



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 4, 2007

To: Attached Distribution List

CERTIFIED MAIL

Re: Water Problems Related to Ponds

Dear Interested Party:

This letter discusses problems presented to the Idaho Department of Water Resources (IDWR) regarding two ponds in your area. IDWR seeks to provide you with the best available information to help you resolve water right problems you might be experiencing with these ponds.

An unnamed stream runs through the area. The stream has most likely been primarily fed by wastewater from upland irrigation. Apparently irrigation practices have changed in recent years, leading to diminished stream flows during some periods of the year.

Downstream Pond

Saleen currently owns the downstream pond under water right license no. 63-3226. This 1961 natural flow right authorizes irrigation and stockwater uses. Although it is not a storage water right, the licensing field exam documented a small on-stream pond covering about two acres. The pond is part of the delivery system for irrigation and stockwater uses. However, that does not mean the pond can always be kept full based on this water right.

The license does not authorize year around storage of water.

Saleen is the sole owner of this water right.

Upstream Pond

Beumeler originally owned the second pond under water right license no. 63-8277. This 1976 natural flow right authorizes irrigation use. Although it is not a storage water right, the licensing field exam documented a small on-stream pond covering about two acres. The pond is part of the delivery system for irrigation use. However, that does not mean the pond can always be kept full based on this water right.

The license does not authorize year around storage of water.

License 63-8277 covers land currently owned by two parties. City Development owns most of the land, and Perkins owns the rest.

Solutions to Water Problems

The Beumeler pond outlet does not provide direct flow back to the stream unless the pond is full. Under full conditions, excess water overflows into a ditch routing water back to the stream. This is not an acceptable arrangement given that at least one downstream property owner has a senior water right dependent on natural flow.

IDWR regulation of this situation most likely would not prove satisfactory to any of the parties. This is primarily due to the fact that neither water right authorizes year around storage, preventing regulation for that purpose. For example, storing water beyond the limits of a given water right could be considered an illegal use of water if subjected to IDWR regulation – both ponds might be viewed in this light. IDWR offers the following information to help resolve the problems for this site.

Galland

Galland owns land immediately north of the Beumeler pond. Galland pumps from the pond to irrigate about 1.5 acres. This land is outside the place of use of right 63-8277. No other water right can be confirmed under IDWR records for this water use.

Galland does not have a water right to divert water from the pond or stream. Diversion under these circumstances is an illegal diversion under Section 42-351, *Idaho Code*.

Galland must cease and desist diverting water from the pond until water right approval is secured from IDWR. Failure to comply with this cease and desist can result in a Notice of Violation pursuant to Section 42-1701B, *Idaho Code*. This can include civil penalties and other enforcement actions available to IDWR under Idaho law.

Perkins

Perkins owns a portion of the land covered by right 63-8277. Presumably Perkins owns a portion of that right unless it was legally withheld from the land in a sale. Perkins should file a Notice of Change in Water Right Ownership required by Idaho law. This should be filed within thirty (30) days. Timely filing of the ownership change would result in the \$100 fee being waived.

Water Problems Related to Ponds
April 4, 2007
Page 3

City Development and Perkins

As owners of the land described under right 63-8277, City Development and Perkins are presumed to own the dam and pond associated with this right. The owners should rework the system to allow natural flow to continue downstream to satisfy senior water rights. This could include diversion works to accommodate retaining irrigation water in the pond during the irrigation season but still providing water to downstream users. The owners could work with Saleen to devise a practical way to do this.

The owners of the Beumeler pond should seek additional water right approval if they want year around storage in the pond. This process might be complicated by potential protests against any application, including but not limited to concerns by an irrigation delivery organization if that entity relies on wastewater in the stream to satisfy downstream customers.

Saleen

Saleen should seek additional water right approval if year around storage is desired for the Saleen pond. This might be complicated as noted in the above paragraph.

Summary

The water right scenario for this situation includes more shades of gray than black and white factors. Both ponds are not covered by year around storage water rights. Changing land use practices have probably aggravated the water supply situation. Based on existing water rights, IDWR regulation would probably aggravate the problems.

The best solution is for everyone to work together to share available water by reworking the Beumeler pond system. To prevent further problems, Galland must immediately comply with cease and desist instructions and Perkins must file a water right ownership change within thirty (30) days, unless it can be shown that Perkins does not own a portion of the water right.

IDWR forms and information are available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you need more information or have any questions. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2007, I mailed a true and correct copy, certified, postage prepaid, to the person(s) listed below:


Denise Buffington
Administrative Assistant

City Development
c/o Dick Phillips
210 Murray St
Garden City ID 83714

Pennie Galland
Alan Galland
PO Box 274
Middleton ID 83644

Jock Perkins
24753 Kingsbury Rd
Middleton ID 83644

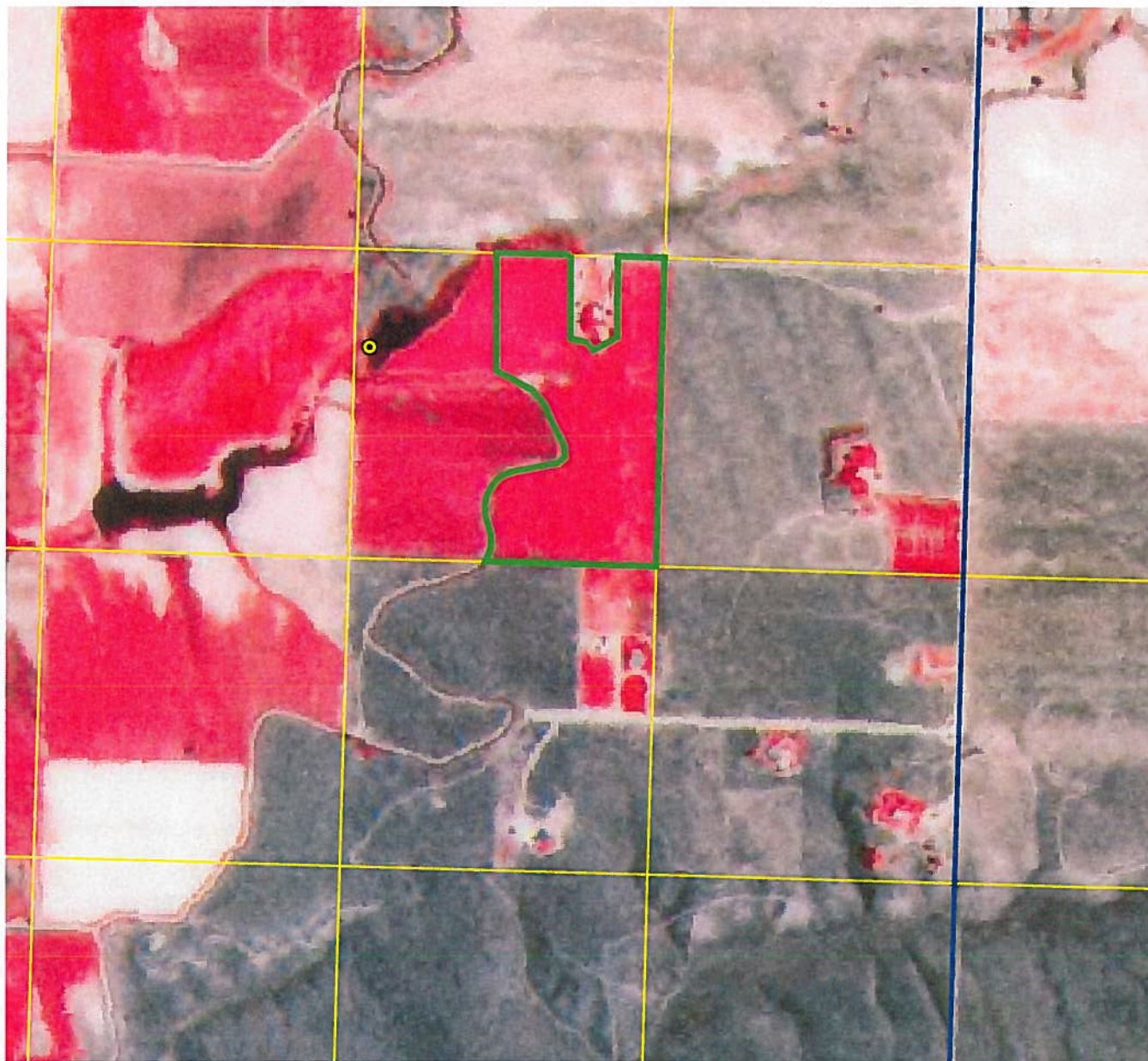
Karen Saleen
8771 Purple Sage Rd
Middleton ID 83644



Idaho Department of Water Resources

63-8277

05N 02W S34



-  POU
-  POD
-  Sections
-  Quarter/Quarter

300 0 300 Feet



IDWR
Prepared by: Lori Graves
Date: 11-06-06
1986-87 Photography

12/10/2006

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

RIGHT NUMBER: 63-8277

NAME AND ADDRESS: CITY DEVELOPMENT
C/O DICK PHILLIPS
210 MURRAY
GARDEN CITY ID 83714

SOURCE: WASTE WATER

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.200 CFS
81.00 AFY

PRIORITY DATE: 03/04/1976

POINT OF
DIVERSION: T05N R02W S34 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.200 CFS

81.00 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T05N R02W S34

SWNE

18.00

18 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

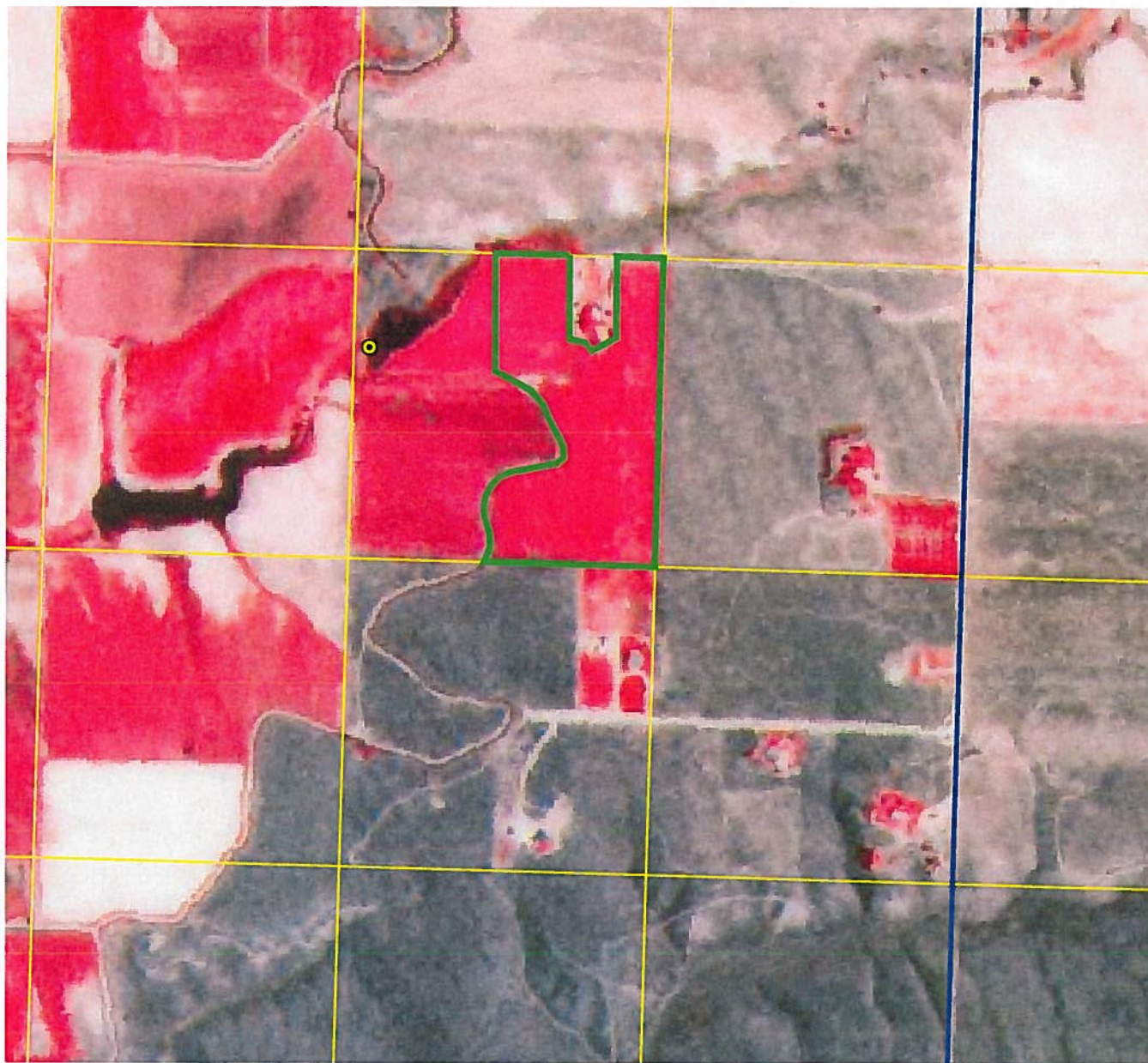
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-8277

05N 02W S34



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 18.0

300 0 300 Feet



IDWR
Prepared by: Lori Graves
Date: 11-06-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8277 V1

WATER RIGHT NUMBER: 63-8277 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W J BEUMELER 24753 KINGSBURG RD MIDDLETON, ID 83644
Current Owner	CITY DEVELOPMENT C/O DICK PHILLIPS 210 MURRAY GARDEN CITY, ID 83714 (208)376-4665

Priority Date: 03/04/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.200 CFS	81.00 AF
	<u>Total Diversion:</u>	0.200 CFS	81.00 AF

Location of Point(s) of Diversion

WASTE WATER	SW1/4NE1/4	Sec. 34, Twp 05N, Rge 02W, 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	
05N	02W	34			18.0														18.0

Total Acres: 18

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
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. S39 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-8277 V1

Comments:

1. Igraves 11/6/2006 P/U

Comment: According to the field exam, the waste water is the only water used for irrigation on lands above (east of) the lateral and supplements lands below (west of) the lateral.

2. Igraves 11/6/2006 Diversion

Comment: The water is impounded in a 5.3 af pond, pumped above the lateral with a 5 hp pump, then pressurized with a 7.5 hp pump for sprinkler irrigation. Excess water flows into an open ditch to supplement lands below the lateral where water from BCID is applied. The license was limited to 18 acres irrigation allowed under the permit.

3. Igraves 11/6/2006 Ownership

Comment: Currently, claimants own 14.8 of the licensed acres and Josh Perkins owns 3.2 of the licensed acres. Claimants farm all 18 acres and filed on the entire right due to SRBA time constraints. Claim remarks noted that a change in ownership will be filed at a later date.

4. Igraves 11/6/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. R3760900000 and R3761200000.

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:

State or Federal:

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:Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08277

Priority: March 4, 1976

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:¹

81.0 AF

This is to certify, that W. J. BEUMELER
24753 KINGSBURG RD.
MIDDLETON, ID 83644

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 4, 1976; and
has submitted Proof of Beneficial Use on April 13, 1979. An examination indicates
that the works have a diversion capacity of .500 cfs of water from:

WASTE WATER

tributary to WILLOW CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	81.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 34, Township 05N, Range 02W
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>TOTAL</u>
05N	02W	34	SWNE	18		18

Total number of acres irrigated: 18

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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JUN 04 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08277

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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 4TH day of MAY, 1990.

Acting for R. Keith Higginson, Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 28 1988

A. GENERAL INFORMATION

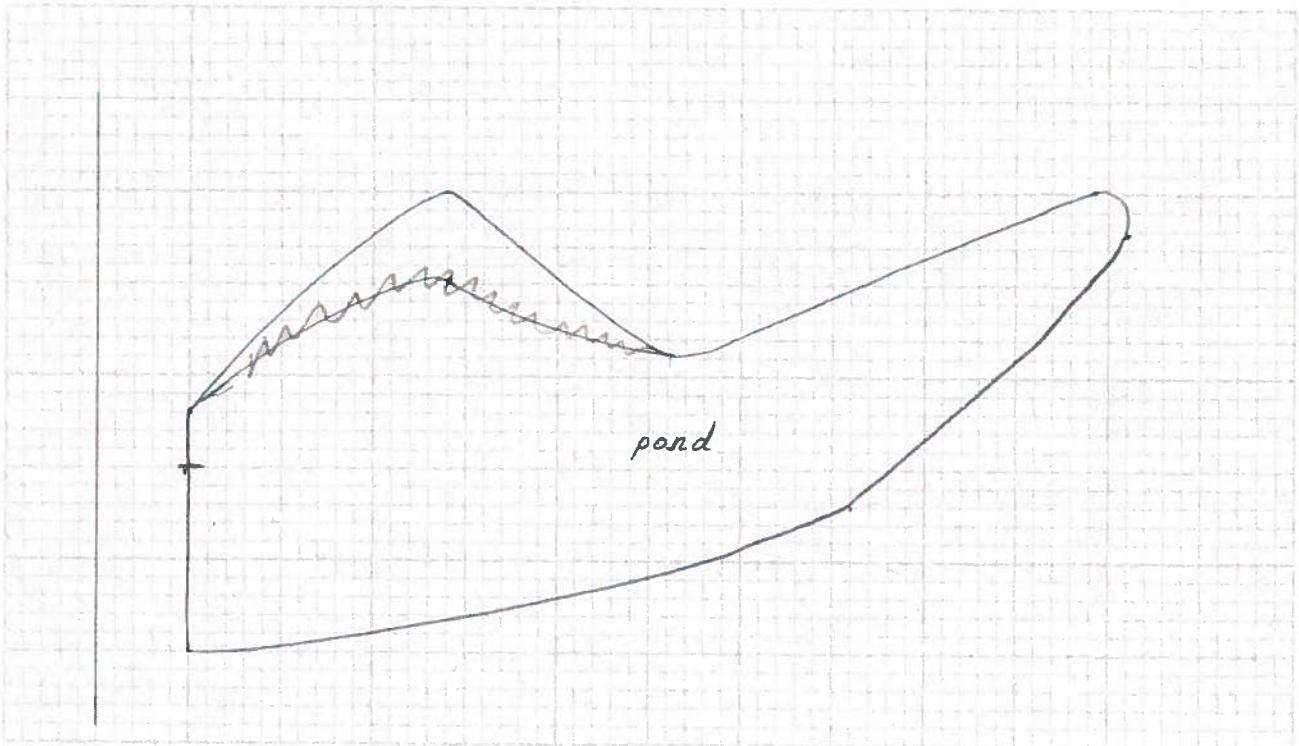
- Permit No. 63-8277
1. Owner: W. J. Beumeler Phone No. 585-3453
Current Address: 24753 Kingsbury Rd., Middleton, ID 83644
2. Accompanied by: W. J. Beumeler EXAM. DATE: 7-10-87 & 8-19-87
Address: Same as above Phone No. 585-3453
Relationship to Permit Holder: Owner
3. Source: Wastewater tributary to Boise River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-0123B & Black Canyon Irrigation District ☒ Copies Attached
2. Other water rights with same point of diversion: None
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached also



Scale: 1" = 100'

JUN 04 1990

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system has an earthen dam, 10' high by 130' long, across a natural drainage way. A 5 H.P. centrifugal pump is used to pump water above the Black Canyon Irrigation District's lateral. A 7½ H.P. centrifugal pump is used to pressurize the wheel line and hand lines that irrigate the land above the lateral. Any excess water flows into an open ditch to furrow irrigate the land below the lateral (siphon tubes and ditch bank cuts for takeout).

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	part Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pump #1	Century	5	6-332987-05	Berkeley	7972253 3" discharge
Pump #2	Century	7½	6-332988-03	Jacuzzi	7M7008 3" discharge

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	34	5N	2W	Canyon	Aerial Photo

6. Place(s) of Use:

Indicate Method of Determination Aerial Photo

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	2W	34			33														3318*
					18														

* 18 ACRES IS TOTAL ACREAGE ALLOWED UNDER PERMIT, JS

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gauge						
5 gallon bucket					5 gal.	
stopwatch						

2. Measurements:

35 Rain Bird Model 30 sprinkler heads with 1/8" nozzles
at 60 psi. 3.55 gpm each $35 \times 3.55 = 124.25$ gpm
Filled a 5 gallon bucket in 3 seconds from the excess
water overflow pipe. (see photo)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{5 \text{ gal}}{3 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = 100 \text{ gpm}$$

$$100 + 124.25 = 224.25 \text{ gpm} \quad \frac{224.25}{448.8} = 0.50 \text{ cfs}$$

ALLOW 0.36 cfs (1" AC FOR 13 ACRES)

2. Alternate Method for Checking Purposes: Est. 15' of lift

$$\frac{5 \times 8.8 \times 0.8}{15 + 2.3(0)} = 2.35 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW: 3.6 $\times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (6)

Panel Input HP: (6) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{i,r} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{18}{33} \times 4.5 = \frac{81}{148.5} \text{ afa}$$

$$V_{d,r} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.50 \times 214 \times 1.9835 = 212.2 \text{ afa}$$

$$V = \text{Smaller of } V_{i,r} \text{ and } V_{d,r} = 148.5 \text{ afa}$$

2. Volume Calculations for Other Uses:

Limit volume to 81 afa as per permit JUN 04 1990

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Any runoff returns to the pond. This pond was built to "even out" the water supply, and it was not designed to store all of the water needed for an irrigation season. Therefore, a diversion rate should have been shown on this permit. In 1987 only Mr. Beumeler's wastewater was entering the pond. The land above the Beumeler's was not being irrigated, but the evidence of erosion along ~~along~~ the drain way indicates a significant amount of wastewater normally enters the pond. The wastewater is the only water available ~~for above~~ the land above (east of) the lateral and it supplements the Black Canyon Irrigation District's water below (west of) the lateral. 63-01238 is not available for this land.

I. RECOMMENDATIONS

1. Recommended Amounts

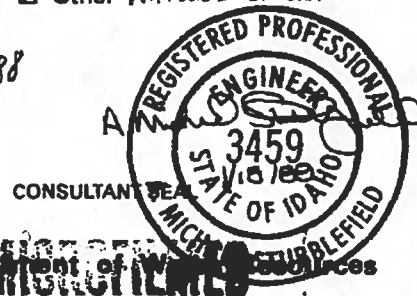
Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Storage for irrigation	1-1	12-31	N.A. on stream	5.3
Irrigation from storage	4-1	10-31		5.3
Irrigation	4-1	10-31	0.50 .36 .20	115.5 81
Totals:			0.50 .36	115.5 81

2. 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 NATURE OF USE

J. AUTHENTICATION

Field Examiner's Name Carter Fritschle *JP 1/17/88*
 Signature Carter Fritschle
 Certification Date _____
 Field Report Preparation Date 8-19-87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

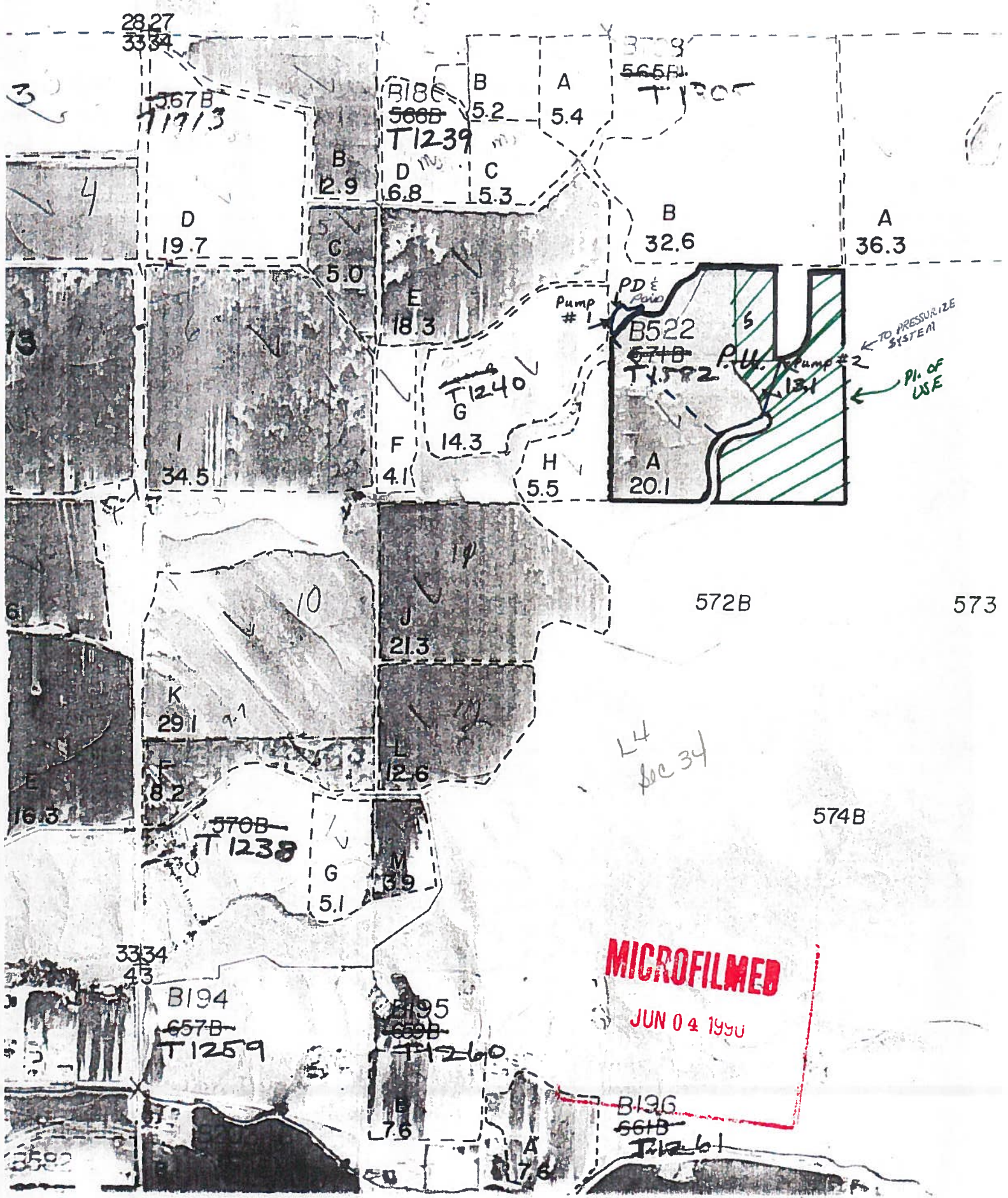
Condition R 32

JUN 04 1990

I believe the above recommendations are in line with the original intent of this permit.

NOTE: TO ADD IRRIGATION TO THIS PERMIT SHOULD NOT CONSTITUTE AN EXPANSION OF THE ORIGINAL RIGHT. I AGREE WITH CARTER THAT IT WAS PROBABLY THE INTENT OF THE PERMIT. THE ANNUAL VOLUME IS STILL 81 AF AND THE DIVERSION WILL OCCUR ONLY DURING THE IRRIGATION SEASON FOR LIVE FLOW, OUT OF THE POND, WHICH SEEMS TO BE A PART OF THE DRAIN SYSTEM. JS 1/17/88

W



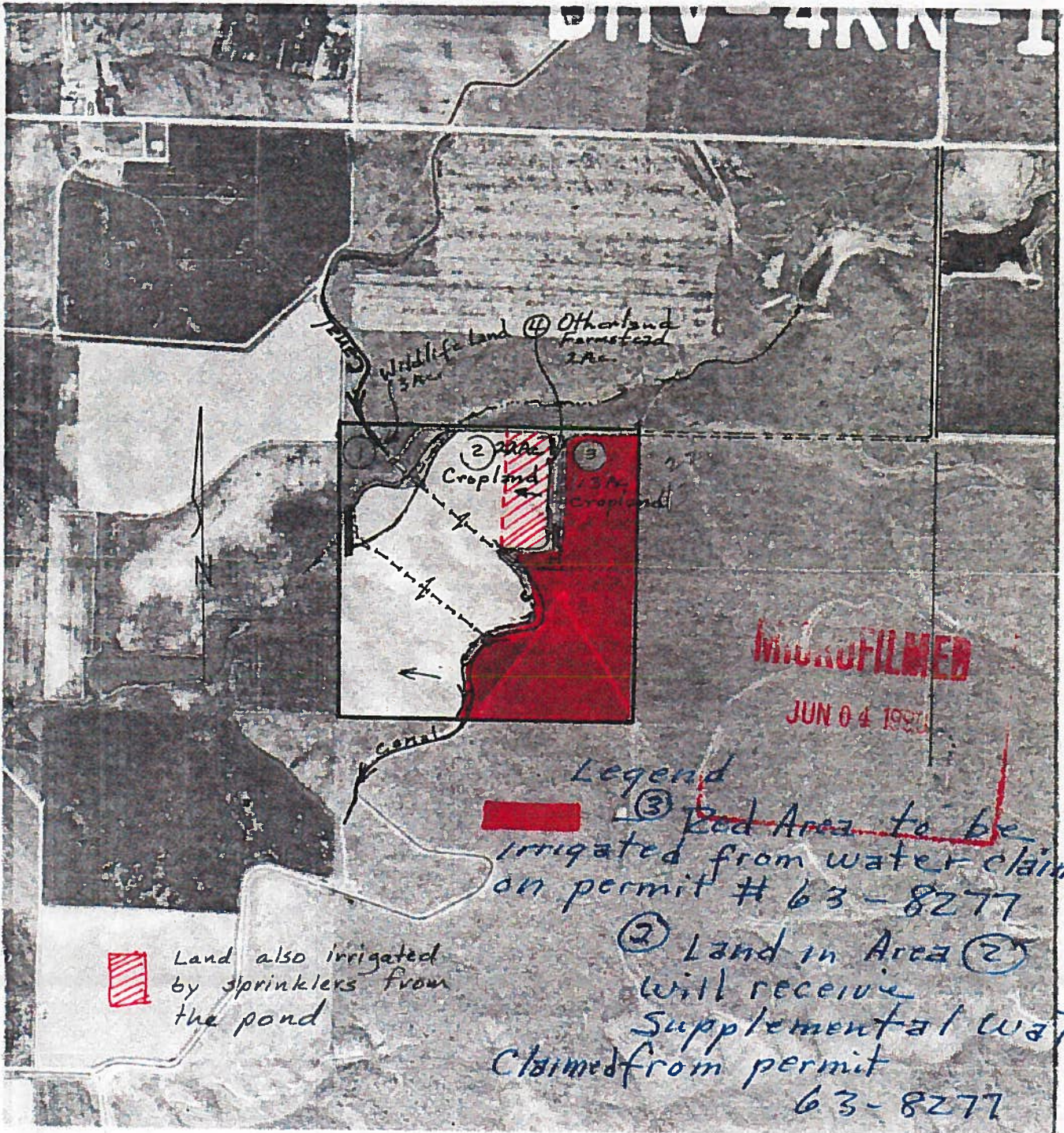
SCS-CONS-16
OCTOBER 1974

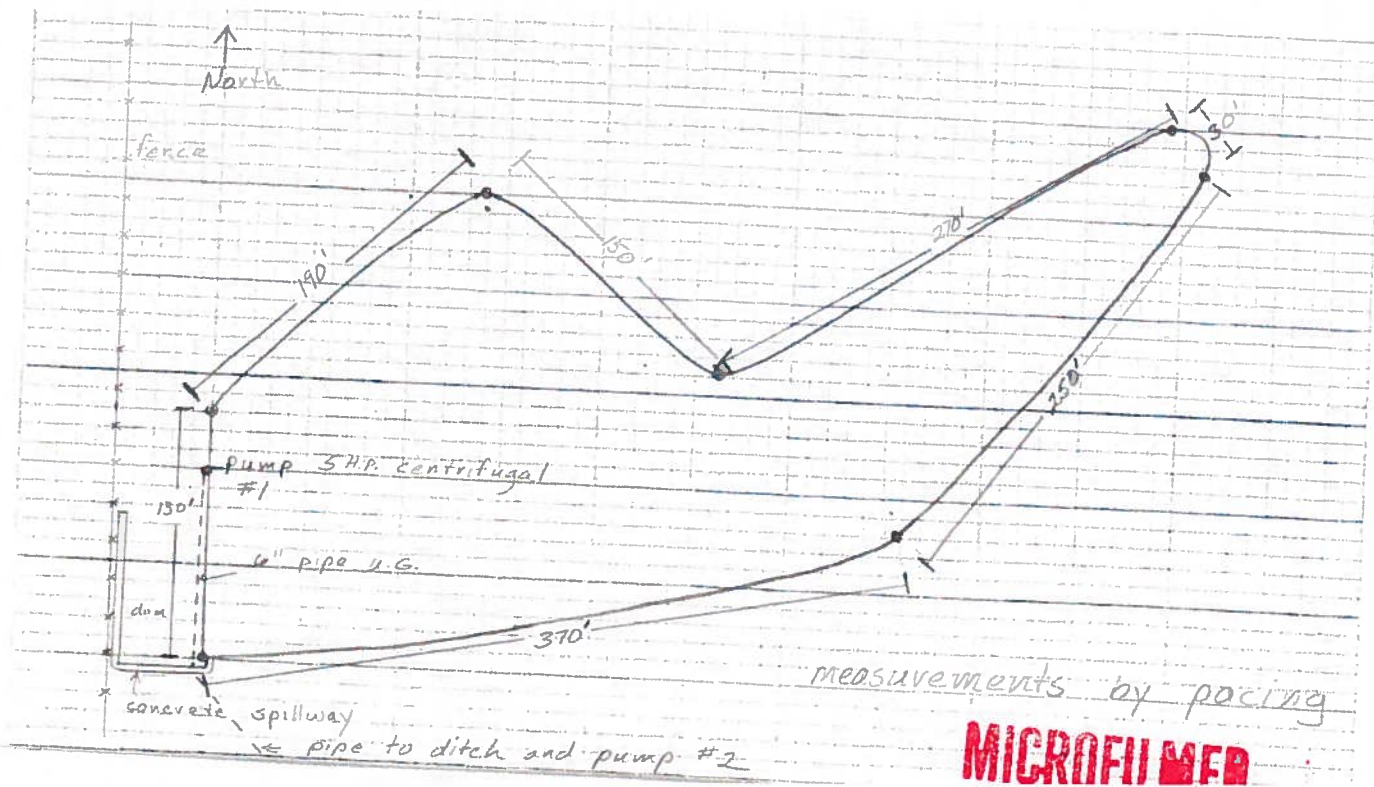
U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

4-12-79
date sent to
Water Resources

Owner William Beumeler Operator Sam C
County Canyon State Idaho Date 2/21/78
Approximate acres 40 Approximate scale 8" = 1 Mi.
Cooperating with Canyon Conservation District
Plan identification Northeast Willow Creek Photo number LKK-96
Assisted by G. Gordon USDA Soil Conservation Service





$$\text{Area of A} = \frac{369' \times 142'}{2} = 26,199 \text{ ft}^2$$

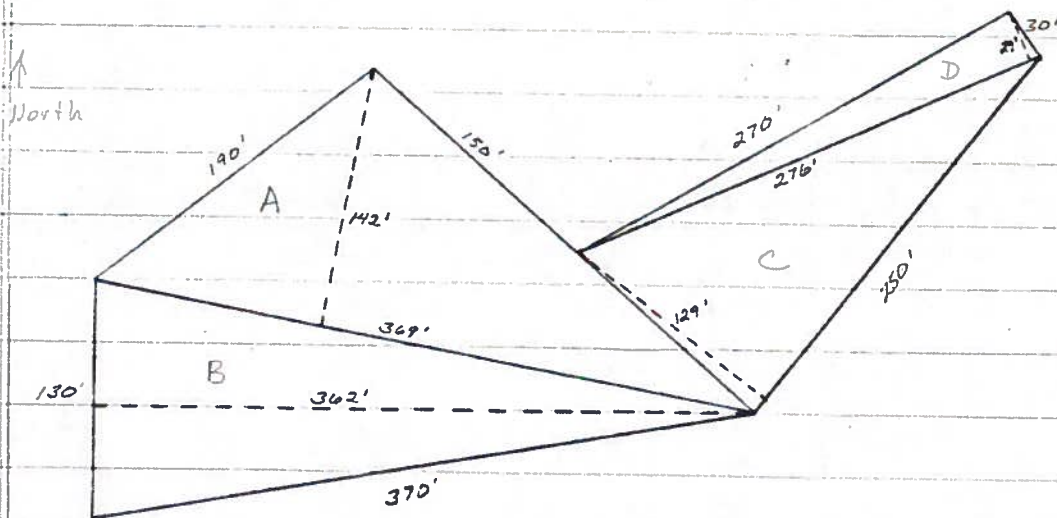
$$\text{" " B} = \frac{130' \times 362'}{2} = 23,530 \text{ ft}^2$$

$$\text{" " C} = \frac{250' \times 129'}{2} = 16,125 \text{ ft}^2$$

$$\text{" " D} = \frac{276' \times 29'}{2} = 4,002 \text{ ft}^2$$

$$\text{Area of A + B + C + D} = 69,856 \text{ ft}^2$$

$$\text{Storage Capacity} = \frac{10 \text{ ft} \times 69,856 \text{ ft}^2}{3} = 232,853 \text{ ft}^3$$



$$\frac{232,853 \text{ ft}^3}{43,560 \frac{\text{ft}^3}{\text{a.f.}}} = 5.3 \text{ a.f.}$$

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JUN 04 1990

Identification No. _____

Application No. 63-8277

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

(585-3453 Res.)

1. Name of applicant W. J. Beumeler Phone: 384-3644 Business
post office address Route No. 1, Caldwell, Idaho 83605
2. Source of water supply Waste Water from irrig which is a tributary of N/A
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 5 North
Range 2 West B.M. Canyon County; additional points of diversion if any: _____
Also the North 40 feet of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 34, where I have a
permanent easement for a road.
- b. If water is not consumed, it will be discharged into waste ditch at a point in SW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 34 Township 5 N Range X W. B.M. Canyon County.
2 DRT
4. Water will be used for the following purposes:
Amount 81 af/annum for Storage purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 81 af/annum Irr. purpose from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount -- for -- purpose from -- to -- (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. 81 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. A natural ditch brings the
water onto my land. I have a good place to build a dam with rockd
spillway to impound the water needed to irrigate my dry land by
use of a pump.
- b. Height of storage dam 10 feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: earthen
Period of year during which storage will occur April 15 to Oct. 15 inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 2,500.00.
8. Description of proposed uses: N/A
- a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

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

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

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2W	34			18														18

Total number of acres to be irrigated 18

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion W. J. Beumeler (Bill Sloviaczek)

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing W. J. Beumeler Contract Purchaser

10. Remarks This water that I would like to file on is runoff from a section of land irrigated by wells, also from runoff of snowfall in the winter months. The first year of operation for the wells and land was the crop year of 1975. I propose to build a storage dam and install a pump to irrigate approximately 18 acres of dry ground. There is a steady flow of approximately 50 inches of water and during peak runoff could be as high as 200 inches.

Proposed Priority 3-4-76

Received by DPB Date 3-4-76 Time 8:30am

Preliminary check by PHH Fee \$ 25.00

Received by AL Date 3-8-76 # 3675

Publication prepared by RB Date 3-11-76

Published in News Tribune

Publication dates March 18 + 25

Publication approved RB Date 3-26-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JHJ DPB

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8277, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

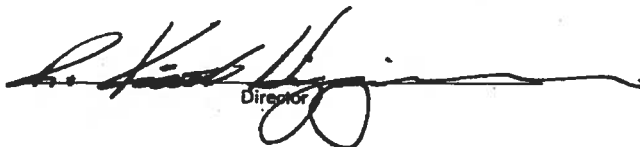
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1981.

c. Other: _____

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

Witness my hand this 15 day of April, 1976.


Director



ות

(Applicant)

W. J. Beumler

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

RECEIVED

OCT 12 2006

WATER RESOURCES
WESTERN REGION

Ident. Number 63-8277
Date Received: 10/12/2006
Receipt No: W034775
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY DEVELOPMENT Phone: (208)376-4665
C/O DICK PHILLIPS
210 MURRAY
GARDEN CITY ID USA 83714

2. Date of Priority: 03/04/1976

3. Source: WASTE WATER Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02W	34	SW NE	CANYON	

5. Description of diverting works:

Two pumps, sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.2	81

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 81 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
05N	02W	34	SW	NE	IRRIGATION	18
Section Acres						18
Total Acres						18

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 .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

This right is used for sprinkler irrigation of acres above the Black Canyon Irrigation District (BCID) lateral and do not receive BCID water. Acres below the lateral are gravity irrigated with BCID water. The lateral splits the SWNE forty acre tract.

Water is lifted from the pond with a 5 hp pump and the sprinkler system is pressurized with a 7.5 hp pump.

Currently, City Development owns ~14.8 of the licensed acres and Josh Perkins owns ~3.2 of the licensed acres. Due to SRBA time constraints, City Development filed on the entire right. A change in ownership can be filed at a later date.

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: _____

For Organizations:

I do solemnly swear or affirm that I am Sec/Treasurer of
_____ Title
City Development Inc, that I have signed the foregoing
_____ Organization
document in the space below as Sec/Treasurer of
_____ Title
City Development Inc and that the statements contained in the
_____ Organization
foregoing document are true and correct. Paul M. Haley
Signature of Authorized Agent

Sec/Treasurer
Title and Organization
Oct 12, 2006
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of Oct 2006

12th
Lori Graves

Notary Public

Residing at Boise

My commission Expires 6/18/2010

