

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: **A63-08422**
Date Received: 3/16/1990
Receipt No: W011332
Received By: _____

DEC 23 1992
Department of Water Resources
Western Regional Office

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

1. Name: GARY DUSPIVA 208-722-5304
Address: 25050 PET LN
PARMA ID 83660

AND/OR

Name: GAYLE C BAGLEY 208-722-5304
Address: 25050 PET LN
PARMA ID 83660

2. Date of Priority: FEB 3, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	11	SW	NW	SW		CANYON

5. Description of diverting works:

6" WELL 652' DEEP, ARTESIAN FLOW OF 100 GPM, SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 23.4 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOME & FIRE PROTECTION; STOCK, 12 GEESE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	11	NW	SW		IRR	5.0
			NW	SW		STOCK	
			NW	SW		DOMEST	

Section Acres 5.0

Total Acres 5.0

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:
PIONEER IRR. DIST.

14. Remarks:

#5. (CON'T.) PUMP FOR DOMESTIC USE, 2 2" LINES & 5" PIPE WITH
PORTABLE LINES & HOSES ATTACHED FOR IRRIGATION & STOCKWATER.

15. Basis of Claim: PERMIT

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 A63-08482
Date Received 3/16/90
Receipt Number W011332

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
MAR 16 1990

Department of Water Resources
Western Regional Office

* FRANK W. DUSPIVA deceased the property was inherited by brother and
sister listed below.

Please type or print clearly *

1. Name of Claimant (s) GARY DUSPIVA AND/OR GAYLE C. BAGLEY Phone (208) 722-5304

Mailing Address 25050 PET LANE PARMA, IDAHO Zip 83660

2. Date of Priority (Only one (1) per claim) FEBRUARY 3, 1977

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3N Range 2W Section 11,
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: _____

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

Township _____ 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 _____

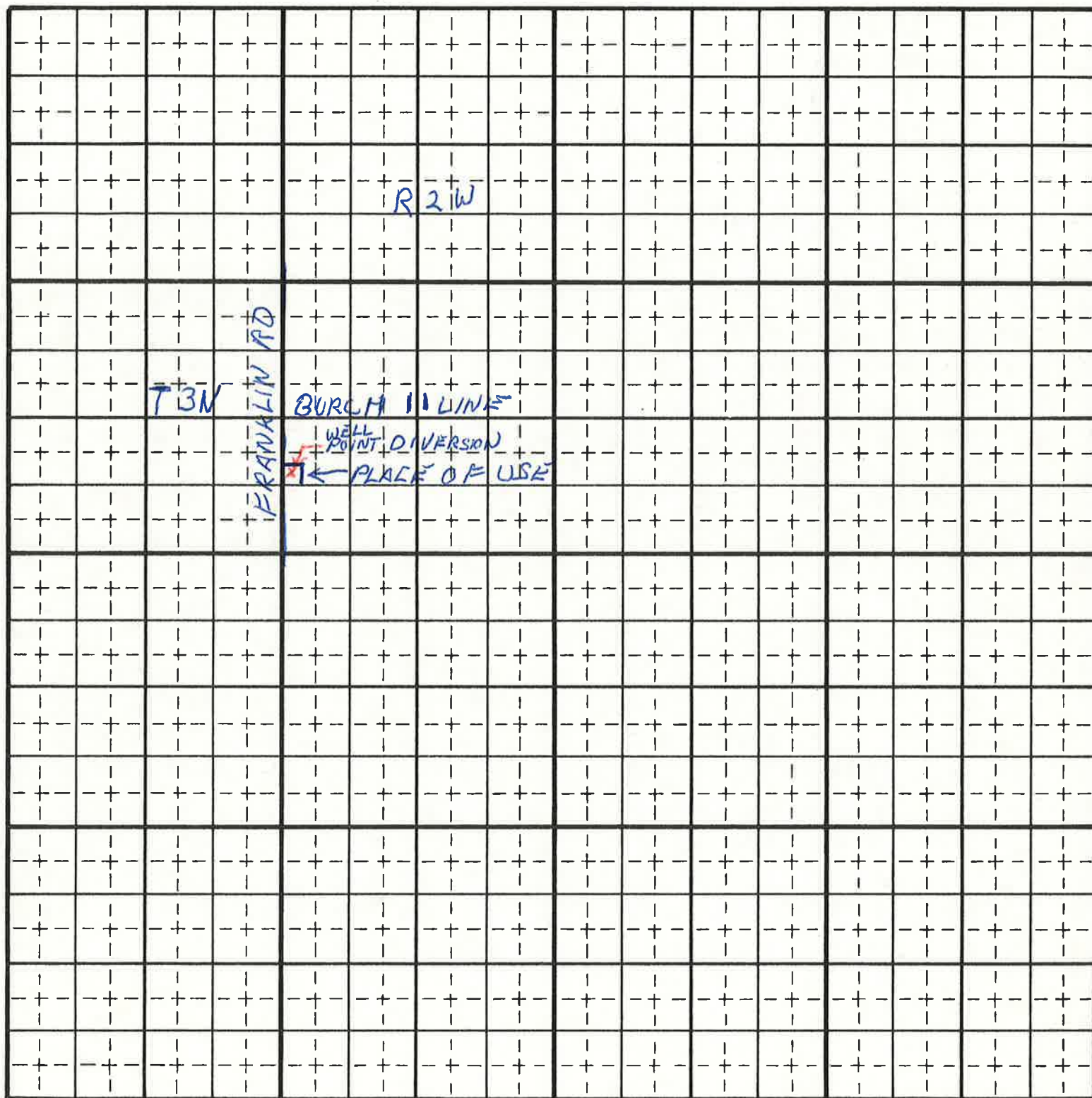
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. There is a 6" well 652 foot deep and
has a artesian flow of 100gpm controlled by a valve when not in use. There
is a domestic pump which furnishes house use. There is 2 2 inch lines and a
5 inch pipe to which portable lines and hoses are attached for irrigation
and stockwater.

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

Scale: 2 inches equals 1 mile



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Last Name DUSPIVA & BAGLEY

Ident No. A63-08422

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .15 or _____

For Stockwater purposes from 01/01 to 12/31 amount .02 or _____

For Domestic purposes from 01/01 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 23.4 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household & fireprotection Stockwater: is used to water 12 head of geese which help maintain weeds.

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	
3N	2W	11										5							5
3N	2W	11										D&S							

Total number of acres irrigated 5

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.

Pioneer Irrigation District but is not used at this time. or None ()

14. Remarks:

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Last Name DUSPIVA & BAGLEY Ident No. A63-08422

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☐ License ☒ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number 63-8422
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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) [Signature] Date 15 March 90
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 15th day of March 1990
SEAL Notary Public [Signature]
Residing at Parma ID
My Commission Expires 8-9-91
Please Print Name _____

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____
Address _____
Date _____

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Last Name DUSPIVA & BAGLEY Ident. Number 163-08422

Copies White-State, Yellow-Claimant

Water Right Number - 63-08422

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DUSPIVA

FRANK W.

1 - C/O GARY DUSPIVA
2 - RT. 3 BOX 3069
3 -
City- PARMA
Phone - 208-000-0000

State- ID Zip- 836600000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/03/1977 14 WESTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
03N 02W 11 NW SW (27) CANYON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.150 22.50
04 - STOCKWATER 01/01 12/31 0.020 0.30
43 - DOMESTIC 01/01 12/31 0.040 0.60+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.200 23.40 0.220+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
03N 02W 11 NW SW 5.0 01 IRRIGATION (27) CANYON
Total Acres: 5.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
R32 - 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.MICROFILMED
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Proof Due Date	-	03/01/1984	Field Exam Made	-	06/18/1986	Field Exam Fee	-	R
Approved/Denied	-	03/14/1977	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	02/13/1984	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	11/03/1987	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	09/11/1987	Appl Received	-	02/03/1977	Transfer/Amended	-	
Decree Date	-	00/00/0000	Presumption Flag	-				

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ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Duspin, Gary 400 Bagley, Bayle AIM IDENT. NO. A63-08422

DATE RECEIVED 3-16-90 RECEIPT # WD11332 FEE PAID \$ 50.00 FEE REQ'D \$ 50.00 *

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
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) N/A	☒	☐	
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? N/A	☒	☐	
Is the consumptive use correct? N/A	☐	☒	high
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
If multiple domestic, is single ownership indicated?	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
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.) N/A	☒	☐	
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? N/A	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	☒	☐	*
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? N/A	☒	☐	
(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.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
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? <u>assumed. postmarked 3-15-90</u>	☒	☐	*
(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? *	☒	☐	*

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* Acreage (variable fee) paid by Pioneer Irrigation District

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? . . .

NA —

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: CA Date 12-17-92

Claim data entered by: gs Date 12/23/92

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: Basis of claim listed as permit instead of
license - every thing else appears to match existing
WR record.

Receipt Details for ID W011332

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/19/1990 10:52:49 AM	3/19/1990	Western	\$50.00	Check
Payer	DUSPIVA, GARY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
320			
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	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8422		\$50.00	Claim

Print Report

11/03/2006

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

RIGHT NUMBER: 63-8422

NAME AND ADDRESS: GARY DUSPIVA
25050 PET LN
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
23.400 AFY

PRIORITY DATE: 02/03/1977

POINT OF DIVERSION:

T03N R02W S11 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	03/15 11/15	0.150 CFS 22.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS 0.30 AFY

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

Domestic use is for 1 home and does not include irrigation.

PLACE OF USE:

IRRIGATION in CANYON County

T03N R02W S11 NWSW 5.00

STOCKWATER in CANYON County

T03N R02W S11 NWSW

DOMESTIC in CANYON County

T03N R02W S11 NWSW

5 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

Stockwater use is for 12 geese.

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

Parcel No. R3106000000.

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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: 63-8422

~~GAYLE C BAGLEY~~

~~25050 PET LN~~

~~PARMA ID 83660~~

Telephone Number: (208) 722-5304

GARY DUSPIVA

25050 PET LN

PARMA ID 83660

Telephone Number: (208) 722-5304

CELL PHONE 208 8993131

THIS PROPERTY WAS QUITCLAIM DEEDED

TO GARY DUSPIVA ON 19 JAN 1995 AND

GAYLE WAS KILLED IN A TRAFFIC ACCIDENT ON

14 FEB 1995. PLEASE TAKE GAYLE'S NAME

OFF THIS WATER RIGHT

Gary Duspiva

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:

TAKE GAYLE C BAGLEY NAME OFF. LEGAL DISCRPTION
SAME AS ON MAP PROVIDED BY IDWR.

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: _____ SIGNATURE: _____

Please print your name: _____

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

(Optional)

Recorded ☐Microfilmed ☐Indexed ☐Platted ☐Deed Card ☐Compared ☐Key Punched ☐Master File ☐Abstracted ☐To Treasurer ☐☐☐☐

PN 33481

QUITCLAIM DEED

THIS INDENTURE, Made this 19th day of January

in the year of our Lord one thousand nine hundred and ninety five

between

GAYLE CHRISTINE BAGLEY, as to an undivided one-half interest,

of Canby

County of Clackamas

State of Oregon

, the party

of the first part, and

GARY WILLIAM DUSPIVA

of Parma

County of Canyon

State of Idaho

, the party

of the second part,

whose current address is 25050 Pet Lane, Parma, Idaho

WITNESSETH That the said party of the first part, for and in consideration of the sum of

Transfer, no value

DOLLARS

lawful money of the United States of America, to ~~xxxxxxxxxxxxxx~~ in hand paid by the said party ~~xxxxxx~~ of
the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release
and forever QUITCLAIM, unto the said party of the second part, and to his heirs and
assigns all that certain lot, piece or parcel of land, situate, lying and being in
, County of Canyon, State of Idaho, bounded and particularly
described as follows, to-wit:

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

Location of above described property 16294 Franklin Road
House No. Street

MAIL DEED TO:

Gary Duspiva

25050 Pet Lane

Parma Idaho 83660

MAIL TAX NOTICE TO:

Name Gary Duspiva

Address 25050 Pet Lane

City & State Parma Idaho 83660

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Gayle Christine Bagley [Seal]
Gayle Christine Bagley [Seal]
[Seal]
[Seal]

STATE OF ~~IDAHO~~ OREGON } ss.
County of Clackamas

On this 19th day of January in the year 19 95 , before me

a Notary Public

in and for said State, personally appeared
GAYLE CHRISTINE BAGLEY

known to me to be the person whose name IS subscribed to the within instrument, and acknowledged to me that She executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Judy Jenkins
Notary Public for the State of ~~IDAHO~~ OREGON
Residing at *Milwaukee*, ~~IDAHO~~ Oregon

No...
QUITCLAIM DEED

—TO—

Dated... , 19...
STATE OF IDAHO,
County of... } ss.

I hereby certify that this instrument was filed for record at request of...

at... minutes past... day
o'clock M., this... day
of... , A.D. 19...
in my office, and duly recorded in Book...
of... at page...

Ex-Officio Recorder.

By... Deputy.
Fees, \$...

Mail to

EXHIBIT "A"

A parcel of land being a portion of the Northwest Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Beginning at an iron bolt marking the Northwest corner of the said Northwest Quarter of the Southwest Quarter of Section 11, also said point being the REAL POINT OF BEGINNING; thence

South 89° 25' 16" East 491.09 feet along the Northerly boundary of the said Northwest Quarter of the Southwest Quarter of Section 11, which is also the centerline of Birch Lane, to a brass cap; thence

South 45° 37' 00" East 975.16 feet to a brass cap; thence

South 8° 23' 00" East 659.15 feet to a brass cap on the Southerly boundary of the said Northwest Quarter of the Southwest Quarter of Section 11; thence

North 89° 25' 18" West 1,294.00 feet along the said Southerly boundary of the Northwest Quarter of the Southwest Quarter of Section 11 to a brass cap marking the Southwest corner of the said Northwest Quarter of the Southwest Quarter of Section 11; thence

North 0° 25' 32" East 1,326.13 feet along the Westerly boundary of the said Northwest Quarter of the Southwest Quarter of Section 11, which is also the centerline of North Franklin Road, to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being a portion of the said NW 1/4 of the SW 1/4 of Section 11, T.3N., R.2W., B.M., Canyon County, Idaho, further described as follows:

Beginning at a found 5/8" iron bolt, as it is shown on that certain Record Of Survey, Instrument No. 930143, recorded September 21, 1981 in the office of the Canyon County Recorder, marking the W 1/4 corner of said Section 11, also marking the center line intersection point of Birch Lane and North Franklin Road, the TRUE POINT OF BEGINNING, from which the SW corner of said Section 11 bears S. 00°25'32" W. 2652.25 feet;

thence S. 89°25'16" E. 491.09' along the Northerly boundary line of said NW 1/4 of the SW 1/4 of Section 11 and along the center line of said Birch Lane to a point;

thence leaving said Northerly boundary line and said center line S. 45°37'00" E. 975.16 feet to a point;

thence S. 08°23'00" E. 659.15 feet to a point on the Southerly boundary of said NW 1/4 of the SW 1/4 of said Section 11;

thence N. 89°25'18" W. 743.92 feet along said Southerly boundary line to a set 5/8" iron pin and cap marked J-U-B LS 944;

thence leaving said Southerly boundary line N. 00°27'26" E. 450.37 feet to a set 5/8" iron pin and cap marked J-U-B LS 944;

thence N. 89°25'18" W. 517.33 feet parallel with said Southerly boundary line of the NW 1/4 of the SW 1/4 of Section 11 to a set 5/8" iron pin and cap marked J-U-B LS 944, being a point on the Easterly right-of-way of said North Franklin Road;

thence leaving said Easterly right-of-way and continuing parallel with said Southerly boundary line N. 89°25'18" W. 33.00 feet to a set PK nail and washer marked J-U-B LS 944, marking a point on the said center line of North Franklin Road and on the Westerly boundary of the said NW 1/4 SW 1/4, Section 11;

thence N. 00°25'32" E. 875.76 feet along said center line of North Franklin Road and said Westerly boundary of the NW 1/4 SW 1/4 to the Point of Beginning.

Containing an area of 25.95 acres, more or less.

REQUEST
TYPE Real FEE 9.00
PIONEER - NAMP

BY [Signature]
CANYON COUNTY RECORDER
NEED KERN

95 JAN 24 PM 11 40

RECORDED

9501831

03/22/2006

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

RIGHT NUMBER: 63-8422

NAME AND ADDRESS: GAYLE C BAGLEY
25050 PET LN
PARMA ID 83660

GARY DUSPIVA
25050 PET LN
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
23.400 AFY

PRIORITY DATE: 02/03/1977

POINT OF DIVERSION:

T03N R02W S11 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	03/15 11/15	0.150 CFS 22.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS 0.30 AFY

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

Domestic use is for 1 home and does not include irrigation.

PLACE OF USE: IRRIGATION Within CANYON County

T03N R02W S11 NWSW 5.00

STOCKWATER Within CANYON County

T03N R02W S11 NWSW

DOMESTIC Within CANYON County

T03N R02W S11 NWSW

5 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

Stockwater use is for 12 geese.

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

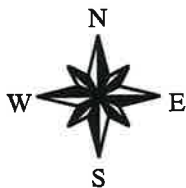
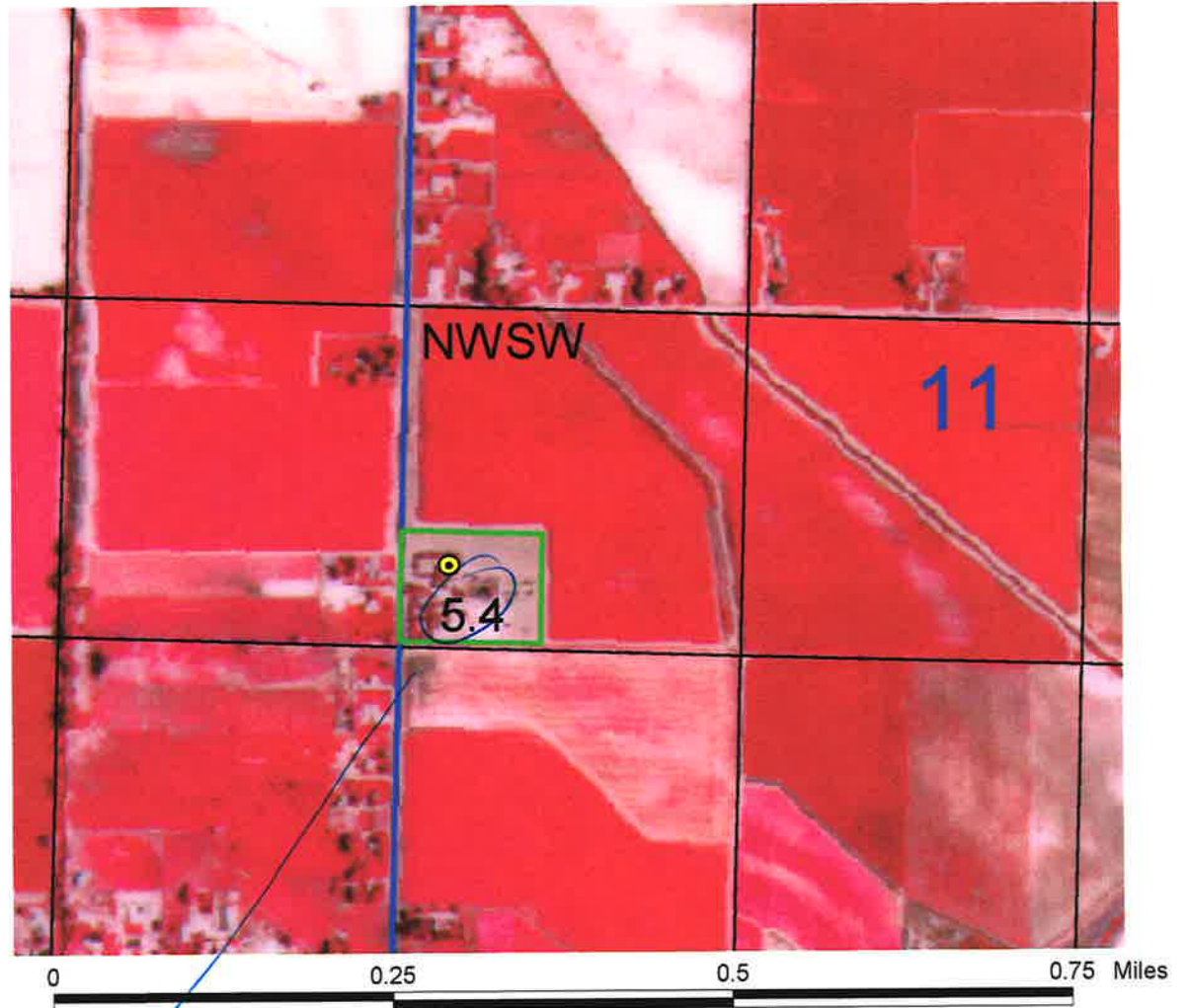
Parcel No. R3106000000.

Idaho Department of Water Resources

Claim Number: 63-08422
Legal: T03N, R02W, S11
Reviewed By: *Vicky Music*

1987 Napp Photo

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



*5 acres licensed.
domestic use does not include irrigation
Per licensing exam -*

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8422

Priority: February 3, 1977 Amount: .20 CFS 23.4 AFA

This is to certify, that FRANK W. DUSPIVA, DEC.
C/O GARY DUSPIVA
RT. 3 BOX 3069
PARMA, ID 83660

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated February 3, 1977, and has submitted proof to the Department of Water Resources on February 13, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .22 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.15 cfs	22.5 afa
Stockwater	01/01 to 12/31	.02 cfs	.3 afa
Domestic	01/01 to 12/31	.04 cfs	.6 afa
Totals		.20 CFS	23.4 AFA

LOCATION OF POINT OF DIVERSION(S): NWSW, Sec. 11, Township 3N, Range 2W
Canyon County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
3N	2W	11	NWSW	5			5

Total number of acres irrigated: 5

PLACE OF USE: Stockwater, same as Irrigation use

PLACE OF USE: Domestic, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

14. CROFILMED

SEP 28 1987

State of Idaho
Department of Water Resources

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8422

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 11TH day of SEPTEMBER, 1987.

Acting for the Director

Norman C. Young

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SEP 28 1987

Identification No. _____

Application No. 63-8422

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)

1. Name of applicant Frank W. Duspiva Phone: 466-3046
post office address Rt #5, Nampa, ID
2. Source of water supply groundwater 3 points which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 3N
Range 2W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.6 for Irrigation purpose from Mar 1 to Nov 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Stockwater purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.66 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo., Day) to _____ (Mo., Day) inclusive.
c. Proposed well diameter is 4 dom inches; proposed depth of well is _____ 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 \$ 4,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 3N
Range 2W 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 25 head beef stock

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

RECEIVED

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	
3N	2W	11										30							30

Total number of acres to be irrigated. _____

c. Describe any other water rights used for the same purposes as described above. _____

Pioneer Irrigation District

9. a. Who owns the property at the point of diversion Applicant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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

P.D.M. Use

11

T. 3N

R. 2W.B.M.

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Frank W. Dinsmore
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

GENERAL INFORMATION

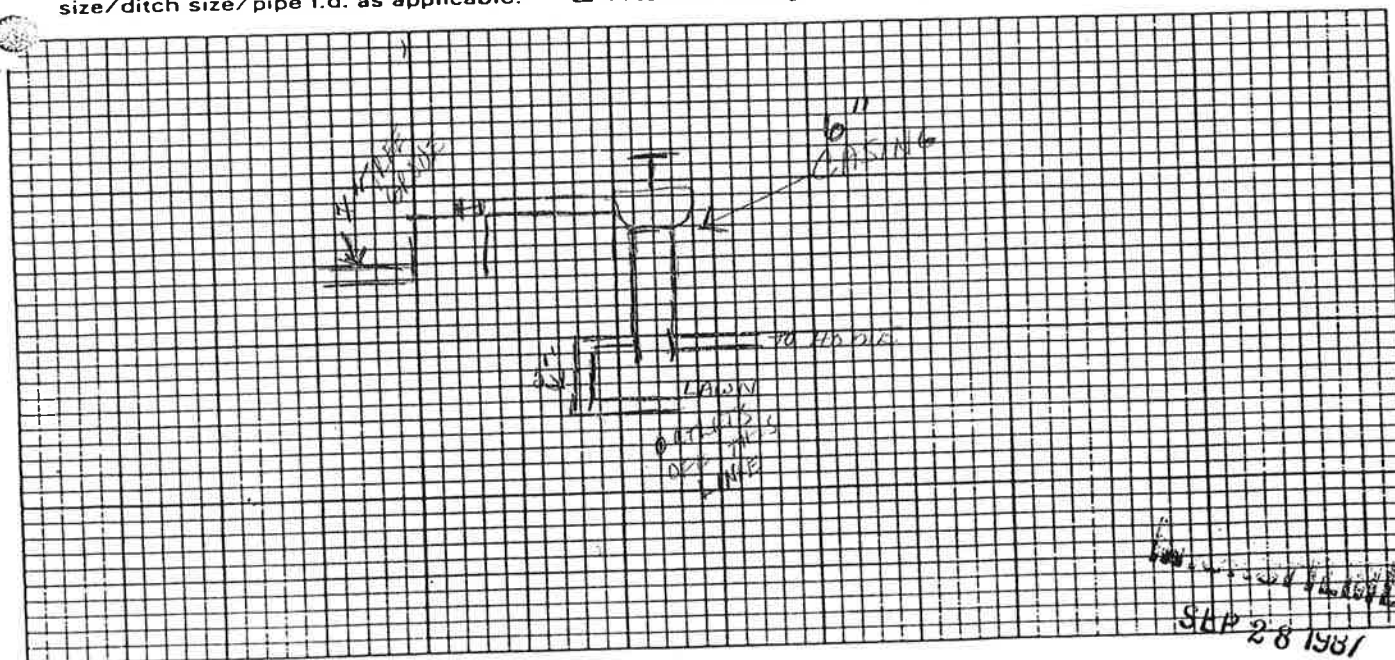
- Permit No. 63-8422
Phone No. 466-3041
1. Owner: Frank W. Duspiva
Current Address: c/o GARY DUSPIVA, Rt. 3, PARMA, ID 83660
2. Accompanied by: GARY DUSPIVA EXAM. DATE: 6-18-86
Address: SAME AS ABOVE Phone No. _____
Relationship to Permit Holder: SON
3. Source: G.W. tributary to _____

OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☒ Copies Attached
2. Other water rights with same point of diversion: NONE ☒ Copies Attached ☐ Copies of Field Exam's Attached

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



Scale: 1" = _____

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).

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System Description (continued)

FIGURE A, cont.

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

Artesian well - 625 ft deep, ARTESIAN - NO BARREL CATCH BASIN
 1 1/2" PIPELINE DOWN DRIVEWAY TO TREE GROVE. ~~AT 360' X 305'~~
~~FREE AREA~~ 1 1/2" PIPELINE FROM WELL TO LAWN AREA AROUND
 HOME - 3 OUTLETS FOR FLOOD IRRIGATION, HOSES HOVED UP TO
 OUTLETS FOR AROUND LAWN. Cased 616' DOWN - 1 1/4" PIPELINE
 IN HOME. 3/4 HP PUMP (CENTRIFUGAL) FOR DOMESTIC USE TO (PRESSURIZING
 (15' 6" HD.) PRESSURE TANK & INTO HOME. 100 GPM.
 → 10/6 PSI, 6000 OR 7000 GAL. PER HOUR - 5 GAL IN 3 SEC.

4. PH - 8.3 - TEMP. 74° PERMIT HOLDERS R57. ☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NONE ON WELL - ARTESIAN				
	PUMP USED ONLY FOR PRESSURE IN HOME.				

NOTE: ONE WELL ONLY

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NW	SW	11	3N	2W	CANYON	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	2W	11											5						5
																			5

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FIGURE A, cont.

Do not use this space

FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 GAL. BUCKET	✓	STOPWATCH				

2. Measurements:

5 GAL. BUCKET - FILLS ONCE IN 3 SECONDS = 100 GPM.
 $100 \text{ GPM} \div 448.8 = 0.22 \text{ CFS}$

FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: GALLON BUCKET ✓ STOPWATCH

2. Alternate Method for Checking Purposes:

PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ AC} \times 4.5 \text{ AF/ANN.} = 22.5 \text{ AF/ANN.}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 113.9 \text{ AF/ANN.}$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 22.5 \text{ AF/ANN.}$

Volume Calculations for Other Uses:

DOMESTIC - IN-HOUSE USE ONLY - 0.6 AF/ANN.

STOCKWATER - 20 HD. X .0134 = 68.8 AF/ANN.
 $.268 \approx 0.3 \text{ AF/ANN.}$

SEP 28 1981

KW 6/1/87

FIGURE A, cont.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

No OVERLAPS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION - 5 AC.</u>	<u>3/1</u>	<u>11/30</u>	<u>0.15 cfs</u>	<u>22.5 AFA</u>
<u>STOCK WATER - 20 HD</u>	<u>1/1</u>	<u>12/31</u>	<u>0.02 cfs</u>	<u>.6 AFA</u>
<u>DOMESTIC - 1 HOME</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04 cfs</u>	<u>0.6 AFA</u>
Totals:			<u>0.21 cfs</u>	<u>23.7 AFA</u>

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

J. AUTHENTICATION

Field Examiner's Name Jan Shute

Signature JAN SHUTE

DR 5/13/87

Certification Date _____

Field Report Preparation Date 4/18/86

CONSULTANT SEAL

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

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MAP FOR PERMIT No. 63-8422

