

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 63-3072B
Date Received: 6/30/2006
Receipt No: W034397
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAXINE YOUNG Phone:
PO BOX 252
MIDDLETON ID USA 83644

RECEIVED
JUN 30 2006
WATER RESOURCES
WESTERN REGION

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
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SCANNED

APR 14 2008

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): Martha R. Young Date: 6/30/06

Date: _____

State of Idaho)
County of Canyon) SS.

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



Elena Gomez
Notary Public
Residing at Caldwell
My commission Expires 8/14/11

Full Report

PROPERTY			
Parcel Number	05N02W318455	Owner Name	YOUNG, MAXINE
Account Number	6R375730100	Mailing Address 1	
Property Address	MIDDLETON RD MI	Mailing Address 2	PO BOX 252
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 12 IN SWSE L9 TX 97118			

PROPERTY VALUES/TAXES			
Total Assessed Value	\$2,900.00	Bank Name, Address	
Home Owner Amount	\$0.00	Tax Amount	\$49.66
Sale Price	\$0.00	Sale Date	
Category Description		Category Value	
02-IRRIGATED PASTURE		\$2,900.00	

PROPERTY INFORMATION			
Building Class		Acreage	9.56
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.

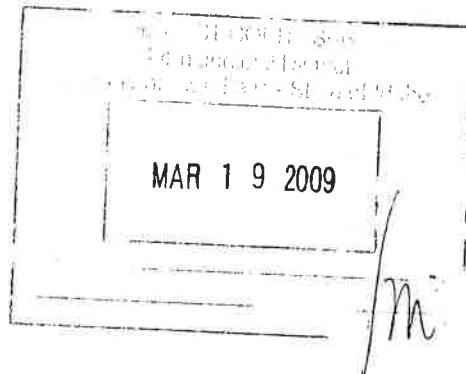
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 63-03072B



NAME AND ADDRESS:

MAXINE YOUNG
PO BOX 252
MIDDLETON, ID 83644

SOURCE:

WILLOW CREEK TRIBUTARY: BOISE RIVER

QUANTITY:

0.166 CFS

PRIORITY DATE:

12/29/1955

POINT OF DIVERSION:

T05N R02W S31 SWSE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
0.166 CFS

PLACE OF USE:

Irrigation
T05N R02W S31 SWSE 8.3
8.3 Acres Total Within Canyon County

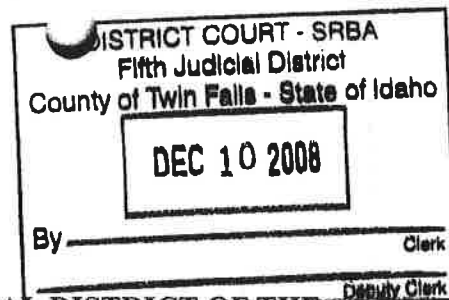
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 63-03072B

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.

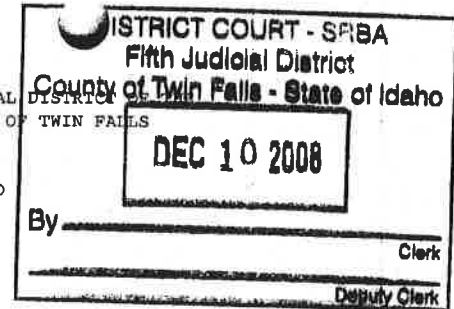
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-03072B 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
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 63-03072B

NAME AND ADDRESS:

MAXINE YOUNG
PO BOX 252
MIDDLETON, ID 83644

SOURCE:

WILLOW CREEK TRIBUTARY: BOISE RIVER

QUANTITY:

0.166 CFS

PRIORITY DATE:

12/29/1955

POINT OF DIVERSION:

T05N R02W S31 SWSE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
0.166 CFS

PLACE OF USE:

Irrigation
T05N R02W S31 SWSE 8.3 Within Canyon County
8.3 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



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 10 2008

By _____ Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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): 63-03072B

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 (A01), Section 13a.

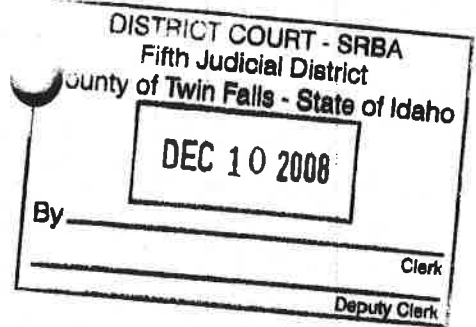
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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): 63-03072B

CERTIFICATE OF MAILING

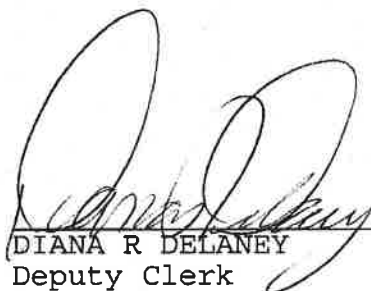
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 10, 2008, with sufficient first-class postage prepaid to the following:

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

MAXINE YOUNG
PO BOX 252
MIDDLETON, ID 83644



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/10/08

Chas. F. McDevitt (ISB No. 835)
McDevitt & Miller LLP
420 West Bannock Street
P.O. Box 2564—Boise 83701
Boise, Idaho 83702
T: 208.343.7500
F: 208.336.6912
chas@mcdevitt-miller.com

RECEIVED
NOV 10 2008
Department of Water Resources
Adjudication Bureau

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>63-3072B</u>
	)	
Case No. 39576	)	AMENDED MOTION TO WITHDRAW
	)	OBJECTION

Comes Now, Black Canyon Irrigation District ("BCID") by and through its
attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to
withdraw the objection to Water Right No. 03072B.

Dated this 04 day of November, 2008.

McDevitt & Miller LLP


Chas F. McDevitt

RECEIVED
NOV 14 2008
DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF MAILING

I certify that on November 6th, 2008, 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: Maxine Young
Address: P.O. Box 252
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

Heather Hule, legal asst.
McDEVITT & MILLER LLP

RECEIVED

NOV 05 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 31 2008

DEPARTMENT OF
WATER RESOURCES

Chas. F. McDevitt (ISB No. 835)
McDevitt & Miller LLP
420 West Bannock Street
P.O. Box 2564—Boise 83701
Boise, Idaho 83702
T: 208.343.7500
F: 208.336.6912
chas@mcdevitt-miller.com

**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 WITHDRAW OBJECTION
_____	)	

Comes Now, Black Canyon Irrigation District ("BCID") by and through its attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to withdraw the Objection to Water Right No. 03072B.

Dated this 29 day of October, 2008.

McDevitt & Miller LLP



Chas F. McDevitt

CERTIFICATE OF MAILING

I certify that on October 29, 2008, 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

AUG 22 2007

Department of Water Resources
Adjudication Unit
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>63-3072B</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. 63-3072B.

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 22nd day of August, 2007.

McDevitt & Miller LLP


Chas F. McDevitt

MOTION TO AMEND OPPOSITION TO WATER RIGHT-1

SCANNED
APR 14 2008

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: Maxine Young

Address: P.O. Box 252
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

Leatherdale, Legal Asst.
McDEVITT & MILLER LLP

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

RECEIVED

In Re SRBA) A. Subcase 63-3072A
)
Case No. 39576)
)
STANDARD FORM 1
OBJECTION

JUN 07 2007

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS OF PERSON OBJECTING

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

~~CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT~~

Current Owner:

Name: Maxine Young
Address: P.O. Box 252
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: 6/16/07



Notary Public for Heather Houle
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: Maxine Young

Address: P.O. Box 252
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

Heather Hule, legal Asst
McDEVITT & MILLER LLP

07/27/2006

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

RIGHT NUMBER: 63-3072B

NAME AND ADDRESS: MAXINE YOUNG
PO BOX 252
MIDDLETON ID 83644

SOURCE: WILLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.166 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	0.166 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R02W S31 SWSE 8.30

8.3 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

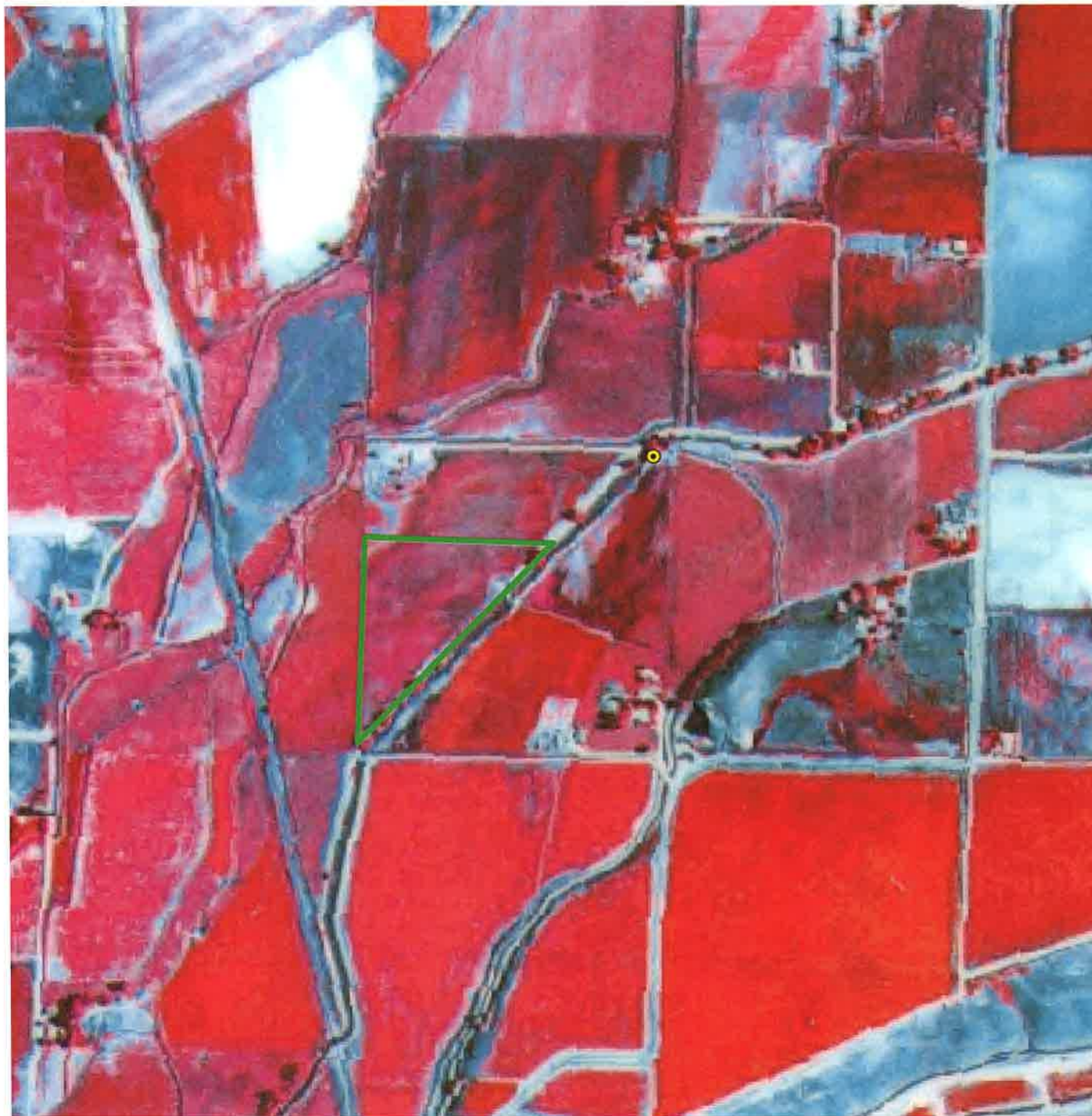
SCANNED
APR 14 2008



Idaho Department of Water Resources

63-3072B

T05N R02W S31



⊙ Point of Diversion

▭ Place of Use

▭ Sections

▭ Quarter Quarter

Total irrigated
acres = 8.3



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 63-3072B V1

WATER RIGHT NUMBER: 63-3072B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAXINE YOUNG PO BOX 252 MIDDLETON, ID 83644

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	0.166 CFS	
	<u>Total Diversion:</u>	0.166 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															8.3		8.3

Total Acres: 8.3

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:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3072B V1

POD	7/27/2006 9:08:08 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?
Source	7/27/2006 9:08:45 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	7/27/2006 9:09:09 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	7/27/2006 9:09:49 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	7/27/2006 9:10:48 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?

Remarks:

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	

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	
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: 63-3072B

07/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
3072	Claim	05N	02W	31	SW	SE		IRRIGATION	20/20	BENJI YOUNG
3072A	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	BENJI YOUNG
3072B	Claim	05N	02W	31	SW	SE		IRRIGATION	10/	MAXINE YOUNG
2900	Claim	05N	02W	31	SW	SE		IRRIGATION		BLACK CANYON IRRIGATION DIST
2406	Water Right	05N	02W	31	SW	SE		IRRIGATION	39/29248	DRAINAGE DIST NO 2
3072	Water Right	05N	02W	31	SW	SE		IRRIGATION	35/35	J W OVERMAN
27247	Water Right	05N	02W	31	SW	SE		DOMESTIC		NEVA HOOBERY
27801	Water Right	05N	02W	31	SW	SE		DOMESTIC		TERRY YOUNG

State of Idaho License and Certificate of Water Right

Water License No. 26130

Amount 0.7 c.f.s

Water District No.

Priority Dec. 29, 1955

THIS IS TO CERTIFY that

J. W. CLARKMAN

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

This 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)

63 305

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. Overman2. Source of water supply: Willow Creek

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

T. 5 N R. 2 W. B. M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Electric house - 1/2
line Motor, # 1500062, 5 HP, 220 Va 4" 2" vertical shaft, G.E. Control
with 1/2 switch box on pole 18' East of point of diversion. Parma Water
Lifter # 997458 (called #3) 10" pulley. Motor & pump supported by 2
10 x 35 poles across creek at a concrete check dam 1/2 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: yes

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. M.

(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 Overman, (son) along

The 35" in Middle fork Mill ditch Co. Lumber Co.
Relinquished in 1955

Measured by 2' Cipolletti Weir (5' over 1.10 cfs. or 5.5 gpm)

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

Engineer

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.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 35 miners inches in Middleton Mill Ditch (
15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
- (b) Name of Reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

J. W. OVERMAN

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3-P.M. December 29, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26130

Recorded in Book 92 Page 26130 Approved Jan. 16, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before March 16, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 16, 1957

The whole of said work to be completed on or before January 16, 1959

Beneficial use of water appropriated in accordance herewith, to be made on or before January 16, 1961

Witness my hand this 16th day of January, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th

day of January, 1956.

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By ROBERT E. SMYLIE
Governor

By Paula L. Fleener
Deputy Secretary of State

Remarks: Applicant is on the end of ditch, and impossible to get water to end of ditch. Applicant intends to give up his water right in Middleton Ditch Co.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N.	2 W.	31																40	40

Permit No. 26130
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. W. OVERMAN of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 26130, issued upon Application No. 34010 bearing date of priority of December 29, 1955, authorizing the diversion of .80 second feet of waters of Willow Creek, which is a tributary of Boise River County of Canyon, State of Idaho, for Irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .80 second feet of the waters of Willow Creek that the point of diversion of said waters SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 5 North, Range 2 West, BM and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Township 5 North, Range 2 West, BM Proof of Completion of Works made: December 11, 1958

Witness my hand this 12th day of December, A.D. 1958

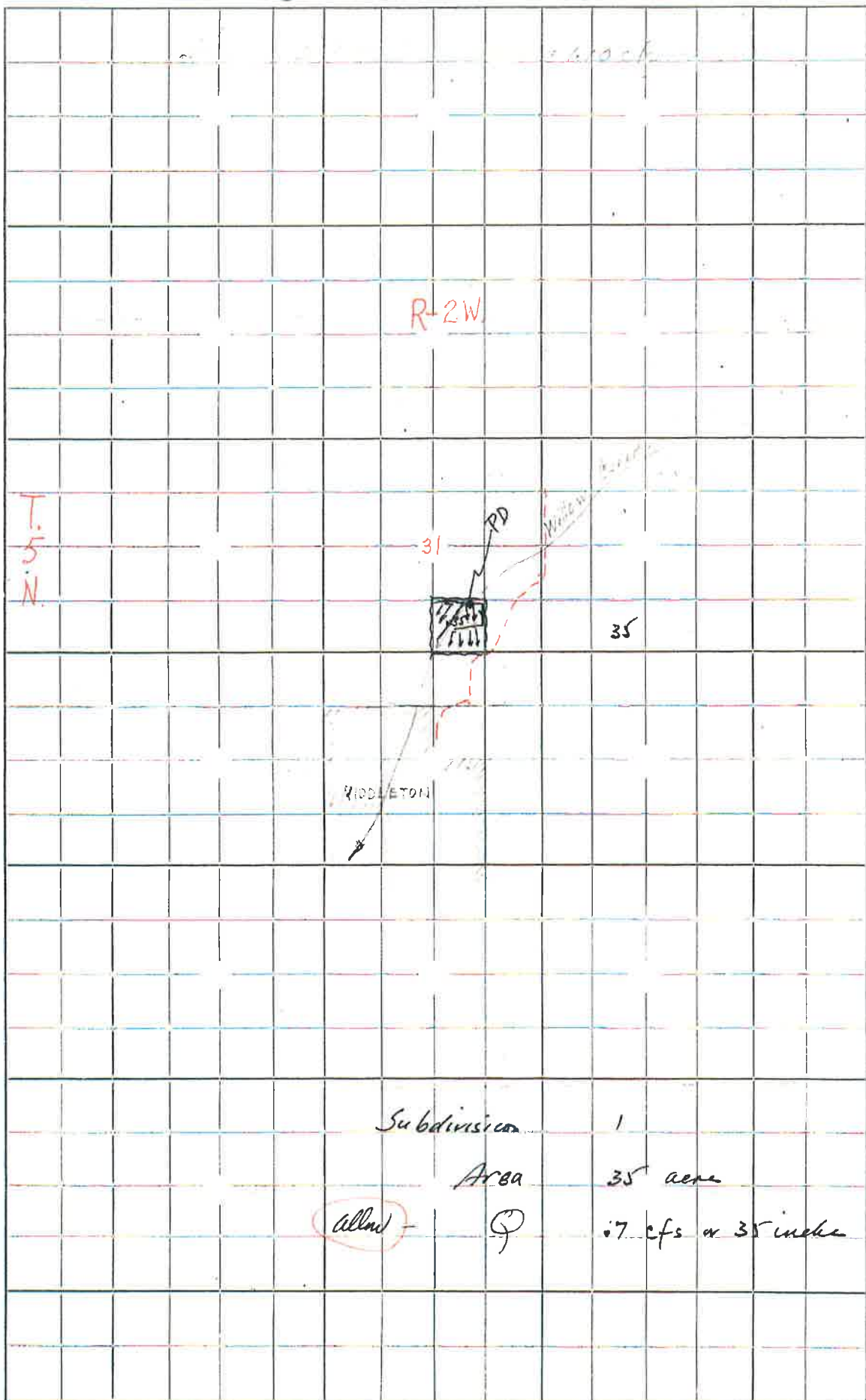
/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: December 11, 1958

Certificate of Completion of Works issued: December 12, 1958

LICENSE ISSUED FOR 0.7 SEC. FT.

Page 7147

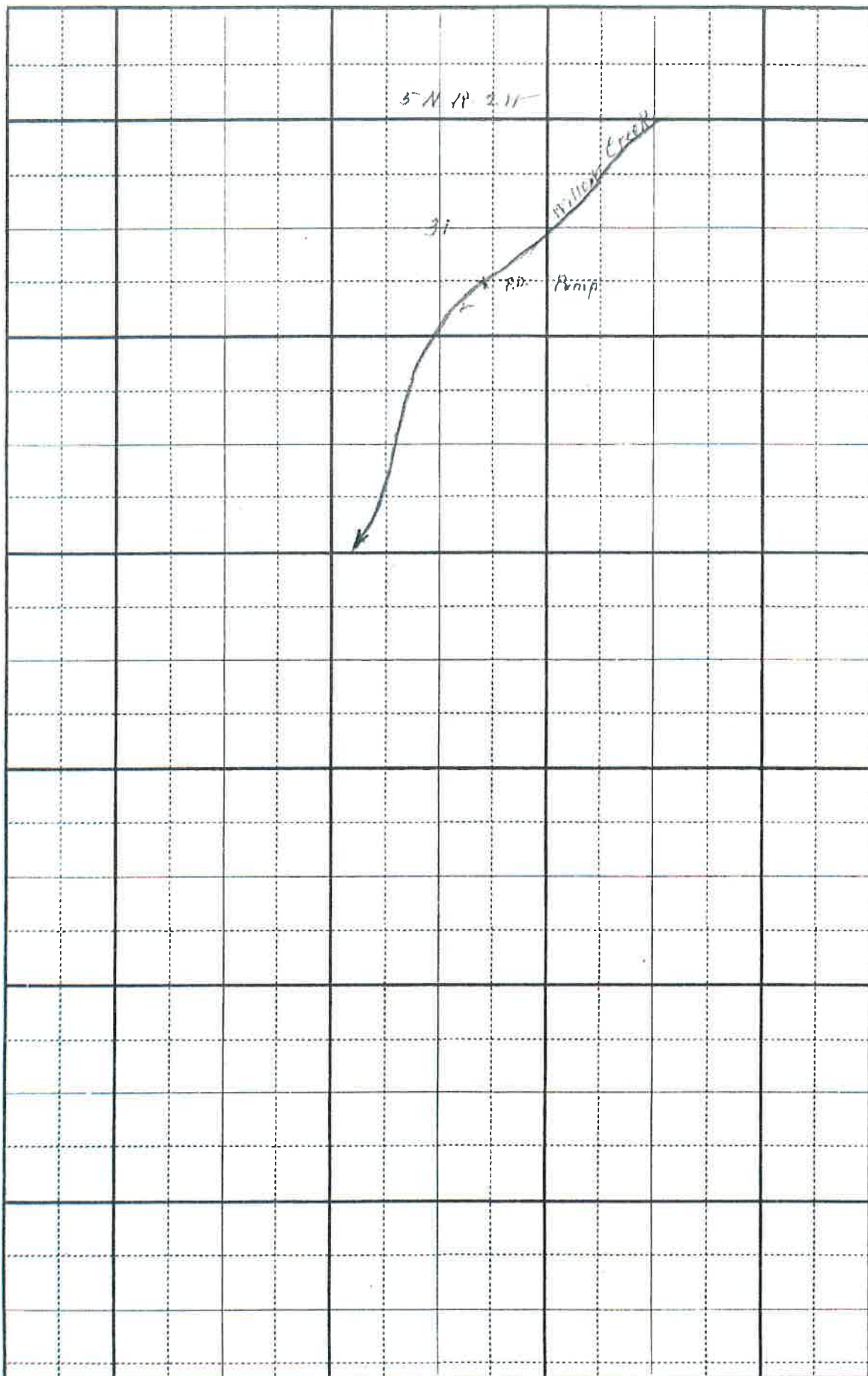


Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

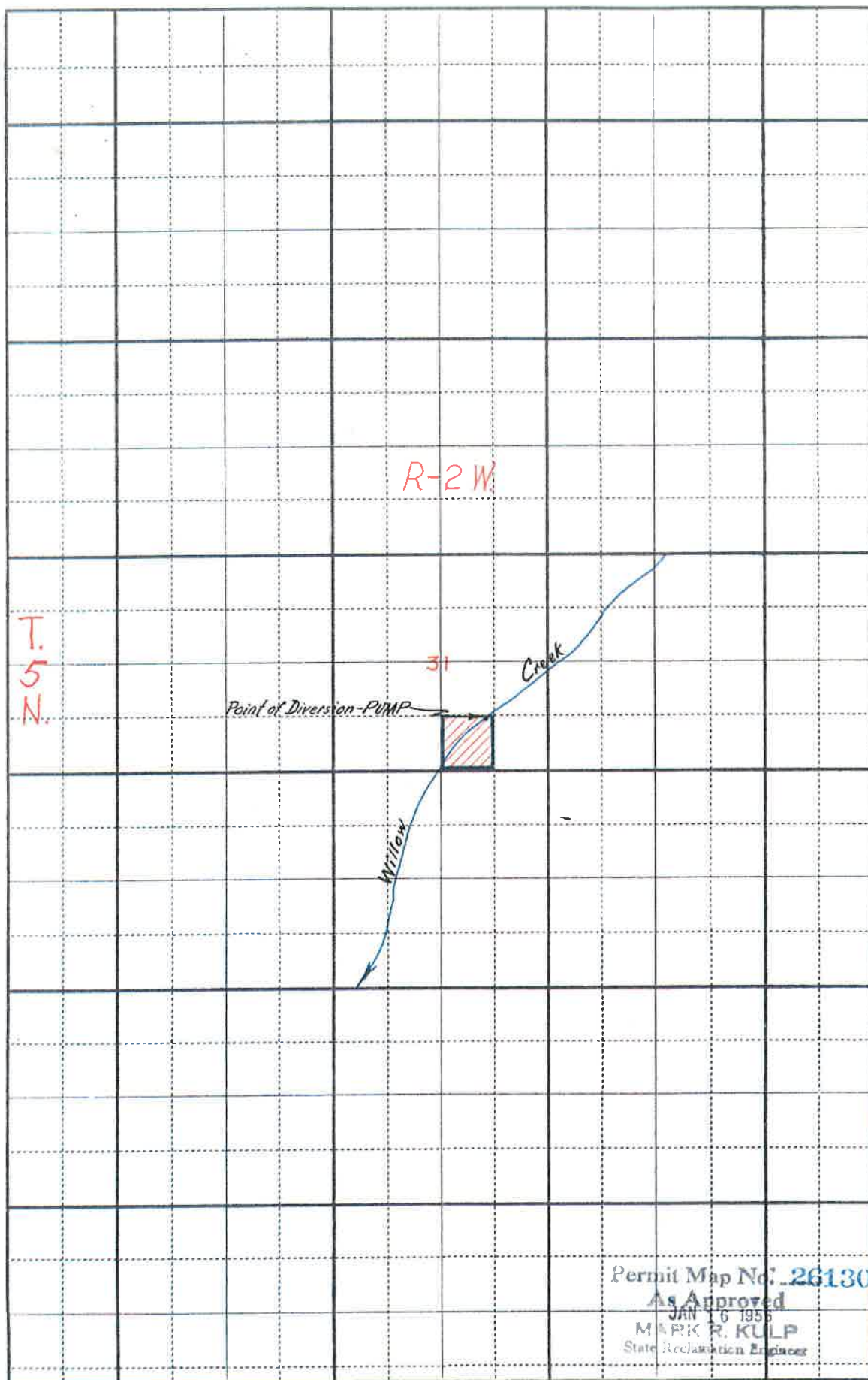
26/30

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