

\$117
50 (late fee)
167

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

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

CIVIL CASE NUMBER: 39576

RECEIVED
APR 16 1990

Ident. Number: A63-02052B
Date Received: 4-16-90
Receipt No: 2016317
Received By: [Signature]

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MONTE S. JANICEK 208-888-7142
Address: 2256 N. MC DERMOTT
MERIDIAN, ID 83642
2. Date of Priority: APR 29, 1907
3. Source: TENMILE CREEK Trib. to: BOISE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	4	SW	NE	NW		ADA
5. Description of diverting works:
PUMPED FROM DITCH INTO LATERALS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 70.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01W	4	NE	SW		IRR	27.0
			NW	SW		IRR	40.0
Section Acres							67.0

A63-02052B

Page 1

Date: 01/19/90

MICROFILMED
AUG 18 1992

10. Place of Use: Continued

Total Acres 67.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 NAMPA-MERIDIAN IRRIG. DISTRICT.

14. Remarks:

THIS LICENSE IS LIMITED TO 20 ACRES, HOWEVER, SINCE THE
WATER WAS ORIGINALLY PUT TO USE, THE PROPERTY HAS BEEN LEVELED
AND THE CREEK HAS BEEN CHANGED. THE WATER IS DIVERTED FROM
TENMILE CREEK AND PUMPED IN A DITCH; THIS WATER CO-MINGLES WITH
DITCH WATER AND IS USED WITHIN THE 67 ACRES DESCRIBED ON THIS
CLAIM.

15. Basis of Claim: LICENSE
 Water Right Number: 2715

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: 1

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): x Monte Janich Date: x 1-19-90
Date: _____

State of Idaho)
County of Ada) SS.

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

of 1st January 19 90

[Signature]
Notary Public

Seal

Residing at Melen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

TERIOR
Y

42

546

MICROFILMED

AUG 1 8 1992

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 19 AM 9 30

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 63-02052B

I. FINDINGS OF FACT

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 April 21, 2006, the Nampa & Meridian Irrigation District, through its attorney Bryce Farris, filed an objection to the *Director's Report*, asserting issues regarding the use of waste water. On September 17, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection by means of a separate agreement entered into between the parties entitled "Non-Waiver Agreement." The parties agreed that the partial decree issued for the water right should refer to the Non-Waiver Agreement. A signed original of said Agreement is attached to the *Standard Form 5* and is thus part of the Court's file for this water right. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-02052B be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept 18, 2007



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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

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

Water Right 63-02052B

2007 SEP 19 AM 9 30

NAME AND ADDRESS: MONTE S JANICEK
2256 N MC DERMOTT
MERIDIAN, ID 83642

SOURCE: TENMILE CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION: T03N R01W S04 NESW Within Ada County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 0.40 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Ada County
T03N R01W S04 NESW 27.0 NWSW 33.0
50.0 Acres Total

This right is limited to the irrigation of 20 acres within the
place of use described above in a single irrigation season.

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

Use of this right is also subject to an agreement, entitled
"Non-Waiver Agreement", dated May 17, 2007, between Monte
Janicek, the Nampa-Meridian Irrigation District and the US Bureau
of Reclamation.

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

SEP 19 2007

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-02052B File Number: 01332

PAGE 1
Sep-18-2007

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 19 AM 9 30

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

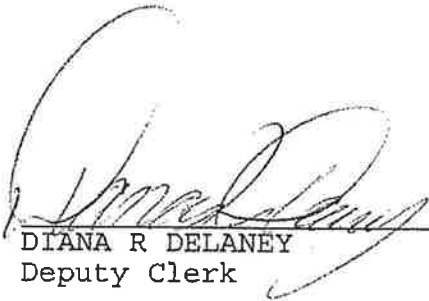
Water Right(s): 63-02052B

On September 19, 2007, 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 September 19, 2007.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 19 PM 9 30

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-02052B

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 September 19, 2007, with sufficient first-class postage prepaid to the following:

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

NAMPA AND MERIDIAN

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

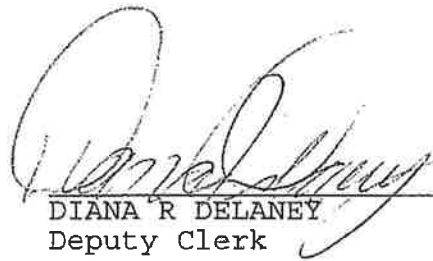
USDI BUREAU OF RECLAMATION

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

CERTIFICATE OF MAILING

PAGE 1
09/18/07

MONTE S. JANICEK
2256 N MC DERMOTT
MERIDIAN, ID 83642
Phone: 208-888-7142



DIANA R DELANEY
Deputy Clerk

ARCUKES POD & PAM UPDATED
FOR VERSION 2.
9-12-07

09/12/2007

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

RIGHT NUMBER: 63-2052B

NAME AND ADDRESS: MONTE S JANICEK
2256 N MC DERMOTT
MERIDIAN ID 83642

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

T03N R01W S4 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.400 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION in ADA County

T03N R01W S04	NESW	27.00	T03N R01W S04	NWSW	33.00
---------------	------	-------	---------------	------	-------

60 ACRES TOTAL

This right is limited to the irrigation of 20 acres within the place of use
described above in a single irrigation season.

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

Use of this right is also subject to an agreement, entitled "Non-Waiver
Agreement", dated May 17, 2007, between Monte Janicek, the
Nampa-Meridian Irrigation District and the US Bureau of Reclamation.

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

09/12/2007

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

Non-Waiver Agreement language for settlement of the objection to this right is as follows: To the extent that all or a portion of the source of water right may consist of wastewater, the Claimant (Monte Janicek) and the Objector (Nampa and Meridian Irrigation District) and/or Respondent (United States Bureau of Reclamation), together with their respective assigns and heirs, hereby agree that the Objector and/or Respondent waive no right to assert in the future that the source of all or part of this water right is the wastewater of the Objector and/or Respondent and thereby is subject to the right of the Objector or Respondent to cease wasting it or recapture it.

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2052B V2

WATER RIGHT NUMBER: 63-2052B V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTE S JANICEK 2256 N MC DERMOTT MERIDIAN, ID 83642 (208)888-7142
Original Owner	ROBERT NOBLE BOISE, ID

Priority Date: 04/29/1907

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

TENMILE CREEK	NE1/4SW1/4	Sec. 4, Twp 03N, Rge 01W, B.M.
ADA 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	
03N	01W	4									27.0	33.0							60.0

Total Acres: 60

Conditions of Approval:

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. Use of this right is also subject to an agreement, entitled "Non-Waiver Agreement", dated May 17, 2007, between Monte Janicek, the Nampa-Meridian Irrigation District and the US Bureau of Reclamation.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2052B V2

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.
4. Non-Waiver Agreement language for settlement of the objection to this right is as follows: To the extent that all or a portion of the source of water right may consist of wastewater, the Claimant (Monte Janicek) and the Objector (Nampa and Meridian Irrigation District) and/or Respondent (United States Bureau of Reclamation), together with their respective assigns and heirs, hereby agree that the Objector and/or Respondent waive no right to assert in the future that the source of all or part of this water right is the wastewater of the Objector and/or Respondent and thereby is subject to the right of the Objector or Respondent to cease wasting it or recapture it.
5. W51 Use of this right is combined with water from Nampa Meridian Irrigation District.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. K06 This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.
8. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:

1. jshurte 9/12/2007 Objection Resolution

Comment: Objection resolution was reached by the parties signing a non-waiver agreement. This agreement is shown in the explanatory remarks of this right along with a copy of the agreement in the file. The decree will not show this agreement only a condition pointing to it. That is why it was added as an explanatory remark for future reference.

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: 63
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			09/12/2007	jshurte	Active

**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

) Subcase No. 63-2052B
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. It is agreed that the *Non-Waiver Agreement* dated May 17, 2007 will accompany the partial decree for this water right in IDWR's records.

CLAIMANT(s):

Monte S Janicek

OBJECTOR(s):

Nampa-Meridian Irrigation District

Monte Janicek
claimant

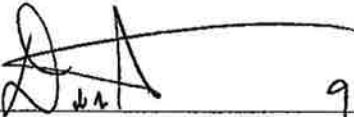
8-21-07
Date

S. Bryce Farris
Attorney

5/30/07
Date

RESPONDENT(s):

USDI/Bureau of Reclamation



9/10/07

David Gehlert

Date

Trial Attorney, General Litigation Section

U.S. Dept. of Justice

IDWR Concurrence:



Jan Shurte

Date

Adjudication Supervisor

Nicholas B. Spencer

Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

S. Bryce Farris
Ringert Clark Chartered
PO Box 2773
Boise, ID 83701

Monte S Janicek
2256 N McDermott
Meridian, ID 83642

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

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

RIGHT NUMBER: 63-2052B

NAME AND ADDRESS: MONIE S JANICEK
2256 N MC DERMOTT
MERIDIAN ID 83642

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

103N R01W S4 NESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.400 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

103N R01W S04	NESW	27.00	103N R01W S04	NWSW	33.00
60 ACRES TOTAL					

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

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.

Use of this right is also subject to an agreement, entitled "Non-Waiver Agreement", dated May 17, 2007, between Monte Janicek, the Nampa-Meridian Irrigation District and the US Bureau of Reclamation.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

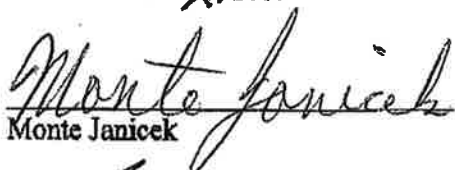
SBF
MS
Dg

NON-WAIVER AGREEMENT

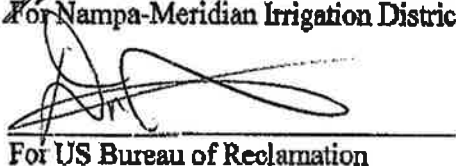
CLAIMANT MONTE JANICEK, OBJECTOR NAMPA- MERIDIAN IRRIGATION DISTRICT, AND RESPONDENT U.S. BUREAU OF RECLAMATION, HEREBY AGREE AS FOLLOWS:

To the extent that all or a portion of the source of water right may consist of waste water, the Claimant (Monte Janicek) and the Objector (Nampa & Meridian Irrigation District) and/or Respondent (United States Bureau of Reclamation), together with their respective assigns and heirs, hereby agree that the Objector and/or Respondent waive no right to assert in the future that the source of all or part of this water right is the waste water of the Objector and/or Respondent and thereby is subject to the right of the Objector or Respondent to cease wasting it or recapture it.

DATED MAY ¹⁷~~8~~, 2007


Monte Janicek


For Nampa-Meridian Irrigation District


For US Bureau of Reclamation

Shurte, Jan

From: Spencer, Nick
Sent: Wednesday, May 16, 2007 2:09 PM
To: Shurte, Jan
Subject: RE: SF5 - Monte Janicek - 63-2052B

What you have is a prior version. Monte is set to sign the agreement, which will not be an attachment. Once Monte signs it and gets it to Bryce, Bryce will sign it and send it on to Dave Gehlert. Once Gehlert signs it, we will prepare an SF-5 with a remark referencing the agreement and circulate it for signature. Don't throw away what you have, but don't worry about signing it because it has been superseded. NBS

-----Original Message-----

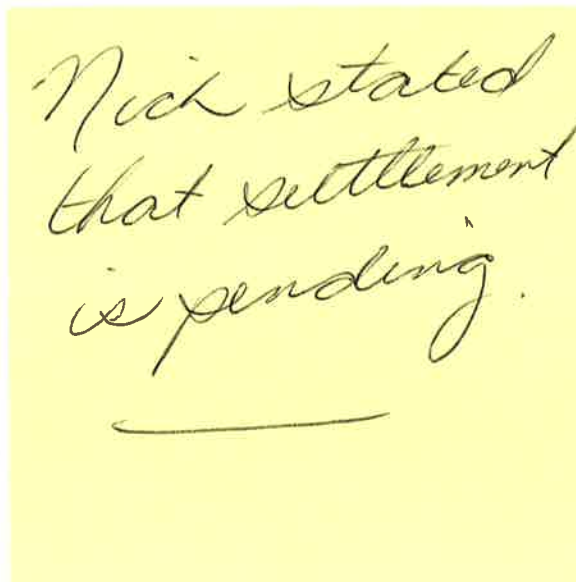
From: Shurte, Jan
Sent: Wednesday, May 16, 2007 2:02 PM
To: Spencer, Nick; Harvey, Becky
Cc: Shurte, Jan
Subject: SF5 - Monte Janicek - 63-2052B

Hi there,

I have an SF5 here that came from Bryce Farris for 63-2052B. It has an Exhibit 1 attachment and a condition that reads "Right includes an agreement concerning the source that is contained in the water right file for this right". The Exhibit 1 is the agreement I guess. Nick - didn't you indicate to hold this SF5 because we could not sign off on something with an attached agreement and a condition pointing to it?

I still have it and was starting to wonder if I should be the keeper of this thing. There is a status conference scheduled on May 29th. Are we going to wait to talk about it then? Just checking that I'm not supposed to be doing something else with it besides keeping it in the file.

Thanks,
Jan



Nick stated
that settlement
is pending.

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

March 26, 2007

Monte Janicek
2256 N. McDermott
Meridian, Idaho 83642

Nicholas B. Spencer
Deputy Attorney General
Idaho Attorney General's Office
P.O. Box 83720
Boise, Idaho 83720-0098

Jan Shurte
IDWR Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

Kathleen Carr
David Gehlert
Bureau of Reclamation
960 Broadway Avenue, Ste. 400
Boise, Idaho 83706

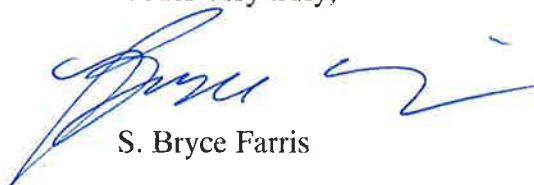
Re: Water Right No. 63-02052B

Dear Participants:

Enclosed please find a draft of the Standard Form 5, Stipulated Elements of a Water Right for water right no. 63-02052B, for your review. I apologize for the delay in getting this out. If the document meets with your approval, please sign where indicated and initial the recommendation and the exhibit. Once it has been executed please return it to me for filing.

Please contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
enclosure

cc: Daren Coon

RECEIVED

MAR 27 2007

**WATER RESOURCES
WESTERN REGION**

RECEIVED

MAR 27 2007

WATER RESOURCES
WESTERN REGION

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

In Re SRBA	)	Subcase No. 63-02052B.
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached recommendation. The parties and IDWR further agree and stipulate that this stipulation and the remark attached hereto as Exhibit 1 shall be placed in the water right file for this water right and the parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Monte S. Janicek

OBJECTOR:
Nampa & Meridian Irrigation District

Monte S. Janicek Date

S. Bryce Farris Date
Attorney

IDWR Concurrence:

_____ Jan Shurte Water Rights Supervisor	_____ Date
--	---------------

_____ Nicholas B. Spencer Deputy Attorney General	_____ Date
---	---------------

Concurrence of the United States Bureau of Reclamation:

David Gehlert

Date

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows:

1. Original to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Department of Justice
Environment and Natl' Resources
550 West Fort Street, MSC O33
Boise, ID 83724

Monte S. Janicek
2256 N. McDermott
Meridian, ID 83642

S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

IDWR Repository
P.O. Box 83720
Boise, Idaho 83720

Signature of person mailing the form

10/10/0008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 42-30532

NAME AND ADDRESS: MONTE S JANICEK
2256 N MC DERMOTT
MERIDIAN ID 83642

SOURCE: TERNMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF
DIVERSION: T03N R01W S4 N2SW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	0.400 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS RIGHT IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01W S04	N2SW	27.00	T03N R01W S04	N2SW	33.00
60 ACRES TOTAL					

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

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 42-1422(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

Right includes an agreement concerning the source that is contained in the water right file for this right.

EXHIBIT 1

To the extent that all or a portion of the source of this right may consist of waste water, the Claimant (Monte Janicek) and the Objector (Nampa & Meridian Irrigation District) and/or Responder (United States Bureau of Reclamation), together with their respective assigns and heirs, hereby agree that the Objector and/or Responder waive no right to assert in the future that the source in all or part of this water right is the waste water of the Objector and/or Responder and thereby is subject to the right of the Objector or Responder to cease wasting it or recapture it.

RECEIVED

JAN 19 2007

DEPARTMENT OF
WATER RESOURCES

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

SETTLEMENT CONFERENCE REPORT

Case No. 39576

Subcase No.: 63-2052B

This form is used to report the results of a Settlement Conference.

TO BE HELD AT RINGERT CLARK, 455 S. 3RD ST., BOISE, IDAHO AT 1:00 PM

A. Attendance

Wed, JAN 17, 2007

The following individuals and persons were present at the Settlement Conference held on

January 17, 2007, 2007, before Settlement Moderator, Terrence Dolan:

Claimant(s): Monte S. Janick

Attorney: PLO SC

Objector(s): NAVID (John Anderson)

Attorney: S. Bryce Farris

Also Present: IDWR, JAN SHURTS

Attorney: Nicholas B. Spencer

B. Standard Form 5 USDI/BUREAU - Kathleen Carr (Ruth Page)

During the Settlement Conference, the parties reached an agreement as to all of the elements of this water right. The parties agree that a fully completed and executed *Standard Form 5* reflecting their agreement shall be submitted to the court no later than _____.

(30 days maximum)

If a fully executed *Standard Form 5* is not received by this date, the parties agree this matter immediately be set for a scheduling conference or trial.

C. Partial Settlement

The parties reached agreement on these elements as follows:

Settlement Agreement to be circulated between parties. SF-5
to be filed within 60 days.

D. Recommendation for Additional Settlement Conferences

Settlement Moderator, Terrence Dolan, recommends this subcase be set for an additional Settlement Conference within 90 days. The parties have represented to the Settlement Moderator that they are available on _____.

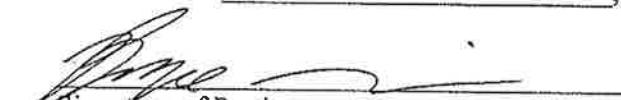
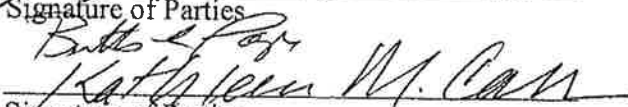
The reason(s) an additional Settlement Conference may be beneficial is:

E. Recommendation for Trial Setting:

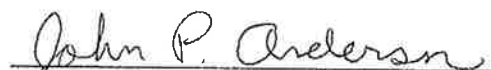
Settlement Moderator, Terrence Dolan, recommends this subcase be set for trial. The parties have been unable to reach a resolution of elements:

1 2 3 4 5 6 7 8 9 10

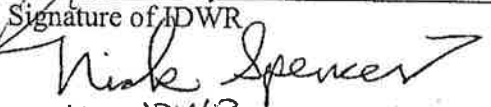
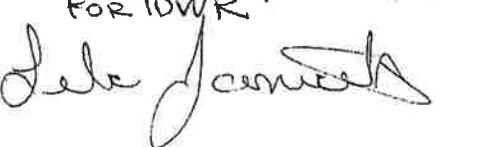
Dated _____, 2007.


Signature of Parties

Signature of Parties

Terrence Dolan, Settlement Moderator


Signature of Parties

Signature of Parties

Signature of IDWR

FOR IDWR


TO THE EXTENT THAT ALL OR A PORTION OF
THE SOURCE OF THIS RIGHT MAY CONSIST
OF WASTE WATER, THE CLAIMANT AND
OBJECTORS HEREBY AGREE THAT THE OBJECTORS
WAIVE NO RIGHT TO ASSERT IN THE FUTURE
THAT THE SOURCE IN ALL OR PART ~~OF THE SOURCE~~ IS THE
WASTE WATER OF THE OBJECTORS AND THEREBY
IS SUBJECT TO THE RIGHT OF THE OBJECTORS
TO CEASE WASTING IT OR TO RECAPTURE IT.

NICK'S DRAFT SETTLEMENT LANGUAGE -
WILL BE LOOKED AT BY NMID + BOR.
1-17-07

RECEIVED @
DEC 05 2006 Initial
Hearing
WATER RESOURCES
WESTERN REGION

May 15, 2006

To the Board of Directors of the Nampa-Meridian Irrigation District:

I would like to ask that you withdraw your objection to my water right in the Ten Mile Drain.

I hold water right license no. 2715 from the State of Idaho, which states in part:

"On the 4th day of May, A.D. 1907, Permit No. 2715 was issued... 1909, made proof of the completion of adequate works for diversion... 1911, made proof of the application to beneficial use..."

It also states in part:

"The holder and owner of said permit no. 2715, a **PERPETUAL** right, dating from April 29, 1907..."

The Ten Mile Creek was made into a drain of the district after 1915.

I have always had a legal right to pump water from the Ten Mile Drain, and hold copy of this License in my safety deposit box as proof of this legal right. Idaho Department of Water Resources has a copy of the original on file. This evidence verifies that I have never pumped water illegally. I use this water as a supplemental water source. As you know, Nampa-Meridian Irrigation District has a delivery right of 5/8's of an inch to the acre. The state will allow up to an inch to the acre. With Nampa-Meridian Irrigation District's inadequate water right, most producers have supplemental water sources. Within one mile of my property there are four ground wells in the shallow aquifer (where the source is irrigation water) used for supplemental water. All of these wells were developed after 1977.

I have proven beneficial use of this water out of the Ten Mile Drain. If Nampa-Meridian Irrigation District was sincere in recapturing of said waters out of their drains and then deliver a full water right of one inch to the acre, instead of their 5/8's inch of delivery, it would put the water to beneficial use instead of letting it just run down the drain. In my opinion, Nampa-Meridian Irrigation District is not going to recapture all of the water in the drains, but only a very small amount.

My land has had this water right for 99 years without a problem until now, because of the Snake River Basin Adjudication.

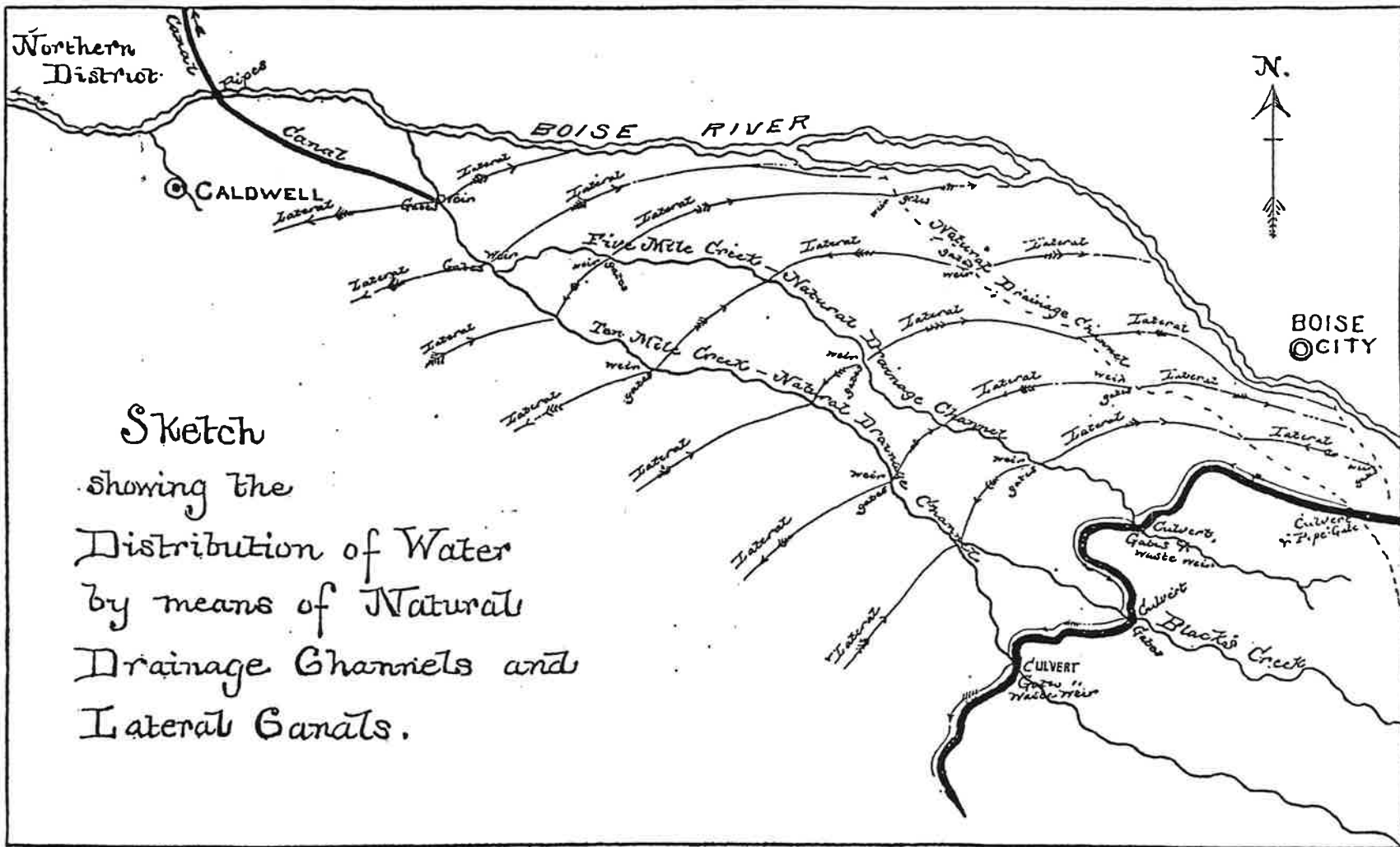
I would appreciate it if you would withdraw your objection to prevent any unnecessary filing of the response paperwork with the court.

Sincerely,



Monte Janicek

63-2052B



Sketch
showing the
Distribution of Water
by means of Natural
Drainage Channels and
Lateral Canals.

RECEIVED@

DEC 05 2006

WATER RESOURCES
WESTERN REGION

Initial
Hearing

RECEIVED[@]

DEC 05 2006

WATER RESOURCES
WESTERN REGIONInitial
Hearing

CANAL LINES.

stant demand of the placer mines for water throughout the year, the flow will be nearly continuous.

At the thirtieth mile also there will be a drop or chute of about eighteen feet fall, to avoid uneven ground and an undesirable curve in the line. This chute will be constructed in the form of a broad and shallow channel paved with stone, and here, also, the water can be used as a mill-power.

Although in the whole line of the canal there is but one piece of rock-cutting, and that a thin stratum of lava underlaid with gravel between Black's Creek and Ten Mile, the line is at no point far below the basalt bench, which extends from the Boise to the Snake River. Thus stone for masonry, piers, and waste weirs will always be convenient.

Five-Mile
Branch.

The first important branch to be taken from the main canal will be at Five-Mile Creek. At this point a waste weir will be constructed, and small branch gates, similar to the head gates, put in. The creek itself will be used as a branch canal. This is possible, owing to the shallowness and quick descent of the channel. It falls about twenty feet per mile, and by placing small weirs and gates about a mile apart, small lateral ditches can be taken out at the side, which will convey the water to each farm.

Use of Natural
Drainage
Channels, as
Distributaries.

It is seldom that circumstances will allow the use of natural drainage channels for irrigation, but in this case they are perfectly adapted to the purpose, with the additional advantages of being inexpensive and absolutely safe from breakage.

This system of using the natural channels for branch canals will be used throughout the entire six hundred acres of land under consideration, with slight modifications where necessary, and may be best explained by reference to the preceding sketch of Five-Mile, Black's, and Ten-Mile creeks. It will be observed that each lateral is the supply channel for the land below, while at the same time it receives the drainage from the land above, and carries any excess into the next branch, or natural drainage channel, where it is caught by the next lateral below, and turned back upon the land. By this method all waste is avoided and all the land is perfectly drained.

Five-Mile
District.

At Five-Mile Creek enough water will be taken out not only to irrigate the land lying to the north of it, called, for convenience, the

KIMBERLY

Marie Odiaga/Pro Se	Nampa and Meridian/Dan Steenson (obj); USDI-BOR/Dave Gehlert (resp).	63-346A	NBS/Becky/Vicky Music	source - waste/seepage water issue. Claimed within NMID boundary - source is a drain owned, operated and maintained by NMID.	This subcase should be included with the 9:15 a.m. group. It was noticed for 9:00 a.m.
---------------------	--	---------	-----------------------	--	--

Tues 9:15 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
William & Anna Nielsen, Senia & Raymond Inglin, Clementina Hill /Pro Se	Nampa & Meridian Irr District/Dan Steenson (obj); USDI-BOR/Dave Gehlert (resp)	63-347A	NBS/Becky/Vicky Music	source - waste/seepage water issue. Claimed within NMID boundary - source is a drain owned, operated and maintained by NMID.	

Tues 9:30 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Malad and Hilton Water Co/Pro Se	William E Barrett/Malad & Hilton Water Co	63-4841	NBS/Becky/Sandy Egbert	SF 5 signed and filed w/Court. Follow up letter sent on 11/22/2006.	

Tues 9:45 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Monte Janicek/Pro Se	Nampa Meridian Irr Dist/Dan Steenson (obj); USDI-BOR/Dave Gehlert (rsp)	63-2052B	NBS/Becky/Kimberly Brown	source - waste/seepage water issue. Condition G16 (v) a pre-existing water right (1907)	<u>Basis</u> - License <u>Source</u> - Tenmile Creek <u>P.D.</u> - 4/29/1907

12/05/06 - Parties agreed to pursue mediation through a moderated settlement meeting with Special Master Dolan at 1:00 p.m. at the office of Ringert/Clark.
Basin 63 initial hearing schedule - Dec 5 2006.xls (455 S. 3rd St.)

**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 **63-2052B**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. Recommendation:
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

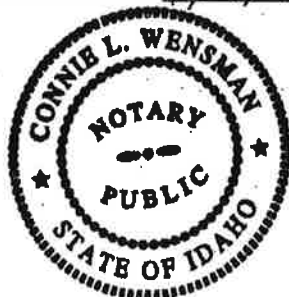
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Mardian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, 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:

Name: Monte S. Janicek
Address: 22156 McDermott
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

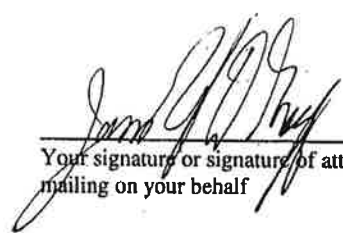
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

SCANNED
OCT 03 2006

RECEIVED

AUG 15 2006

DEPARTMENT OF
WATER RESOURCES

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

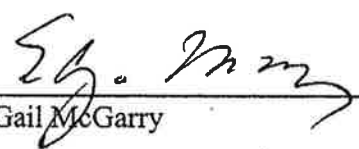
) Subcase No. 63-2052B

Case No. 39576

) AMENDED CERTIFICATE OF
) MAILING
)
)
)
)

PLEASE TAKE NOTICE that the Certificate of Mailing on the Standard Form 2 Response to Objection filed by the United States of America acting through the Department of Interior, Bureau of Reclamation, on June 23, 2006, in the above-captioned subcase, contained an error in the mailing address of the claimant of the water right. A true and correct copy of the response has been mailed to the claimant on August 11th, 2006, at the following address: Monte S. Janicek, 2256 N. McDermott, Meridian, ID 83642.

DATED this 11th day of August, 2006.



E. Gail McGarry

CERTIFICATE OF MAILING

I certify that on August 11, 2006, I mailed the original and copies of this Amended Certificate of Mailing to the following persons:

Original to:

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

Copies to:

Monte S. Janicek
2256 McDermott
Meridian, ID 83642

Nampa & Meridian Irrigation District
c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



E. Gail McGarry

RECEIVED

1997 2 1 5 30

DEPARTMENT OF
WATER RESOURCES

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 63-2052B

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson

S. Bryce Farris

Ringert Clark Chartered

P.O. Box 2773

Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Monte S Janicek

Address: 22156 McDermott
Meridian, Idaho 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See below.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
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.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of the claimed water right is a drain that is owned, operated, maintained and controlled by NMID. The water in said drain, and the source of this claim, is NMID's seepage and/or waste water from NMID's prior or senior water rights and is subject to NMID's right to recapture said water, cease wasting it or to change the place and manner of its use.

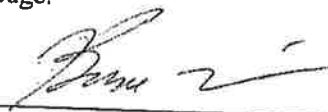
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

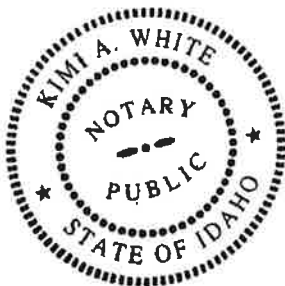
S. Bryce Farris, duly sworn, upon oath, deposes and says:

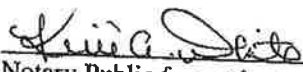
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2006





Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 2nd, 2006, 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:

Name: Monte S. Janicek

Address: 22156 McDermott
Meridian, Idaho 83642

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney
mailing on Objector's behalf

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

RIGHT NUMBER: 63-2052B

NAME AND ADDRESS: MONTE S JANICEK
2256 N MC DERMOTT
MERIDIAN ID 83642

SOURCE: TENMILE CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION:

T03N R01W S4 NESW Within ADA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.400 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ADA County

T03N R01W S04 NESW 27.0

T03N R01W S04 NWSW 33.0

60 ACRES TOTAL

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

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.

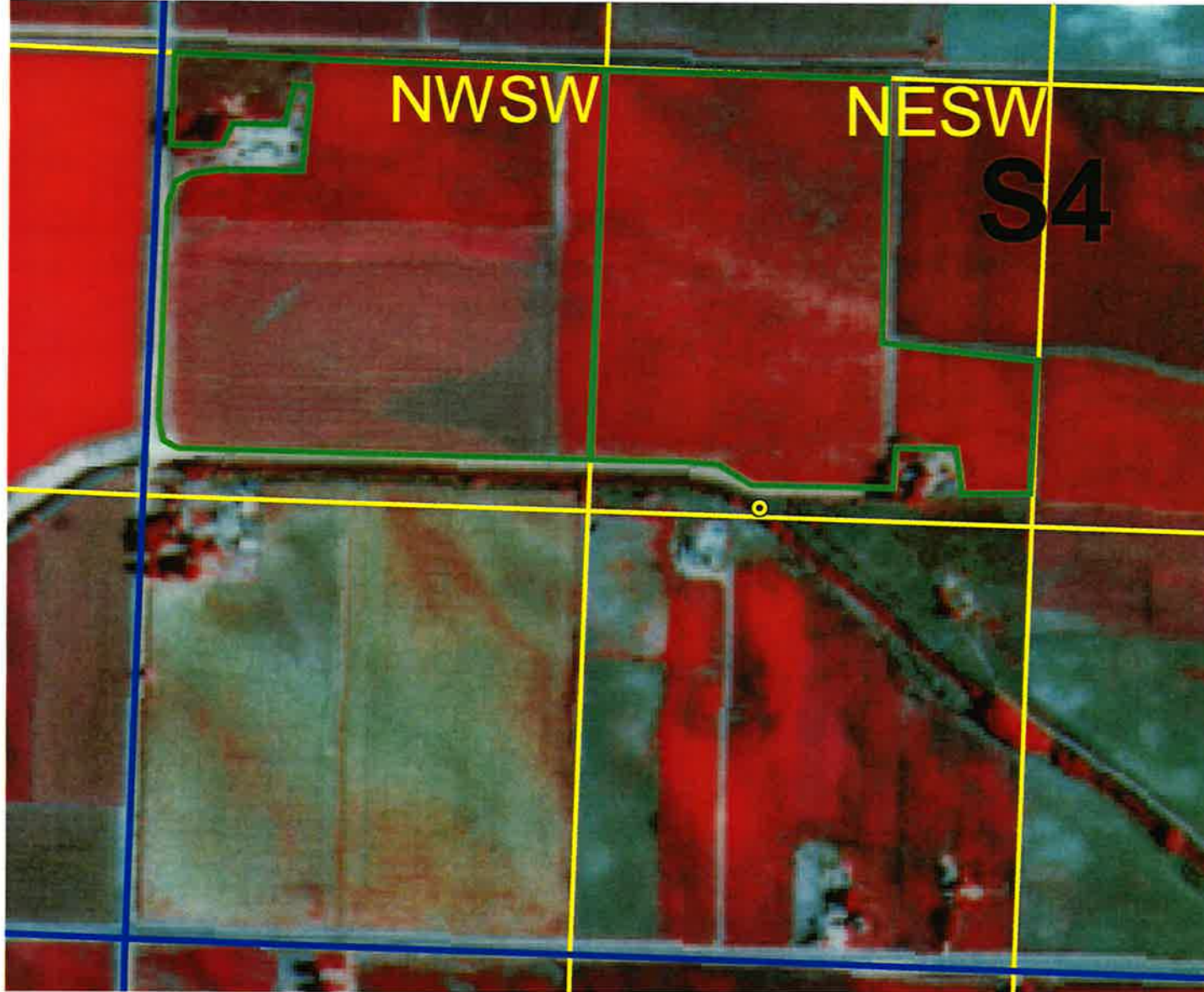
EXPLANATORY MATERIAL: License

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

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

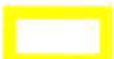
Use of this right is combined with water from Nampa Meridian Irrigation District.

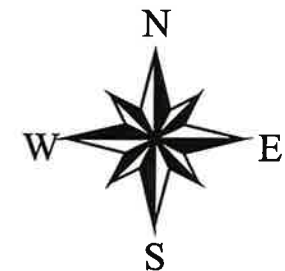
Idaho Department of Water Resources



**T03N, R01W,
S4**

Claim No: 63-2052B
Prepared By: Kimberly Brown
Date: February 3, 2005

-  Place of Use
-  Section Lines
-  1/4 1/4
-  Point of Diversion



1987 NAPP

0.04 0 0.04 0.08 Miles



Water License No. 2715

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2052B

WATER RIGHT NUMBER: 63-2052B ✓

Owner Type Name and Address ✓
 Current Owner MONTE S JANICEK ✓
 2256 N MC DERMOTT
 MERIDIAN, ID 83642
 (208)888-7142
 Original Owner ROBERT NOBLE ✓
 BOISE, ID

Priority Date: 04/29/1907 ✓
 Basis: License ✓
 Status: Active

Source Tributary ✓
 TENMILE CREEK ✓ BOISE RIVER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	4/15 to 10/15 ✓	0.400 CFS ✓	
	<u>Total Diversion:</u>	0.400 CFS ✓	

Location of Point(s) of Diversion

TENMILE CREEK ~~SW 1/4 NE 1/4 NW 1/4~~ Sec. 4, Twp 03N, Rge 01W, B.M. ✓
 ADA County ✓ NE SW

Place of Use ✓
 IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 03N	01W	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	67.0
											27.0	40.0							67.0
											✓ 33.0								60.0

Total Acres: 67 ✓

60.0

cannot give more than claimed

Conditions of Approval:Remarks:

1. General

Remark - Lic. incorrectly describes POD as SWSE, T03N,
ADD C05 - POU ACC. TRANS, R01W, S4.

THIS LICENSE IS LIMITED TO 20 ACRES, HOWEVER, SINCE THE WATER WAS
 ORIGINALLY PUT TO USE, THE PROPERTY HAS BEEN LEVELED AND THE CREEK HAS
 BEEN CHANGED. THE WATER IS DIVERTED FROM TENMILE CREEK AND PUMPED IN A
 DITCH; THIS WATER CO-MINGLES WITH DITCH WATER AND IS USED WITHIN THE 67
 ACRES DESCRIBED ON THIS CLAIM.

ADD 804 - Season of use is 3/1 to 11/15.

ADD W51 - Use is combined with Nampa-Meridian Irr. Ditch water.

PPU-ADD K06 - limited to 20 acres in the place of use in a single irr. season. (NW SW)

ADD POD ACC. TRANS. / PARCEL NO: S1204325425 ^{portion of} S1204315300.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	SW					

Description of diverting works

Pumped from ditch into laterals.**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-21859, 63-4789

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

No overlap - both have separate Pobs - groundwater source.**WATER USES**Season of use is 3/1 to 11/15.☐ No change☐ Different UsesUse Irrigation From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

~~20 acres x 4.5 af/acre = 90 af/annum~~ (v) ~~0.4 cfs x 1.9835 x 260 days = 206.3 af/annum~~**TOTAL VOLUME - Groundwater only**☒ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)↑ surface water - volume not applicable**NON-IRRIGATION USES:**None☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:POU ACCOMPLISHED TRANSFER -
Permissible Place of Use - this license is limited to 20 acres.

* no electronic backfile available

Field Exam Date 2.3.05

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid 167.00 (*50.00 flat fee + 67 acres irrigation + 50.00 late fee)
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-2052 B

Owner: Monte S. Janiciele Phone No. (208) 888-7142

Current Address: 2256 N. McDermott, Meridian 83642

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? since 1975

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/29/1907

(If priority date, based on your exam, seems questionable, explain below.)

Source: Ten Mile Creek Tributary to

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

POD ACCOMPLISHED TRANSFER –

- ☐ No change
- ☒ POD found is different than claimed: POD located in NE 1/4 SW 1/4
- ☐ If different, when did POD change?

According to the project map attached to the Notice of Claim, the POD is located in the NE SW. I called Mr. Janiciele on 2.3.05 and he verified that the NENW is incorrect and the NESW is correct (see Conversation Memo).

[illegible]

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Ditch and laterals

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Season of use is 3/1 to 11/15.

Use is combined with Nampa-Meridian Irr. Dist. water.

POU ACCOMPLISHED TRANSFER

POD ACCOMPLISHED TRANSFER

Permissible Place of Use - This right is limited to the
irrigation of 80 acres within the place of use in a
single irrigation season.

Parcel No: 512 043 25 425

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 2.3.05 (in office review)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2052

WATER RIGHT NUMBER: 63-2052

Owner Type Name and Address
 Current Owner ROBERT NOBLE ✓
 BOISE, ID

PARENT

Priority Date: 04/29/1907 ✓
 Basis: License ✓
 Status: Active

Source Tributary
 TENMILE CREEK ✓ BOISE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION ✓ / to / 2.800 CFS ✓

DomesticTotal Diversion: 2.800 CFS ✓Location of Point(s) of Diversion

TENMILE CREEK

NW1/4SW1/4 ✓

Sec. 4, Twp 03N, Rge 01W, B.M. ✓

ADA 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	
✓	03N	01W	4										20.0						20.0
✓	03N	01W	5								40.0				40.0	40.0			120.0

Total Acres: 140 ✓

Conditions of Approval:Remarks:

1. General LIC. INCORRECTLY DESCRIBES P/D AS SWSE, S4, T3N, R1W. ✓

Comments:

only this belongs to Monte Janicele

these 120 AC belong to the Frazier Family Trust 4188 Cherry Lane

Note: The P.D. was not platted in the SW¹/₄ SE¹/₄ of Section 4 as given in the license, but rather in the NW¹/₄ SE¹/₄ in order to comply with the location shown on the Meridian Quadrangle (X-59).

Dick Link

2-1-77

 Ada County *
 Ten Mile Creek *
 2.8 cubic feet per second *
 Irrigation and Domestic use *
 Priority 4-29-07 *

S T A T E O F I D A H O
 Water License No. 2715*

WHEREAS, On the 29th day of April, A. D. 1907, ROBERT NOBLE, of Boise, County of Ada, State of Idaho, duly made application (No. 3828,) to me for a permit to use 3.2 cubic feet per second of the waters of TEN MILE CREEK, County of Ada, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 4th day of May, A. D. 1907, Permit No. 2715 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4th day of May, A. D. 1909, and for the application to beneficial use of said water on or before the 4th day of May, A. D. 1911, and,

WHEREAS, On the 4th day of May, A. D. 1909, ROBERT NOBLE, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 2715, dated February 14, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of April 29, 1907, and,

WHEREAS, On the 5th day of April, A. D. 1911, ROBERT NOBLE, the holder of said permit duly made proof of the application to beneficial use of 2.8 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ROBERT NOBLE, of Boise, County of Ada, State of Idaho, the holder and owner of said Permit No. 2715, a perpetual right, dating from April 29, 1907, to the use of 2.8 cubic feet per second of the waters of TEN MILE CREEK, in the County of Ada and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the southwest quarter of the southeast quarter (SW4 SE4), section 4, township 3 north of range 1 west of Boise Meridian, and conducted to and upon 20 acres in the northwest quarter of southwest quarter, (NW4 SW4), section 4, 80 acres in the north half of the southeast quarter (NE2 SE4) and 40 acres in the northeast quarter of southwest quarter (NE4 SW4) of section 5, township 3 north of range 1 west of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this seventh day of April, A. D. Nineteen hundred and eleven.

(SEAL)

A. E. Robinson,

Recorded April 7th, 1911.

State Engineer.

63 2052

No. 3828

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant - Robert Noble ✓
 Postoffice address: P.O. Boise
 County - Ada
2. The quantity of water claimed is 3.2 cubic feet per second.
3. Source of water supply - Ten Mile Creek
 County of Ada
4. Location of point of diversion - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 3 N. R. 1 W.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated 160 acres.
 - (b) In the following legal subdivisions - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 3 N. R. 1 W.
6. Estimated cost of works - \$500.00.
7. Description of works for diversion:
 - I. Kind of works - Dam and two ditches.
 - II. Dimensions of works:
 - (a) Height of dam 5 feet, length of dam at top 70 feet, length of dam at bottom 20 feet, material used in construction - lumber and earth.
 - (c) Size of headgate, width 4 feet, height 2 feet.
 - (d) Ditch, North side, width at bottom 2 feet, width at water line 3 $\frac{1}{2}$ feet. Average grade per mile is 3 feet. Length of ditch about one mile, and it crosses the following quarter sections - SW $\frac{1}{4}$ Sec. 4 and SE $\frac{1}{4}$ Sec. 5, T. 3 N., R. 1 W. to N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 3 N. R. 1 W.
8. Time required for the completion of the construction of such work is 2 years.
9. Time required for the complete application of the water to the proposed use is 2 additional years.

Remarks: The S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 4 will be irrigated by a ditch taken out at the dam on the south side of the creek, said ditch crossing a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 4, dimensions of ditch to be the same as for the north side ditch.

APPROVAL OF STATE ENGINEER.

The number of this permit is 2715.

Date of first receipt of application 11:45 a.m. April 29, 1907.

Recorded in Book 8, Page 2715. Approved May 4, 1907.

JONES ENGINEERING CO., INC., 1000 N. 10th St., Boise, Idaho

POWER BY A.P.C. CO., TACOMA, WASH.

Blank notice for proof of completion mailed applicant: February 1, 1909
 Notice received April 1, 1909, fixing May 4, 1909, as date & Meridian as place of proof.
 Publication notice mailed Boise Statesman, April 1, 1909
 Affidavit as to change in point of diversion received April 1, 1909
 C.G. Mack authorized April 24, to make examination of works.
 Deposition and report received May 5, 1909
 Fees received May 10, 1909
 Affidavit of publication received February 12, 1910
 Certificate issued February 14, 1910.

 Permit No. 2715

CERTIFICATE OF COMPLETION OF WORKS.

 To All Whom it May Concern:

This is to certify that Robert Noble of Boise, County of Ada, and State of Idaho, the holder of Permit No. 2715, issued upon Application No. 3828, bearing date of priority of April 29, 1907, authorizing the diversion of 3.2 second feet of the waters of Ten Mile Creek, County of Ada, State of Idaho, for irrigation and domestic 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 3.2 second feet of the waters of Ten Mile Creek, that the point of Diversion of said waters is at a point in the southwest quarter of southeast quarter of section 4, township 3 North, Range 1 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: Northwest quarter of southwest quarter section 4, Northeast quarter of the southeast quarter, northwest quarter of southeast quarter and northeast quarter of southwest quarter of section 5, Township 3 North, Range 1 West of the Boise Meridian.

Witness my hand this 14th day of February, A.D. 1910.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho

License issued for 28 second feet
P. 794

WATER RIGHT NUMBER 63-2052

OWNER LAST NAME - NOBLE

FIRST NAME - ROBERT

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE -

SOURCE - TENMILE CREEK

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 04-29-1907 COUNTY - ADA

TOTAL DIV. RATE - 2.8000 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. - 63 DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSW 04 03N 01W LOT REDIV -

272.0 312.0 46.0 3.0 0.0 0.0 0.0 0.0 0.0 0.0 8.9

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

2.8000 CFS

USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 01W SEC 05 TRACT NWSW LOT

AC 40 TRACT NESE LOT AC 40

TRACT NWSE LOT AC 40

PLACE OF USE - TWN 03N RNG 01W SEC 04 TRACT NWSW LOT

AC 20

USE - IRRIGATION

DATE -

TOTAL ACRES 140

DECREE NAME -

REMARKS - LIC. INCORRECTLY DESCRIBES P/D AS SWSE, S4, T3N, R1W.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 2715

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED J G
4/18/85

3/79

IDENT. NO. 63-2052

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-05052B

February 3, 2005

After beginning my review of this claim, I had a couple of questions and, therefore, called Mr. Janicek at #888-7142. Mr. Janicek verified that the claimed water co-mingles with Nampa-Meridian Irrigation District water.

In addition, the location of the POD is in question. Since the claimed POD is in the NENW and the project map shows that it is located in the NESW, I asked Mr. Janicek if it was located in the NENW; as claimed, or in the NESW; as shown on the map. Mr. Janicek stated that the POD is located in the NESW – where it's been ever since he bought the property in 1975 and where it remains today.

Kimberly Brown
Senior Water Resource Agent
Western Region

*Mr. Janicek also mentioned
that the drain went in on
Ten Mile Creek in 1915 and
that's when the fields
were leveled.*

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2052A

WATER RIGHT NUMBER: 63-2052A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HELEN L FRASIER 4188 CHERRY LN NAMPA, ID 83687
Current Owner	HAL FRASIER 4188 CHERRY LN NAMPA, ID 83687 (208)466-5925
Original Owner	ROBERT NOBLE BOISE, ID

Priority Date: 04/29/1907

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

Location of Point(s) of Diversion

TENMILE CREEK	SE1/4NE1/4SE1/4	Sec. 5, Twp 03N, Rge 01W, 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	
03N	01W	5									40.0				40.0	40.0			120.0

Total Acres: 120

Conditions of Approval:Remarks:Comments:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2052B

02/03/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~2052B~~	~~Claim~~	~~03N~~	~~01W~~	~~4~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~27/67~~	~~MONTE S JANICEK~~
~~2062B~~	~~Claim~~	~~03N~~	~~01W~~	~~4~~	~~NW~~	~~SW~~		~~IRRIGATION~~	~~40/67~~	~~MONTE S JANICEK~~
~~2052~~	~~Water Right~~	~~03N~~	~~01W~~	~~4~~	~~NW~~	~~SW~~		~~IRRIGATION~~	~~20/140~~	~~ROBERT NOBLE~~

no overlap -

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2052B

02/03/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-21859	Claim	03N	01W	4	NE	NW	3	<u>GROUND WATER</u>	<i>Domestic</i> L ALDIN PORTER
~~63-2052B~~	~~Claim~~	~~03N~~	~~01W~~	~~4~~	~~NE~~	~~NW~~	~~3~~	~~TENMILE CREEK BOISE RIVER~~	~~MONTE S JANICEK~~
63-4789	Water Right	03N	01W	4	NE	NW	3	<u>GROUND WATER</u>	<i>Domestic</i> SHIRLEY P PORTER
~~63-21859~~	~~Water Right~~	~~03N~~	~~01W~~	~~4~~	~~NE~~	~~NW~~	~~3~~	~~GROUND WATER~~	~~L ALDIN PORTER~~

No overlap - separate sources (GW).

**Land Records**
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Property Details for Parcel S1204325425

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General Information

Property Acres: 63.639
Zone Code: RUT
Primary Code Area: 242 Tax Districts
Group Type: SECT
Subdivision: 3N 1W 04
Section: 3N1W04

Property Description

PAR #5425 OF N2SW4
 SEC 4 3N 1W
 #325420-B

**Property Address**

2256 N MCDERMOTT RD
 MERIDIAN, ID 83642

[Click to View Interactive Map](#)
Assessor Links

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- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	100-HOMESITE ON AG	1.000	\$63,000	MARKET
Primary	310-RES IMPROVEMENT	0.000	\$77,500	COST
Primary	10-IRRIGATED AG	58.139	\$84,300	INCOME
Primary	190-WASTE LAND	4.500	\$0	INCOME

Total Assessed Value: \$224,800

Parcel Valuation History

Assessed value for year 2004 \$224,800

Property Characteristics

Residential
 Agriculture
 Land

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Residential**Agricultural****Land****Residential Characteristics 1 for Parcel "S1204325425"**

Occupancy Date:	No Date Available
Year Built:	1948
Year Remodel:	1982
Effective Age:	1959
Construction Class:	3
Number of Bedrooms:	3
Number Bathrooms:	2.0
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	0
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	400
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	128
Patio Covered:	Y
Pool Sq Ft:	0
Total Sq Ft:	2660
Main Floor Sq Ft:	1748
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	912
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Residential**Agricultural****Land****Agriculture Characteristics 1 for Parcel "S1204325425"****Irrigated Acres:**

Capability Class 1: 58.139

Capability Class 2: 0.0

Capability Class 3: 0.0

Capability Class 4: 0.0

Non-Irrigated Acres:

Capability Class 1: 0.0

Capability Class 2: 0.0

Capability Class 3: 0.0

Capability Class 4: 0.0

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Waste Acres:

Capability Class 8: 0.0

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Residential**Agricultural****Land****Land Characteristics 1 for Parcel "S1204325425"**

Residential Acres:	1.000
Commercial Acres:	0.000
Other Acres:	0.000
MLS Area:	1030 - NW Meridian
Street:	Not Available
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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Receipt Details for ID C016317

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/16/1990 4:56:51 PM	4/16/1990	State	\$167.00	Check
Payer		JANICEK FARMS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
7320			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$167.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2052	B	\$167.00	Claim

Print Report