

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: A63-03081
Date Received: 2/09/1990
Receipt No: M005823
Received By: CW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605
OR
Name: SUZANNE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605
2. Date of Priority: DEC 23, 1956
3. Source: UNNAMED STREAM Trib. to: BOISE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N | 03W | 27 | SW | NE | | | CANYON |
5. Description of diverting works:
SEE PREVIOUS WATER RIGHT
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.800 | | 180.00 |
7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 180.00 A.F.A.
8. Total consumptive use is 140.0 Acre Feet Per Annum.
9. Non-irrigation uses:

SCANNED
APR 11 2008

A63-03081

Page 1

Date: 02/09/90

MICROFILMED
AUG 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	27	SW	NE		IRR	22.0
			NW	SE		IRR	18.0
						Section Acres	40.0
						Total Acres	40.0

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:
BLACK CANYON

14. Remarks:

SOURCE IS WASTE WATER.

CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN
IN THE SW1/4NE1/4 OF SECTION 27.

15. Basis of Claim: LICENSE
Water Right Number: 26374

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: 2

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): *Severine Overman* Date: *Feb. 9, 1990*
Date:

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of *Feb* 19 *90*

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

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: A63-03081
Date Received: 2/09/1990
Receipt No: M005823
Received By: _____

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

1. Name: BLAINE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

OR
Name: SUZANNE OVERMAN 208-459-6016
Address: 25454 FREEZE OUT RD.
CALDWELL, ID 83605

2. Date of Priority: DEC 23, 1956

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	27	SW	NE			CANYON

5. Description of diverting works:
SEE PREVIOUS WATER RIGHT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		180.00

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 180.00 A.F.A.

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	27	SW	NE		IRR	22.0
			NW	SE		IRR	18.0
					Section Acres		40.0
					Total Acres		40.0

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:
BLACK CANYON

14. Remarks:
SOURCE IS WASTE WATER.
CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN
IN THE SW1/4NE1/4 OF SECTION 27.

15. Basis of Claim: LICENSE
Water Right Number: 26374

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: _____

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 _____

AG3-3081

AG3-3081

210

40' 52"

EDMUND H.

GOLF COURSE

Springs

Hartley

Hartley

Labor Camp

Canyon
School

MICROFILM ETI

AN

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: N005823

Date: 02/09/90
Time: 14:20:18

Received

From: OVERMAN, SUZANNE

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$115.00
Total		\$115.00

CHECK 653

WR/ND: A63-20818 A63-03081

Idaho Department of Water Resources

Region: MOBILE I

Signature:

Linda Werner

Receipt Details for ID M005823

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/9/1990 2:20:18 PM	2/9/1990	Mobile	\$115.00	Check
Payer		OVERMAN, SUZANNE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
653			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$115.00	ADJUDICATION 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	20818		\$25.00	Claim
63	3081		\$90.00	Claim

Print Report

RECEIVED

DEC 15 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 10 2008	
By _____	Clerk
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 63-03081

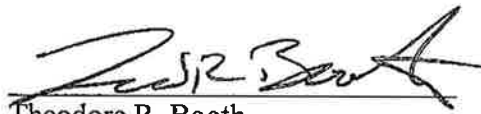
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this 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 63-03081 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

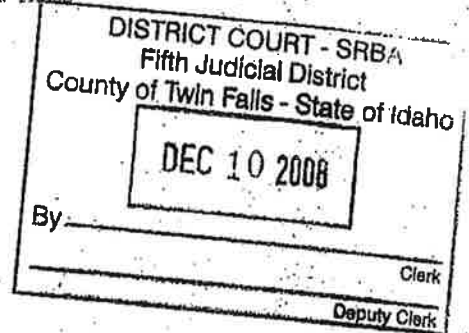
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 63-03081



NAME AND ADDRESS:

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605

SOURCE:

UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY:

0.80 CFS
180.00 AFY

PRIORITY DATE:

12/23/1956

POINT OF DIVERSION:

T05N R03W S22 SWSE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.80 CFS 180.00 AFY

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

PLACE OF USE:

Place of Use	Location	Area
Irrigation	T05N R03W S27	40.0 Acres Total
	SWNE 20.0	
	NWSE 20.0	

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

RECOMMENDATION

DEC 10 2008

John M. Melanson
SPECIAL MASTER

CO.	SRBA
County of Twin Falls	State of Idaho
Dec 10 2008	
By	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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

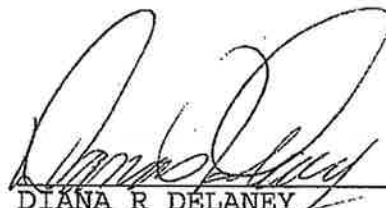
Water Right(s): 63-03081

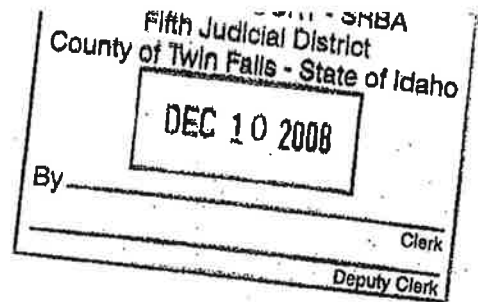
On December 10, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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): 63-03081

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

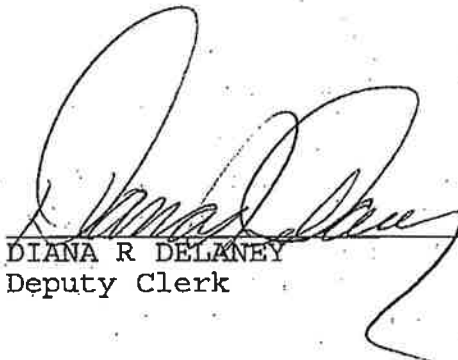
USDI BUREAU OF RECLAMATION

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

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016



DIANA R DELANEY
Deputy Clerk

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUL 02 PM 06:19
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 STATUS
) CONFERENCE

) SUBCASE NOS: 63-03081 ✓ 63-04224A ✓
63-21846 ✓ 63-30028 ✓

all vvm

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
DISTRICT COURT
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: JULY 02, 2008

/S/ THEODORE R. BOOTH
Special Master
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 ORDER SETTING STATUS CONFERENCE was mailed on JULY 02, 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

LA VAR SPENCER

KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER

ROYAL CITY, WA 00000

GERALD J HENGGELE

RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

NEAL SPENCER

12776 PURPLE SAGE
MIDDLETON, ID 83644

DONNA C WARD

13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS

2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS

4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGGELE

5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 02:38
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	)	NOTICE SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-03081 63-04224A
		63-30028

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 04:45 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

Page 1 5/22/08

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:

BLACK CANYON IRRIGATION DIST

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

LARRY H LEMONS

4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

USDI BUREAU OF RECLAMATION

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

LA VAR SPENCER

KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER

ROYAL CITY, WA 00000

DONNA C WARD

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CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN

SUZANNE OVERMAN
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CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS

2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 01:00
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 SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
		SUBCASE NOS: 63-03081	63-04224A
		63-21846	63-30028

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

THURSDAY, JUNE 19, 2008 at 04:45 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

(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:

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

LA VAR SPENCER
KAYSVILLE, UT 00000

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FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGgeler
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

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

) A. Subcase 63-3081
)
)
)

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. 63-3081.

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 27th 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: Blaine Overman
Suzanne Overman

Address: 25454 Freeze Out Road
Caldwell, ID 83605

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 H. Miller, Legal Asst.
McDEVITT & MILLER LLP

RECEIVED

JUN 07 2007
DEPARTMENT OF
WATER RESOURCES

STANDARD FORM 1 OBJECTION

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:

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

- ### Objection-1

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:

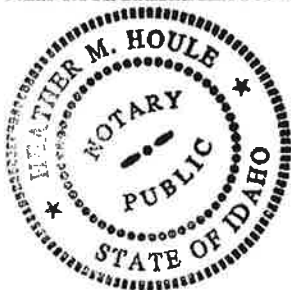
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

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

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



CERTIFICATE OF MAILING

I certify that on June 10, 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: Blaine Overman
Suzanne Overman

Address: 25454 Freeze Out Road
Caldwell, ID 83605

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 Anne Legg
McDEVITT & MILLER LLP

11/01/2006

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

RIGHT NUMBER: 63-3081

NAME AND ADDRESS: BLAINE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS
180.000 AFY

PRIORITY DATE: 12/23/1956

POINT OF DIVERSION:

T05N R03W S22 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS
180.00 AFY

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

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S27 SWNE 20.00 T05N R03W S27 NWSE 20.00

40 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

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

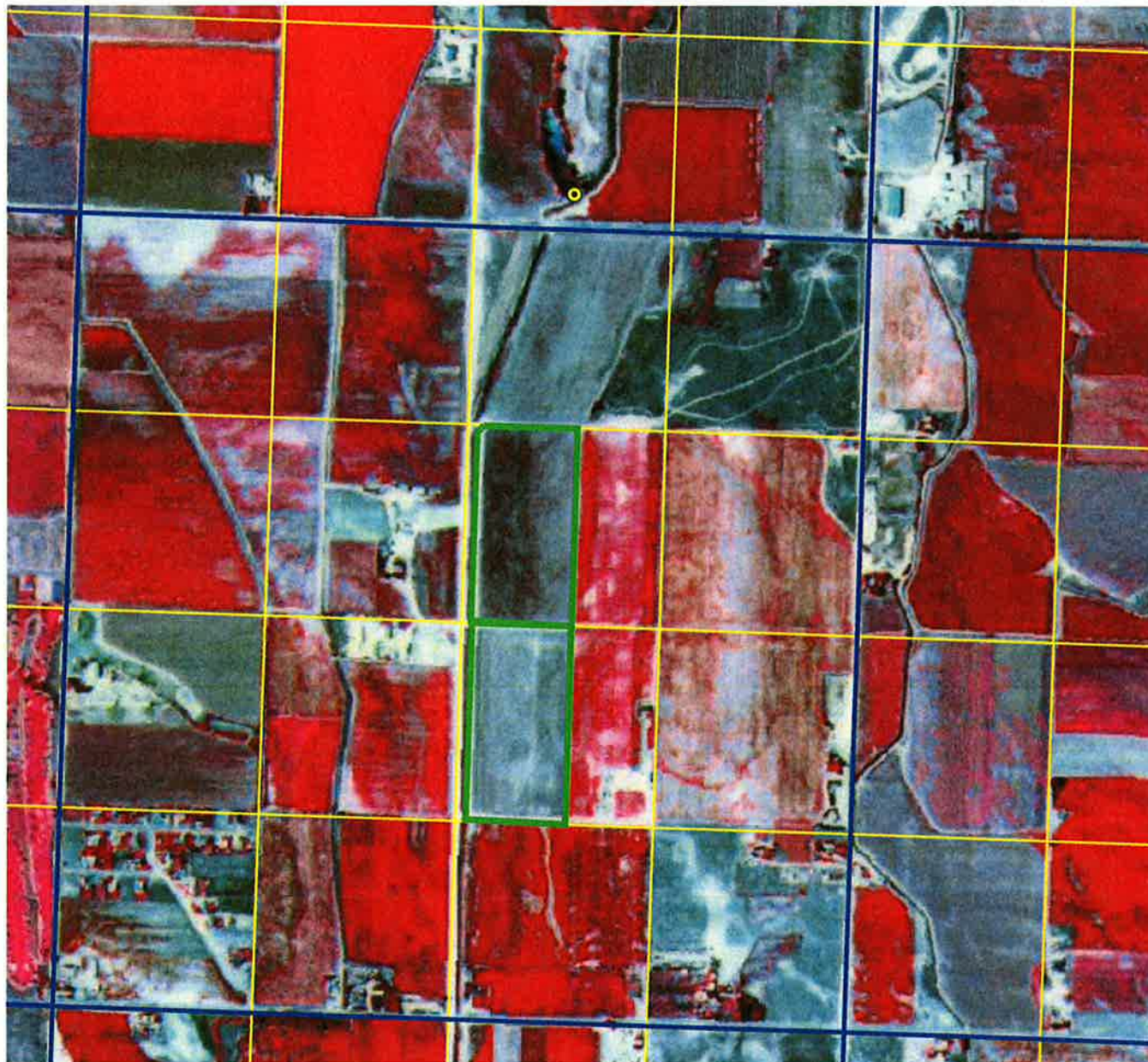
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

63-3081

05N 03W S27



Total Irrigated
Acres: 40.0

-  POU
-  POD
-  Sections
-  Quarter/Quarter

700 0 700 Feet



IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

WATER RIGHT NUMBER: 63-3081 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	03W	27	20.0				40.0

Total Acres: 40

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

4. 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. Igraves 3/16/2006 P/D

Comment: Recommended as licensed. Licensing field exam explains reasons for licensed p/d. Claim 63-21511 appears to divert from the same source for separate acres under different ownership. Cannot determine from file information if this right and 63-21511 use a common p/d.

2. Igraves 11/1/2006 P/U

Comment: Claim map indicated irrigation on the W1/2 of the licensed tracts, however, the SRBA recommendation was made for the E1/2 acres based on the licensing exam map. Owners visited the office 11/01/2006 and indicated that the unnamed stream water has always been used for irrigation on the W1/2 acres along with about 12 shares of BCID water. They said only BCID water is used on the E1/2 acres. The licensing exam map looked like the examiner meant to license the E1/2 acres, where he listed the acre numbers. However, after closer evaluation, he actually meant the W1/2 acres, where he drew arrows indicating the direction of gravity flow. The recommendation has been corrected. Acres were shifted, but not reduced, based on the 1987 aerial photo.

3. Igraves 3/16/2006 Overlaps

Comment: Use of Black Canyon surface water was noted on the claim and original application.

4. Igraves 3/16/2006 Source

Comment: Source has also been referred to as wastewater on the claim and license.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

05/25/2006

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

RIGHT NUMBER: 63-3081

NAME AND ADDRESS: BLAINE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL ID 83605

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.800 CFS
180.000 AFY

PRIORITY DATE: 12/23/1956

POINT OF DIVERSION:

T05N R03W S22 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS
180.00 AFY

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

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S27 SWNE 22.00 T05N R03W S27 NWSE 18.00

40 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

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

August 24, 2007

District Court of the Fifth Judicial District
State of Idaho, County of Twin Falls
To Whom it may Concern:

Since my husband, Blaine Overman, has been hospitalized, since July 8, 2007, due to an operation and then a stroke, I am forced to deal with this waste water problem (?) myself.

My daughter, Linda Overman, and myself met with Mr. Dennis Hays, water master at Black Canyon Irrigation District, and he suggested that I mail copies of our waste water information to you. I will also mail copies to McDevitt + Miller LLP, lawyers. I hope that this information will help to resolve this.

We are not claiming ownership of this waste water - only that we have a valid permit to use it.

Sincerely,
Suzanne Overman

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 AUG 28

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956,
and has submitted proof to the Department of Water Administration on June 28, 1957,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream (waste water)
tributary of _____ is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 Sec. 22, Twp. 5 N., Rge. 3 W., B. M.
in the county of Canyon, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	3W	27			22											18			40

Total number of acres irrigated 40

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71.


Director

693469

FILED

OCT 18 4 16 PM '72

WALTER FRY
CANYON COUNTY RECORDER

RECORDED
AT THE REQUEST OF

CANYON ABSTRACT & TITLE CO.
IN

OF

Deeds

FEE 2.00

Cecil Montgomery
et ux

+

W. Blaine Overman
et ux

W. D.

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

Cecil Montgomery

[Seal]

Vesta Montgomery

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

COUNTY OF CANYON

SS.

On this day of May in the year 1964, before me

THE UNDERSIGNED, a Notary Public

in and for said State, personally appeared

CECIL MONTGOMERY and VESTA MONTGOMERY, 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.

Willard E. Cox

Notary Public for the State of Idaho,
Residing at Canyon, Idaho



No. _____

WARRANTY 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 _____ o'clock _____ M., this _____ day of _____, A. D. 19____

in my office, and duly recorded in Book _____ of _____ at page _____

Ex-Officio Recorder.

Deputy.

Fees, \$ _____

Mail to _____

CANYON PAINTERS, CALDWELL, IDAHO 83414

INSTRUMENT NO 693469

THIS INDENTURE, Made this 15th day of May,
in the year of our Lord one thousand nine hundred and sixty-four, between
CECIL MONTGOMERY and VESTA MONTGOMERY, husband and wife,
of Lyle, County of Klickitat, State of Washington,
the parties of the first part, and
W. BLAINE OVERMAN and SUZANNE OVERMAN, husband and wife,
of Caldwell, 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 Northeast Quarter and the Northwest
Quarter of the Southeast Quarter in Section 27, Township 5 North,
Range 3 West of the Boise Meridian, Canyon County, Idaho;

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

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.

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 26374 to Blaine Overman of R # 1 Caldwell, Idaho

* SW¹/₄, NE¹/₄, NW¹/₄, SE¹/₄ of Sec. 27, Twp. 5N, Rge. 3 West.
Canyon County, Idaho

Cecil Montgomery
Permit Holder

Vesta Montgomery
Wife of Permit Holder

~~RESIDENCE~~
STATE OF ~~IDAHO~~ IDAHO)
CANYON : ss
County of ~~NICKOLA~~)

On this 22 day of May, 1964, before me, a Notary Public for the State of Idaho, residing at Middleton, Idaho personally appeared Cecil Montgomery and Vesta Montgomery are known to me to be the person s whose name are ~~is~~ subscribed to the within instrument and duly acknowledged to me that the y executed the same.

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

Willard E. La
Notary Public
Residing at Middleton, Idaho

My commission expires: 3/21/67

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

ROBERT E. SMYLLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 14, 1966

Mrs. Blaine Overman
Route #3
Caldwell, Idaho

Dear Mrs. Overman:

In reply to our telephone conversation I submit the following information concerning an unnamed stream (drain ditch) in T 5 N., R 3 W., B.M.

Permit No. 26374 issued to Cecil Montgomery, priority May 31, 1956, (license being held up pending receipt of evidence showing water claimed is public water). Point of Diversion, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T 5 N., R 3 W., B.M.

Three other permits were issued but have since been cancelled. They are as follows: Permit No. 26459, Pearl F. Lynch, Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M.

Permit No. 26510, William F. Harris, Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; T 5 N., R 3 W., B.M. Place of Use: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 5 N., R 3 W., B.M.

Permit No. 28682, G. E. Davis, Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T 5 N., R 3 W., B.M.

If we can be of any further assistance feel free to call on us.

Very truly yours,

A handwritten signature in cursive script that reads "Robert W. Hamilton".

ROBERT W. HAMILTON, Supervisor
Water Distribution

RWH:ejw

Rec. No. 33179 given H.50

RECEIVED

APR 11 1966

Department of Reclamation

ASSIGNMENT

We
For value received, ~~x~~ hereby assign all ~~our~~ of ~~my~~ right, title and
interest in and to Permit to Appropriate the Public Waters of the State of Idaho,
No. 26374 to BLAINE OVERMAN and SUZANNE OVERMAN of
Route 3, Caldwell, Idaho.

*

Cecil Montgomery
Permit Holder
Vesta Montgomery
Wife of Permit Holder

STATE OF IDAHO)
County of) ss

On this 26th day of January, 1966, before me, a Notary Public
for the State of Idaho, residing at Caldwell, Idaho,
personally appeared Cecil Montgomery and Vesta Montgomery
are
known to me to be the person s whose name s ~~xx~~ subscribed to the within instrument
and duly acknowledged to me that t he y executed the same.

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

Wayne E. Davis
Notary Public for Idaho
Residing at Caldwell, Idaho

My commission expires: 6/1/69

* If fractional part of permit is to be assigned, the fractional part of the land to
which the assigned fraction is appurtenant should be described by legal subdivisions

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 15, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route # 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

Enclosed herewith is your Water License issued on the above referenced permit.

Also enclosed is departmental receipt No. 8275 in the amount of \$4.00 covering the fee.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License
Receipt

STATE OF IDAHO

Department of Water Administration

Nº 8275

Boise, Idaho, 9-17, 1971

RECEIVED
FROM

Blaine Overman
Land & Co. Inc.

\$ 4.00

DOLLARS

FOR

<u>Lic fee</u>	\$	<u>4.00</u>
<u># 63-308A</u>	\$	
	\$	
	\$	
TOTAL . . .	\$	<u>4.00</u>

E. J. Woods

BLAINE OR SUZANNE OVERMAN

No.

92-51
1241

PAY
TO THE
ORDER OF

State of Idaho Department of Water Admin

Four & 00/100

SEP 24 1971

DOLLARS

IDAHO
FIRST

CALDWELL OFFICE

CALDWELL IDAHO

BANK

water permit #26374 /63-3081

Suzanne Overman
Ante

757-6016

Idaho State Office DPL

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 20, 1971

Re: Permit No. 26374/63-3081

Blaine & Suzanne Overman
Route 3
Caldwell, Idaho 83605

Dear Mr. & Mrs. Overman:

A representative from this Department has made an examination of the works covered by your Permit No. 26374/63-3081 and has found the following:

Quantity of water diverted: 0.8 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.8 c.f.s.

The maximum quantity of water diverted shall not exceed 180 acre feet per season.

Beneficial use: Irrigation of 40 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 5N, R. 3W, B.M.

The priority date established is December 23, 1956.

A fee totaling \$4.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,


BOBBY D. FLEENOR
Assistant Director

BDF:DR



Idaho Department of Water Resources

63-3081

05N 03W S27



-  POU
-  POD
-  Sections
Quarter/Quarter

Total Irrigated
Acres: 40.0

700 0 700 Feet



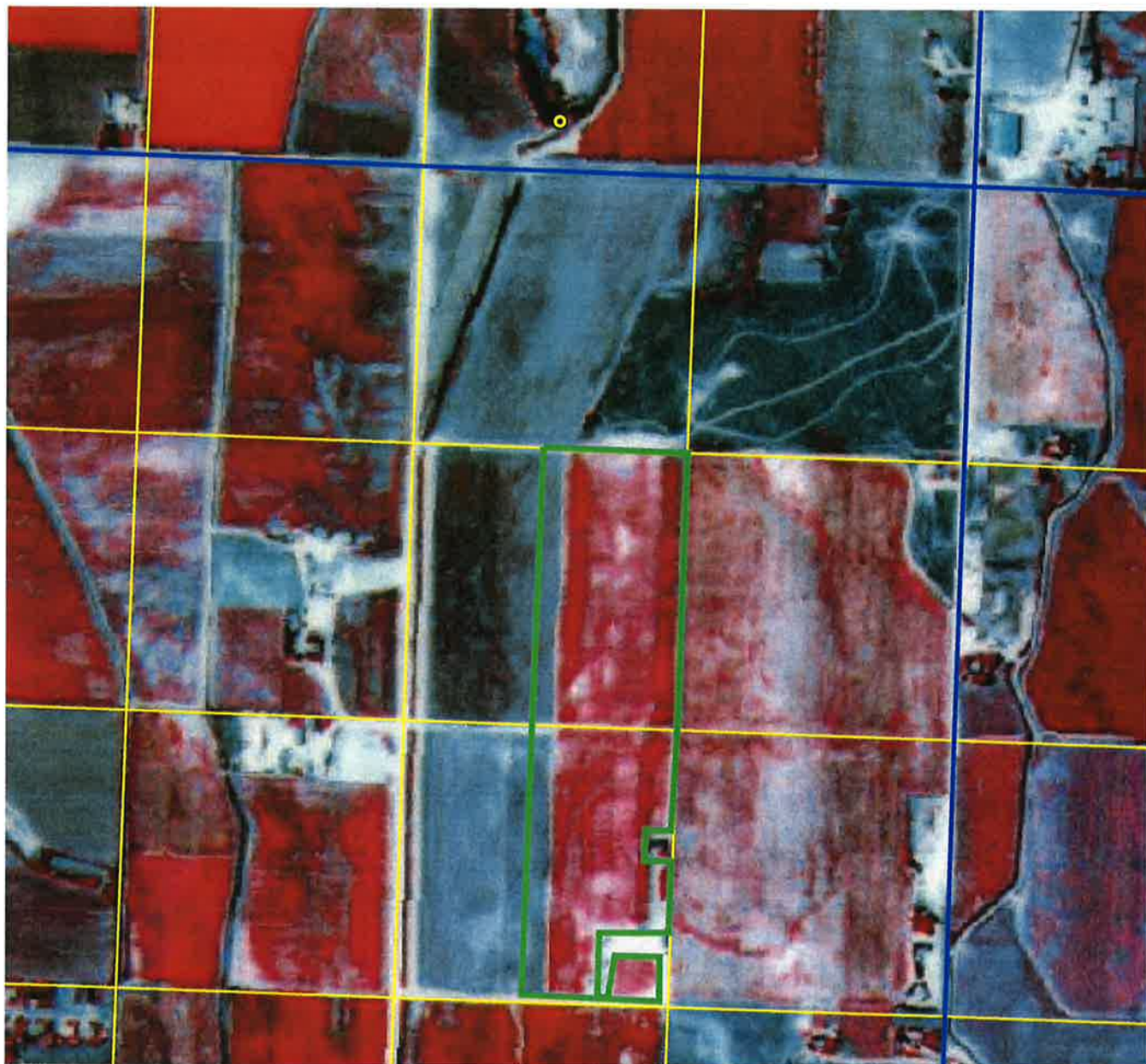
IDWR
Prepared by: Lori Graves
Date: 11-01-06
1986-87 Photography



Idaho Department of Water Resources

63-3081

05N 03W Section 27



Total Irrigated
Acres: 40

-  POU
-  POD
-  Sections
-  Quarter/Quarter

900 0 900 1800 Feet



IDWR
Prepared by: Lori Graves
Date: 3-16-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

WATER RIGHT NUMBER: 63-3081 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	03W	27	22.0				40.0

Total Acres: 40

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.
2. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3081 V1

3. 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. Igraves 3/16/2006 P/D

Comment: Recommended as licensed. Licensing field exam explains reasons for licensed p/d. Claim 63-21511 appears to divert from the same source for separate acres under different ownership. Cannot determine from file information if this right and 63-21511 use a common p/d.

2. Igraves 3/16/2006 P/U

Comment: Recommended as licensed. Claim map indicates irrigation on the west 1/2 of the licensed tracts, however, acres were licensed on the east 1/2 of the licensed tracts per exam map.

3. Igraves 3/16/2006 Overlaps

Comment: Use of Black Canyon surface water was noted on the claim and original application.

4. Igraves 3/16/2006 Source

Comment: Source has also been referred to as wastewater on the claim and license.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3081

WATER RIGHT NUMBER: 63-3081

Owner Type Name and Address
 Original Owner CECIL MONTGOMERY

 Current Owner , ID
 BLAINE OVERMAN
 25454 FREEZE OUT RD
 CALDWELL, ID 83605
 (208)459-6016

 Current Owner SUZANNE OVERMAN
 25454 FREEZE OUT RD
 CALDWELL, ID 83605
 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

Source

UNNAMED STREAM

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.800 CFS

Annual Volume

180.00 AF

Total Diversion:

0.800 CFS

180.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM

SW1/4NE1/4

Sec. 27, Twp 05N, Rge 03W, B.M.

CANYON County

*licensed in SWSE S22*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	03W	27			22.0											18.0			40.0

Total Acres: 40

Conditions of Approval:

- SOURCE IS WASTE WATER.
 CHANGE IN POINT OF DIVERSION. THIS DIVERSION HAS ALWAYS BEEN IN THE SW1/4NE1/4
 OF SECTION 27. *- diversion from ditch, not source*

Remarks:*ADD 539 - BCID*

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3081

03/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3081	Claim	05N	03W	27	SW	NE		IRRIGATION	22/40	BLAINE OVERMAN
2900	Claim	05N	03W	27	SW	NE		IRRIGATION		
3081	Water Right	05N	03W	27	SW	NE		IRRIGATION	22/40	BLAINE OVERMAN
3081	Claim	05N	03W	27	NW	SE		IRRIGATION	18/40	BLAINE OVERMAN
2900	Claim	05N	03W	27	NW	SE		IRRIGATION		
3081	Water Right	05N	03W	27	NW	SE		IRRIGATION	18/40	BLAINE OVERMAN
20818	Water Right	05N	03W	27	NW	SE		DOMESTIC		SUZANNE OVERMAN

RECOMMENDED
P/D OVERLAP

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Google Search Popups okay Check AutoLink Options

Information Search (WR/AJ)

Basin	Seque	Suffix	Verio	Source Table	Basin	Status	Priority Date	DI	Source List	Water Use List	Owner List	Water Sup
63	21511			wAdjudication	Beneficial	Active	1955-04-15	0.80	WASTE WATE	IRRIGATION	MC NELIS, ED.	
63	3081		1	wAdjudication	License	Active	1956-12-23	0.80	UNNAMED ST...	IRRIGATION	OVERMAN, BL	
63	3081			wWaterRight	License	Active	1956-12-23	0.80	UNNAMED ST...	IRRIGATION	OVERMAN, BL	

(The number of records is 3)

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3081

WATER RIGHT NUMBER: 63-3081

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CECIL MONTGOMERY
	, ID
Current Owner	BLAINE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016
Current Owner	SUZANNE OVERMAN 25454 FREEZE OUT RD CALDWELL, ID 83605 (208)459-6016

Priority Date: 12/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.800 CFS	180.00 AF
	<u>Total Diversion:</u>	0.800 CFS	180.00 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 22, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	03W	27			22.0												18.0		40.0

Total Acres: 40

Conditions of Approval:

1. SOURCE IS WASTE WATER.

Remarks:

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

THIS IS TO CERTIFY, that Blaine Overman & Suzanne Overman
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 26374/63-3081 issued pursuant to Application for Permit dated May 31, 1956
and has submitted proof to the Department of Water Administration on June 28, 1957
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.8 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream (waste water)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Twp. 5 N, Rge. 3 W, B. M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	3W	27			22											18			40

Total number of acres irrigated 40

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October

MICROFILMED
AUG 18 1992

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26374/63-3081 Priority Dec. 23, 1956 Amount 0.8 cfs
(late proof)

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Amount 0.8 for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.8 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW 1/4 SE 1/4 Sec. 22, Twp. 5 N, Rge. 3 W, B. M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	3W	27			22											18			40

Total number of acres irrigated 40

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71


Director

63 3081

63-3081
26374

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34258
PERMIT No. 26374
DISTRICT No.

Assigned to

1. Name of Applicant: CECIL MONTGOMERY

Postoffice address: Rt. 1, 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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 2.0

cubic feet per second.

3. Source of water supply: Un-named Stream (Natural Drain, / waste water) which is a tributary of Non-Tributary

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 22 , T. 5 N. , R. 3 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: \$100.00

8. Kind of works: Dam and ditch

9. Height of dam: feet; length of dam at top: feet; length of dam at bottom: 6

feet; material used in dam: Earth

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit Ditch $\frac{1}{2}$ miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is None 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: Water right for 78 acres under the Black Canyon Irrigation District.

16. (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 water of the State of Idaho as herein set forth.

CECIL MONTGOMERY

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 5-P.M. May 31, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26374

Recorded in Book 93 Page 26374 Approved June 4, 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 August 4, 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 September 4, 1956

The whole of said work to be completed on or before December 4, 1956

Beneficial use of water appropriated in accordance herewith, to be made on or before December 4, 1956

WITNESS My hand this 4th day of June, 1956

MARK R. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE

, Governor of the State of Idaho,

and JAS. H. YOUNG

, 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 4th

day of June, 1956

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLIE

Governor.

By JAS. H. YOUNG

Secretary of State.

REMARKS: This filing is supplemental to existing water rights. Filing on waste water within U. S. Government Projects is subject to the following restriction. Completion of works proof can be accepted by the Department of Reclamation, which will keep the permit in good standing. However, license will be withheld until a determination is made by the Department, if said water is public water.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			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.	3 W.	2																	12

Permit No. 26374
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that CECIL MONTGOMERY of Route # 1, Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 26374, issued upon Application No. 34258 bearing date of priority of May 31, 1956, authorizing the diversion of 2.0 second feet of the waters of an un-named stream (natural drain waste water) - non-tributary 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 2.0 second feet of the waters of un-named stream natural drain waste water that the point of diversion of said waters SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 3 West of the Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 5 North, Range 3 W., B.M. Proof of Completion of Works made: April 15, 1957

Witness my hand this 25th day of April, A.D. 1957

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: April 15, 1957

Certificate of Completion of Works issued: April 25, 1957.

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

Permit No. 26374

This proof is for Beneficial Use In Water District No. _____1. Name of applicant Cecil Montgomery2. Source of water supply: Un-named stream (Natural drain waste water)3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22T. 5 N. R. 3 W. B.M. County of Canyon4. Describe works as they exist, giving dimensions and capacities of same: Waste water is

picked up in S.W. $\frac{1}{4}$ SE $\frac{1}{4}$ as shown crosses road in 12" helicon culvert,
good ditch on west side of drain on uncultivated land to N.W. corner of
field. Ditch crosses drain on farm access road. Flows to East irrigates
South Field nearly flat. Ditch divides as soon as it crosses the
large drain. One branch leads South along East side of drain then East
on center section line.

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):

SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27., Twp. 5 N., Rge. 3 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: _____

This examination was made on the 25 day of Sept, 1957(Signed) E. N. Humphrey Examiner.

26374

Cecil Montgomery
Rt. #1, Caldwell, Idaho

Caldwell
Permit No. 26374

Examination for Beneficial Use

County Canyon

22-5N.-3W.

32 2.0 a/c.s.

2 1/2 mi. raised stream - wash

1/4 Sec. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Seminole

Aug 20 N 2 mi 1 1/2 B. 4 N

2 mi. from

the 2 drainage

or 2 mi 1/2 S. 1/2 E.

Filed May 31, 1956

Dec 2 Dec 4, 1956 (revised)

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 26 1957
Department of Reclamation

Ch. W. = 4-25-57

R-3 W.

22

1200165

Dec 19

date = 18th Nov 19th Jan

T.
5
N.

TO MIDDLETON

Subdivisions = two

Area - 40 acres

$D = 40$ inches.

8 of

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26371 C 3-3081

REPORT ON PROOF OF

Beneficial Use

Cecil Montgomery, Rt. #1, Caldwell, Idaho

Review for 80 ft
with 100 ft
that the water
around the water
water, make 9/30/57

app. 2.2/5
C/W 2.0/5
40 acres
2-40'5