

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-3072A
Date Received: 6/30/2006
Receipt No: W034397
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 30 2006

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

BENJI YOUNG Phone: (208)585-6106
24329 MIDDLETON RD
MIDDLETON ID USA 83644

KERRI YOUNG Phone: (208)585-6106
24329 MIDDLETON RD
MIDDLETON ID USA 83644

2. Date of Priority: 12/29/1955

3. Source: WILLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	02W	31	SW SE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

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	31	SW	SE	IRRIGATION	10
					Section Acres	10
					Total Acres	10

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:

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 Individuals:

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

Signature of Claimant(s): Berj Young Date: 6-30-06
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th
of June 2006 Lori Harris

Notary Public

Residing at Boise Idaho

My commission Expires 12-8-06





9708386

INSTRUMENT NO. 200650266

WARRANTY DEED

For Value Received

Maxine Young, an unmarried woman, and Thomas Young and Linda Young, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Benji Young, an unmarried man, and Heidi Young, an unmarried woman

hereinafter referred to as Grantee, whose current address is

24329 Middleton Road, Middleton, ID 83644

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.

Re Record to fix legal

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 10, 1997.

Maxine Young
Maxine Young

Thomas Young
Thomas Young

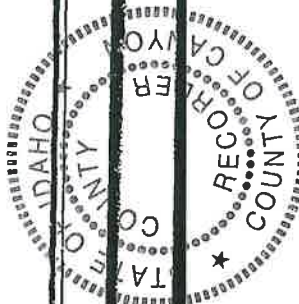
Linda Young
Linda Young

State of Idaho }
County of Canyon } ss.
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears in this office.
DATED 6-26-06

G. Noel Hales, Clerk of the District Court
and Ex Officio Recorder.

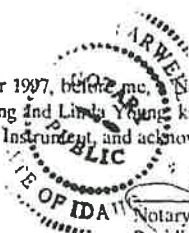
By [Signature] Deputy

State of Idaho
County of Canyon
Notary Public
Commission Exp. 3-14-11



STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

On This 11th day of March, in the year 1997, before me, Notary Public in and for said State, personally appeared Maxine Young and Thomas Young and Linda Young, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at Middleton

Commission Expires: 6-22-2001

First American Title Company of Idaho

PC 19874

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise, Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

2006 JUN 26 PM 4 39
CANYON CHY RECORDER
BY *Paul Perry*
REQUEST *Beauregard*
TYPE *Deed* FEE *6-*

200650266

RECORDED

2006 JUN 26 PM 4 39

REQUEST *Beauregard*
TYPE *Deed* FEE *6-*
PIONEER - CALDWELL

2006 JUN 18 PM 4 35

CANYON CHY RECORDER
BY *Beauregard*

9708386

A

INSTRUMENT NO.

200152714

INSTRUMENT

NO. 200650265

PC 41664

QUITCLAIM DEED

2 FOR VALUE RECEIVED HEIDI YOUNG, a married woman as her sole and separate property

does hereby convey, release, remise and forever quit claim

unto BENJI YOUNG, a married man

whose address is 24329 Middleton Rd, Middleton, Id 83644

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.
together with their appurtenances.

Dated: December 7th, 2001 *Re: Coal to fix legal*

Heidi Young
HEIDI YOUNG

Benji Young 6/26/06
Heidi Young Shippy 6/26/06

STATE OF IDAHO

COUNTY OF CANYON

State of *Idaho*
County of *Canyon*
Notary *[Signature]*
Public *[Signature]*
Commission Exp. *[Signature]*

On this *10th* day of December in the year 2001, before me, Notary Public, personally appeared Heidi Young known & identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
Notary Public

Residing at *[Signature]*

My commission expires *4-5-07*



State of Idaho } ss.
County of Canyon }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED *6-26-06*

G. Noel Hales, Clerk of the District Court
and Ex Officio Recorder.

By *[Signature]* Deputy



200650265

RECORDED

JUN 26 PM 4 39

CANYON COUNTY RECORDER

BY *W. J. Perry*REQUEST *Benj. Perry*TYPE *Perd Fee*

Language Commitment

41664

Exhibit "A"

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

200152714

RECORDED

DEC 14 PM 4 11

CANYON COUNTY RECORDER

BY *W. J. Perry*

REQUEST PIONEER - CALDWELL

TYPE *Perd Fee*

PC 41664

QUITCLAIM DEED

FOR VALUE RECEIVED BENJI YOUNG, a married man

does hereby convey, release, remise and forever quit claim

unto BENJI YOUNG and KERRI YOUNG, husband and wife

whose address is 24329 Middleton Rd., Middleton, Id 83644

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

Together with all water and ditch rights and rights of way for water and ditches appurtenant thereto.

together with their appurtenances.

ReRecord to fix legal
Dated: December 7th, 2001

Benji Young
BENJI YOUNG

Benji Young 6/26/06
Kerri Young 6/26/06

STATE OF IDAHO

COUNTY OF CANYON

State of Idaho
County of Canyon
Notary James C. Gomey
Public
Commission Exp. 7-1-08

On this 10th day of December in the year 2001, before me, a Notary Public, personally appeared Benji Young, known or identified to me to be the person whose name subscribed to be within instrument, and acknowledged to me that he executed the same.

Notary Public
Residing at Calhoun
My commission expires 4-5-08

State of Idaho } ss.
County of Canyon }
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.
DATED 6-26-06

G. Noel Hales, Clerk of the District Court
and Ex Officio Recorder.

By Jacki Hales Deputy



200650267

RECORDED

JUN 26 PM 4 30

G. NOEL MALES
CANYON CITY RECORDER

REQUEST

TYPE *Recd* FEE *6-*

Exhibit "A"

482)
Language Commitment

41664

A portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the South Quarter corner of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence along the North-South center Quarter Section line of said Section 31

North 0° 10' 45" East a distance of 928.78 feet to a point, being the REAL POINT OF BEGINNING; thence leaving said center Quarter Section line

North 89° 42' 45" East a distance of 877.91 feet to a point in the centerline of the Willow Creek Ditch; thence along said centerline

North 42° 45' 35" East a distance of 537.23 feet to a point marking the intersection of said centerline and the South 1/16 Section line of said Section 31; thence leaving said centerline and along said South 1/16 Section line

South 89° 42' 45" West a distance of 1,241.43 feet to a point marking the center-South 1/16 Section corner of said Section 31; thence leaving said South 1/16 Section line and along said center Quarter Section line

South 0° 10' 45" West a distance of 392.61 feet to the REAL POINT OF BEGINNING.

200152715

RECORDED

DEC 14 PM 4 11

G. NOEL MALES
CANYON CITY RECORDER

BY

REQUEST PIONEER - CALDWELL

TYPE *Recd* FEE *6.00*

INSTRUMENT NO.

8416072

WARRANTY DEED

For Value Received
husband and wife,

EARL O. HOOBERY and NEVA P. HOOBERY,

the grantors, do hereby grant, bargain, sell and convey unto

THOMAS YOUNG and PATSY YOUNG, husband and wife, of Route 1,
Caldwell, Idaho 83605

the grantees, the following described premises, to-wit:

Situating in Canyon County, Idaho:

A part of the Southwest Quarter Southeast Quarter, Section 31,
Township 5 North, Range 2 West, Boise Meridian, more particularly
described as follows:BEGINNING at the Northeast corner of said Southwest Quarter
Southeast Quarter (SE 1/16);
Thence South 0°03'15" East 881.62 feet along the East boundary
of said Southwest Quarter Southeast Quarter;Thence North 80°09'45" West 113.49 feet;
Thence North 72°05'55" West 626.24 feet;
Thence North 42°45'35" East 911.60 feet; along the center line
of the Willow Creek Ditch;
Thence North 89°42'45" East 88.00 feet along the North boundary
of said Southwest Quarter Southeast Quarter to the POINT OF
BEGINNING.Together with all water and ditch rights and rights of way for
water and ditches.A 37575
A 37575-010
A 37575-011A
A 37575-011REQUEST
TITLE Deed
BY *Earl O. Hoobery*
CANYON COUNTY RECORDER
FILED
JUL 2 4 20 PM '84
8416072TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances except 1975 taxes and assessments not yet due
or payable; reservations contained in the patent to the title, and
easements as laid out or existing.and that they will warrant and defend the same from all lawful claims whatsoever.
Dated:July 30, 1975.*Earl O. Hoobery*

Earl O. Hoobery

Neva P. Hoobery

Neva P. Hoobery

STATE OF IDAHO, COUNTY OF Canyon

On this 30 day of July, 1975,
before me, a notary public in and for said State, personally
appeared EARL O. HOOBERY AND NEVA P.
HOOBERY, husband and wife,known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.Residing at Caldwell
Comm. Expires 7/20/77Notary Public
, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request ofat _____ minutes past _____ o'clock m.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy,
Fees \$ _____
Mail to: _____

INSTRUMENT NO.

NUMBER 546166

THIS INDENTURE, Made this 18th day of February, in the year of our Lord one thousand nine hundred and sixty-four, between J. W. OVERMAN and ALTA R. OVERMAN, husband and wife, of 518 South 15th Avenue of Caldwell, County of Canyon, State of Idaho, the parties of the first part, and EARL HOOBERY and NEVA P. HOOBERY, husband and wife, of Middleton, County of Canyon, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN and NO/100----- (\$10.00)----- DOLLARS, lawful money of the United States of America, and other good and valuable consideration to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in _____, County of Canyon, State of Idaho, to-wit:

The Southwest Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West of the Boise Meridian;

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining;

Subject to all state and county taxes and all taxes or assessments of whatsoever kind or nature levied or assessed against said premises for the year 1964 and subsequent thereto;



PLATTED
MAR 3 1964
LLOYD E. ALLISON
ASSISTANT

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; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

J. W. Overman [Seal]

Alta R. Overman [Seal]

[Seal]

[Seal]

STATE OF IDAHO,

COUNTY OF Canyon } ss.

On this 21 day of February, in the year 1964, before me

WAYNE E. DAVIS

, a Notary Public

in and for said State, personally appeared

J. W. OVERMAN and ALTA R. OVERMAN, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

Wayne E. Davis

Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.

546186

No.

WARRANTY DEED

J. W. Overman

Alta R. Overman

Earl Hoobey

et ux

Dated 19

STATE OF IDAHO,

COUNTY OF Canyon } ss.

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

Idaho Abstract & Title Co.

at 38 minutes past 11

o'clock P. M., this 27 day

of Feb., A. D. 1964

in my office, and duly recorded in Book 289

of 38 at page 331

FILED

Ex-Officio Recorder.

By *Wayne E. Davis* Deputy.

Fees \$ 1.80

Mailed by *Wayne E. Davis*

13

Full Report

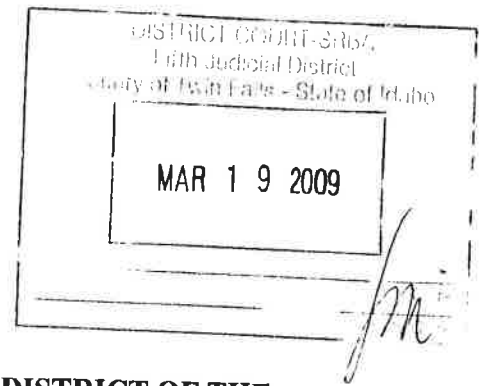
PARCEL		Owner Name	
Parcel Number	05N02W318475	Owner Name	YOUNG, BENJI
Account Number	6R375730000	Mailing Address 1	
Property Address	24331 MIDDLETON RD MI	Mailing Address 2	24329 MIDDLETON RD
Code Area	03100	Mailing City	MIDDLETON
Subdivision		Mailing State	ID
Last Sale Date		Mailing Zip	83644
Last Sale Price			

LEGAL INFORMATION			
Section	31	Township Range	5N2W
Subdivision			
Legal			
TX 97118 IN SWSE			

PROPERTY VALUES/TAXES			
Total Assessed Value	\$31,000.00	Bank Name, Address	
Home Owner Amount	\$0.00	Tax Amount	\$457.40
Sale Price	\$0.00	Sale Date	
Category Description		Category Value	
02-IRRIGATED PASTURE		\$1,900.00	
10-IRRIGATED PASTURE		\$24,000.00	
19-IRRIGATED PASTURE		\$0.00	
32-IRRIGATED PASTURE		\$5,100.00	

PROPERTY INFORMATION			
Building Class	BF	Acraage	9.54
Year Built	0	First Floor Sqft	0
Second Floor Sqft	0	Basement Sqft	0
Percent Basement Finish	0	Stories	
Bedrooms		Baths	0
Garage		Garage Feet	0
Car Port		Car Port Feet	0
View		Spa	
Pool Type		Deck Patio	
Air Condition		Heat Type	
Fireplace	0	Roof Type	
Exterior Type		Neighbor	0

Disclaimer: This information is deemed reliable but not guaranteed.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 63-03072A & 63-03072B
(Young)

On December 10, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED March 19, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

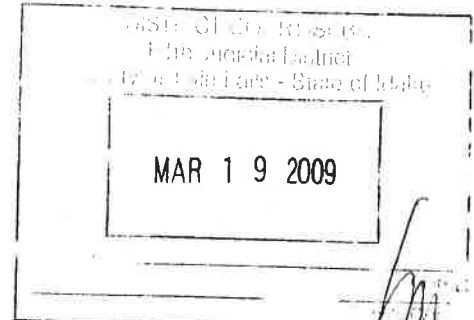
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03072A



NAME AND ADDRESS: BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644

SOURCE: WILLOW CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.152 CFS

PRIORITY DATE: 12/29/1955

POINT OF DIVERSION: T05N R02W S31 SWSE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.152 CFS

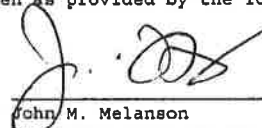
PLACE OF USE: Irrigation Within Canyon County
T05N R02W S31 SWSE 7.6
7.6 Acres Total

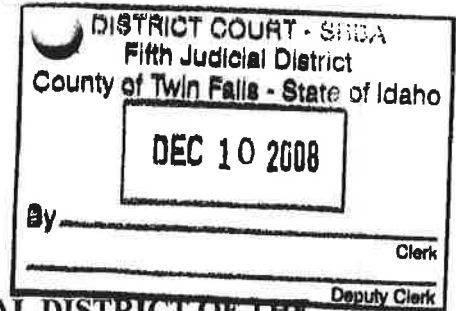
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-03072A

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 8, 2007, the Black Canyon Irrigation District, through its attorney Charles F. McDevitt, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On November 25, 2008, at a status conference on the record, Black Canyon Irrigation District withdrew its objection. Accordingly, there are no unresolved objections to this water right claim.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-03072A be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec 10, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

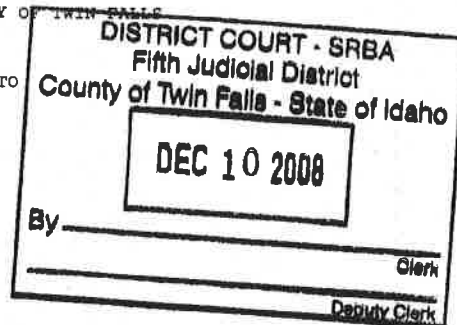
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-03072A



NAME AND ADDRESS: BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644

SOURCE: WILLOW CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.152 CFS

PRIORITY DATE: 12/29/1955

POINT OF DIVERSION: T05N R02W S31 SWSE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.152 CFS

PLACE OF USE: Irrigation Within Canyon County
T05N R02W S31 SWSE 7.6
7.6 Acres Total

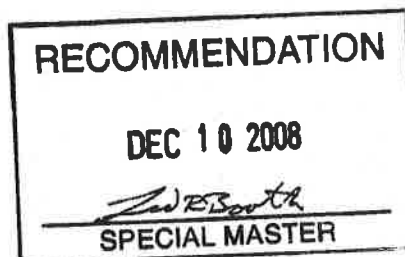
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

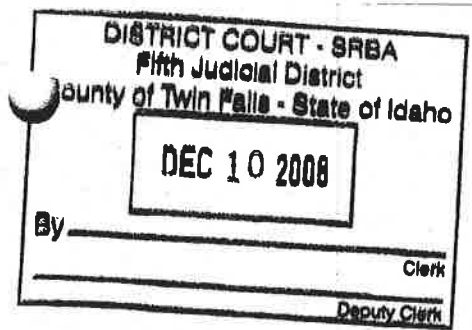
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

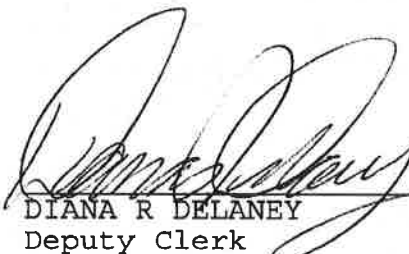
Water Right(s): 63-03072A

On December 10, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 10, 2008.


DIANA R DELANEY
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-03072A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 10, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

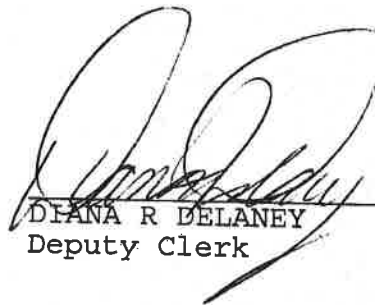
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
12/10/08

BENJI YOUNG:
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644
Phone: 208-585-6106



DIANA R DELANEY
Deputy Clerk

RECEIVED

AUG 28 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 25 2008

DEPARTMENT OF
WATER RESOURCES

2008 AUG 21 PM 03:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-03072A

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 28, 2008 at 10:00 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: AUGUST 21, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 8/21/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on AUGUST 21, 2008, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644
Phone: 208-585-6106

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 02:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) NOTICE SETTING HEARING

)

)

) SUBCASE NOS: 63-03072A 63-03226
63-04598

Please be advised that Special Master THEODORE R. BOOTH
has set for hearing the MOTION TO AMEND OPPOSITION TO WATER RIGHT.

THURSDAY, JUNE 19, 2008 at 04:15 PM (MT)

IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

Dated: MAY 23, 2008

/S/ DIANA R DELANEY

Deputy Clerk

Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

KAREN A. SALEEN
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

KAREN A SALEEN
8771 PURPLE SAGE RD
MIDDLETON, ID 83644
Phone: 208-585-3278

BLACK CANYON IRRIGATION DIST
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

KAREN A. SALEEN
Represented by:
WITHROE, CARL J
950 W BANNOCK ST STE 520
BOISE, ID 83702
Phone: 208-331-1800

JOHN MACDOWELL
MARSHA MACDOWELL
PO BOX 1270
CALDWELL, ID 83606
Phone: 208-722-7750

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644
Phone: 208-585-6106

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:59
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING

) SUBCASE NOS: 63-03072A, 63-03226
) 63-04598

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 04:15 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE; ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008 _____,
with sufficient first-class postage to the following:

KAREN A. SALEEN
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

KAREN A SALEEN
8771 PURPLE SAGE RD
MIDDLETON, ID 83644
Phone: 208-585-3278

BLACK CANYON IRRIGATION DIST
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

KAREN A. SALEEN
Represented by:
WITHROE, CARL J
950 W BANNOCK ST STE 520
BOISE, ID 83702
Phone: 208-331-1800

JOHN MACDOWELL
MARSHA MACDOWELL
PO BOX 1270
CALDWELL, ID 83606
Phone: 208-722-7750

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644
Phone: 208-585-6106

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase	<u>63-3072A</u>
	)		
Case No. 39576	)	MOTION TO AMEND OPPOSITION	
	)	TO WATER RIGHT	

Comes Now, Black Canyon Irrigation District ("BCID") by and through its attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to amend its opposition to Subcase No. 63-3072A.

To amend Section 10 to read as follows:

"a remark should be added to the water right as follows"

"The source of this right is waste water. The wasting of water may be discontinued at any time."

Amend reasons supporting Objections as follows—deleting present "reasons" and add the following:

Remark will inform water users that water may not continue to be available.

Dated this 21st day of August, 2007.

McDevitt & Miller LLP


Chas F. McDevitt

CERTIFICATE OF MAILING

I certify that on August 21st, 2007, I mailed the original and copies of this Motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


McDEVITT & MILLER LLP

RECEIVED

A. Subcase **63-3072A**

STANDARD FORM 1 OBJECTION

JUN 07 2007
DEPARTMENT OF
WATER RESOURCES

Name: Black Canyon Irrigation District
Address: P.O. Box 226
Notus, ID 83656
Daytime Phone: 208-459-4141

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P O. Box 2564-83701
Boise, ID 83702

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Black Canyon Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____

5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with
the elements described above

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation District.

VERIFICATION

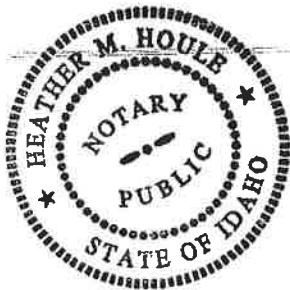
State of Idaho)
)ss.
County of Ada)

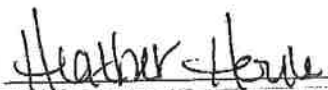
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 6/6/07



Notary Public for 
Residing at: Boise, Idaho
My Commission Expires: 6/20/2012

CERTIFICATE OF MAILING

I certify that on June 6, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Current Owner:

Name: Benji Young
Kerri Young

Address: 24329 Middleton Rd.
Middleton, ID 83644

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Leather Horse, Legal Asst.
McDEVITT & MILLER LLP

07/27/2006

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

RIGHT NUMBER: 63-3072A

NAME AND ADDRESS: BENJI YOUNG
24329 MIDDLETON RD
MIDDLETON ID 83644

KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON ID 83644

SOURCE: WILLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.152 CFS

PRIORITY DATE: 12/29/1955

POINT OF DIVERSION:

T05N R02W S31 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.152 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S31 SWSE 7.60

7.6 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

SCANNED
APR 14 2008



Idaho Department of Water Resources

63-3072A

T05N R02W S31



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter

Total irrigated
acres = 7.6



600 0 600 1200 Feet

IDWR

Prepared by: Sandy Egbert

Date: July 27, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-3072A V1

WATER RIGHT NUMBER: 63-3072A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BENJI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644
Current Owner	KERRI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644 (208)585-6106

Priority Date: 12/29/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.152 CFS	
	<u>Total Diversion:</u>	0.152 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SW1/4SE1/4	Sec. 31, 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	31															7.6		7.6

Total Acres: 7.6

Conditions of Approval:

1. 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.

Remarks:

Comments:

1. segbert 7/27/2006 Acres
Comment: Acres were reduced to what looked irrigated on 1987 photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3072A V1

Season	7/27/2006 8:54:31 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	7/27/2006 8:55:28 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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? (No) 12. Is a Quantity remark or condition required?
Summary	7/27/2006 8:58:16 AM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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	7/27/2006 8:52:04 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	7/27/2006 8:52:36 AM	segbert	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3072A

WATER RIGHT NUMBER: 63-3072A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BENJI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644
Current Owner	KERRI YOUNG 24329 MIDDLETON RD MIDDLETON, ID 83644 (208)585-6106

Priority Date: 12/29/1955 ✓

Basis: License ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK ✓	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/01	to 11/15 ✓	0.200 CFS ✓	
	<u>Total Diversion:</u>		0.200 CFS ✓ 0.152	

<u>Location of Point(s) of Diversion</u>		
WILLOW CREEK	SW1/4SE1/4 ✓	Sec. 31, 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	31															10.0	10.0	
																	7.6	7.6	

*Reduced acres to what was irrigated on
1987 photography*

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3072

WATER RIGHT NUMBER: 63-3072

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J W OVERMAN RT 2 CALDWELL, ID 83605

Priority Date: 12/29/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

<u>Location of Point(s) of Diversion</u>		
WILLOW CREEK	SW1/4SE1/4	Sec. 31, Twp 05N, Rge 02W, B.M.
CANYON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
05N	02W	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	35.0	35.0

Total Acres: 35

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3072A

07/27/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~63-2408~~	Claim	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
~~63-3072A~~	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	BENJI YOUNG
63-3072B	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	MAXINE YOUNG
~~65-2900~~	Claim	05N	02W	31	SW	SE		IRRIGATION		BLACK CANYON IRRIGATION DIST
~~63-2408~~	Water Right	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
63-3072	Water Right	05N	02W	31	SW	SE		IRRIGATION	35/35	J W OVERMAN

No overlaps

State of Idaho
License and Certificate of Water Right

Water License No. 16130

Amount 0.7 c.f.s

Water District No.

Priority Dec. 29, 1955

THIS IS TO CERTIFY that

J. A. CLERMAN

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 29, 1955; that Permit No. 26130 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .80 second feet, was issued thereunder on December 12, 1958, showing that said works were completed on the 11 day of December, 1958; and that on the 21st day of December, 1960,

J. W. OVERMAN

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Willow Creek, a tributary of Boise River, for the purpose of irrigation, under Use Permit No. 26130 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7147, on the 22 day of August, 1961;

The right hereby confirmed dates from December 29, 1955;

The Point of Diversion is located

in the SW ¼ SE ¼, Sec. 31, Tp. 5 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	2 W.	31	SW ¼	40	40
			Total number of acres to be irrigated		40

The right to the use of the water described herein is confirmed by the State of Idaho, and the use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, dated at Boise, Idaho,

22nd day of August, 1961.

(SEAL)

Demand 2.4

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 26130This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant J. W. OYERMAN2. Source of water supply: Willow Creek

3. Location of point of diversion: Is in the _____ of Section _____

T. 3 N. R. 2 W. B. 1 N. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Electric pump - 1/2 hp. Line Motor, 2 H.P. 662, 540 x 230 V. 4" 3/4" water pump. G.E. Control with 1/2 switch box on pole 15' East of point of diversion. 2" 1/2" Water Lifter # 997458 (called #3) 10" pulley. Motor & pump supported by 2 10" x 35' poles across creek at a concrete check dam 4' above water level. 6" x 8" steel pipe from pump to 6" tee. 6" x 60' NW and 6" x 40' SE into open ditches.

5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: y. es.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

40 acres in SW 1/4 of Sec. 11, Twp. 5 N., Rge. 2 W. B. N.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Dean Oyerman (son) along

The 35" in Middlem Mill ditch Co. was later
Relinquished in 1955

Measured by 2' Cipolatti Weir (0.5' min 1.10 ft. or 55 gals)

This examination was made on the 26th day of April, 1961(Signed) L. J. [Signature]

26130

63-3072

No. 26130

APPLICATION FOR PERMIT **To Appropriate the Public Waters of the State of Idaho**

Application No. 34010
 Permit No. 26130
 District No.

1. Name of Applicant: J. W. OVERMAN

Postoffice address: Rt. 2, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: .80 cubic feet per second.

3. Source of water supply: Willow Creek which is a tributary of Boise River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
 of Section 31 , T. 5 N. , R. 2 W. , B. M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
 of Section , T. , R. , B. M.

7. Estimated cost of works: \$500.00

8. Kind of works: Pump and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom 1 $\frac{1}{2}$ feet; width at water line 4 feet; depth of water .5 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Three years.

13. The time required for the complete application of the water to the proposed use is Two additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

3 mi 2 Capital City = 1.10 cfs or 55 inches

R-2W

T.
5
N.

31

PD

Willow Creek

35

MIDDLETON

Subdivision

1

Area

35 acres

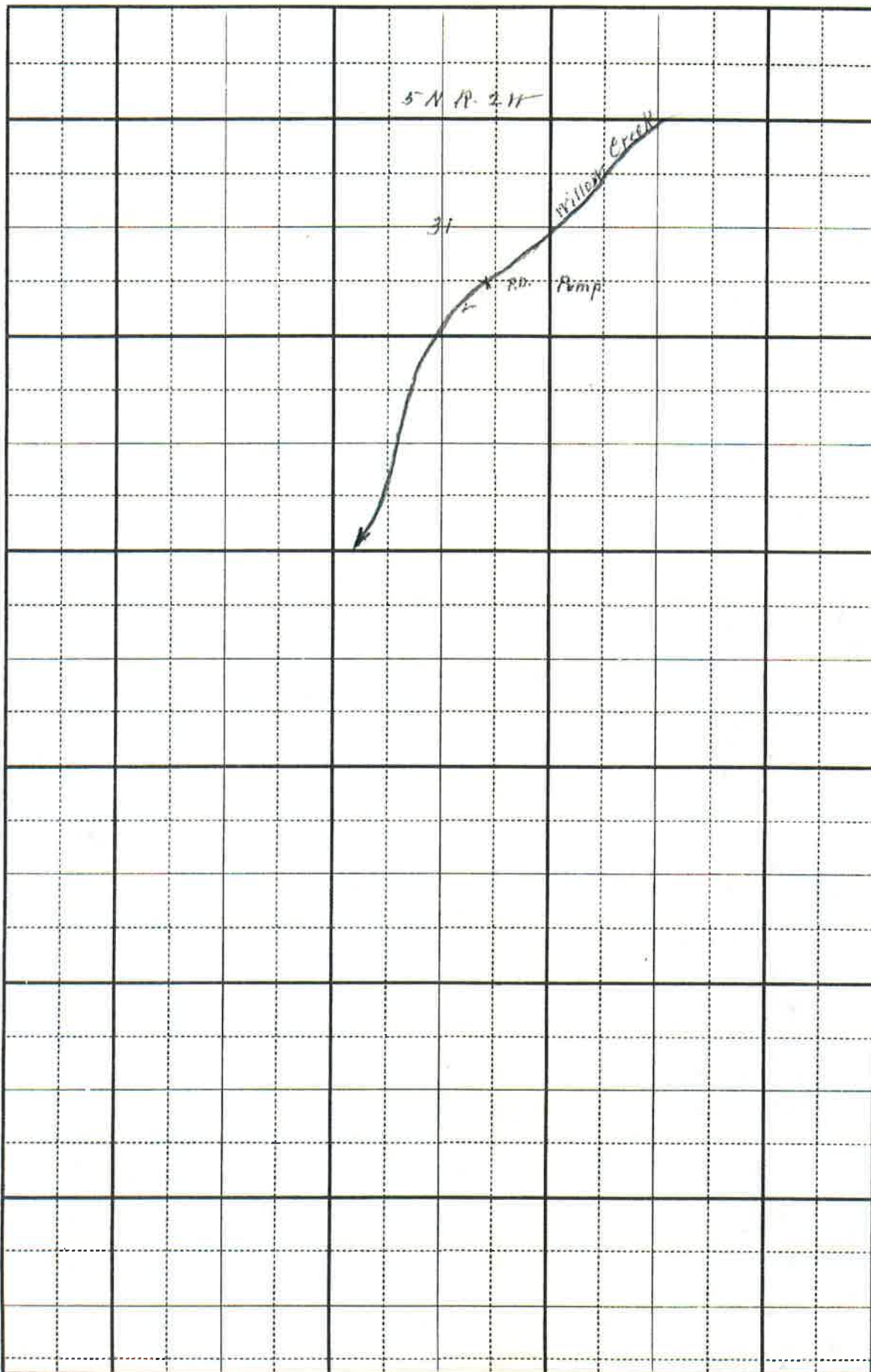
allow

Q

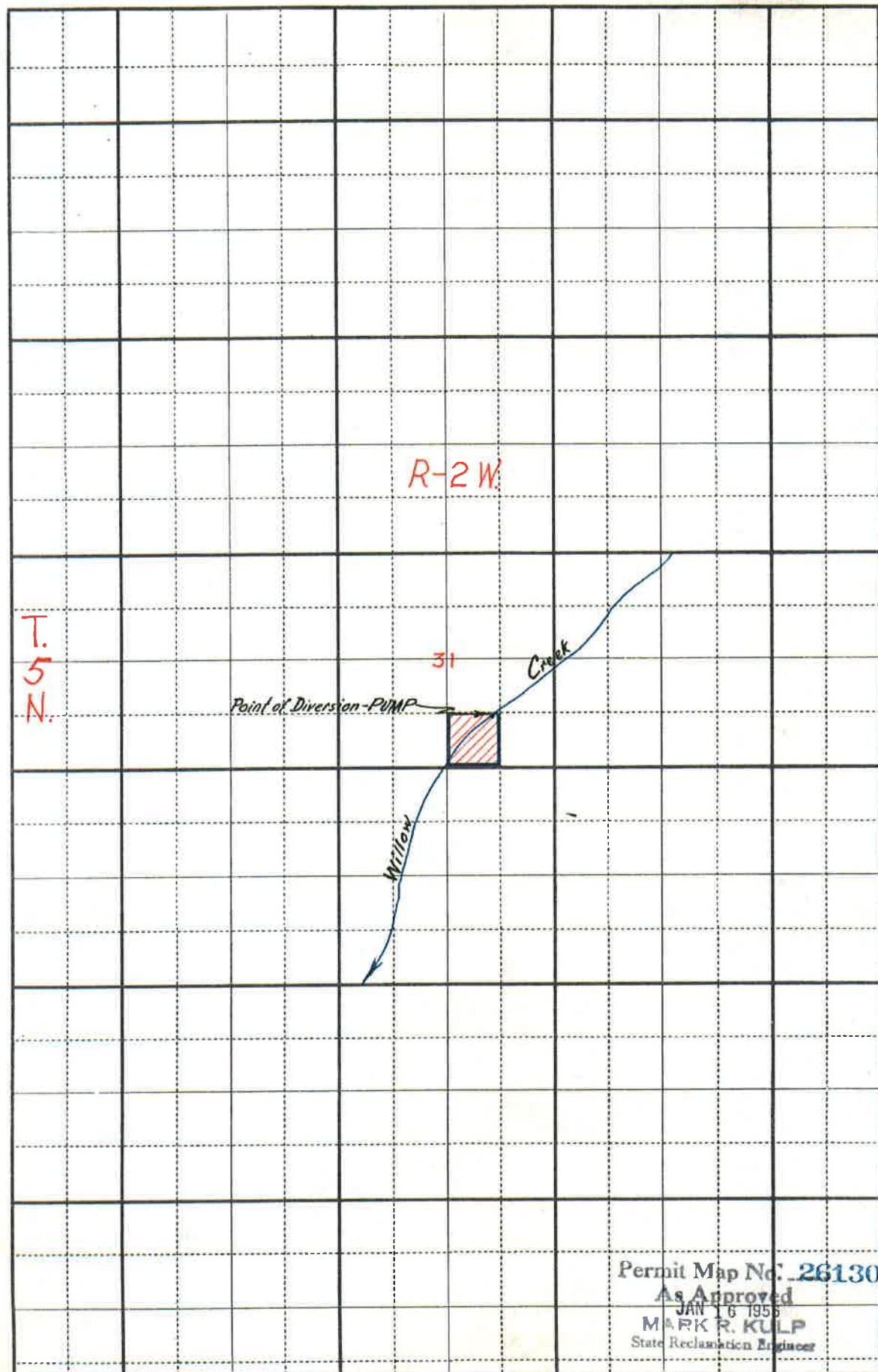
17 cfs or 35 inches

NAME OF APPLICANT.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

26130