYON

5. Description of diverting works:
POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	02W	10	NW NE		FISH	

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:

CLAIM NO.'S A63-08137 AND A63-08189.

14. Remarks:

FACILITY VOLUME IS 0.16 AF.

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): *Terry M. Smith* Date: 6/18/92

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of June 1992

Kathleen A. Walker
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 2-14-1993

MEMORANDUM

DATE: 19-Jun-1992 08:23

TO: CLAIMS A63-08137, A63-08188 AND A63-08189

FROM: KAY WALKER 

RE: FEES

The Tuttle's just purchased the property involved under these filings. The closing date will be July 1, 1992. I did not charge late fees for these claims.

MICROFILMED

AUG 24 1992