

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: **A63-04815**
Date Received: 3/15/1995
Receipt No: C032318
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MICHAEL RUSH
Address: 9412 W WRIGHT ST
BOISE ID

83709

208-362-4348

AND/OR

Name: LINDA RUSH
Address: 9412 W WRIGHT ST
BOISE ID

83709

208-362-4348

2. Date of Priority: JAN 1, 1929

3. Source: WASTE WATER

Trib. to: FARMERS LATERAL

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	26	NW	NE			ADA

5. Description of diverting works:
PUMP, DITCHES & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	26	NW	NE		IRR	1.0

SCANNED

OCT 05 2006

MICROFILMED

OCT 07 1996

A63-04815

Page

1

Date: 03/17/95

10. Place of Use: Continued

Section Acres 1.0

Total Acres 1.0

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

RECEIVED

MAR 15 1995

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04815

Date Received: 03/15/95

Receipt No: C032318

Received By: RT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL RUSH 208-362-4348
Address: 9412 W WRIGHT ST
BOISE ID 83709

AND/OR

Name: LINDA RUSH 208-362-4348
Address: 9412 W WRIGHT ST
BOISE ID 83709

2. Date of Priority: JAN 1, 1929

3. Source: WASTE WATER Trib. to: FARMERS LATERAL

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	26	NW	NE			ADA

5. Description of diverting works:
PUMP, DITCHES & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	26	NW	NE		IRR	1.0

MICROFILMED
07 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): X

Michael G. Bush
Jinda M. Bush

Date: 2-14-95

Date: 2/28/95

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14TH day
of February 19 95

Seal

Roxanne McCarthy
Notary Public

Roxanne McCarthy, Notary Public
Residing at Boise, Idaho

Residing at My Commission Expires May 16, 1996.

My Commission Expires _____

AJ5809NP
No. A63-04815

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/27/01
PAGE: 15

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL RUSH	01/01/1929	IRRIGATION	03-15 11-15	0.500 CFS	
C	LINDA RUSH					
	9412 W WRIGHT ST					
	BOISE ID 83709					
	(208) 362-4348					
				TOTAL DIVERSION:	0.500 CFS	

Water Source: WASTE WATER

Tributary to: FARMERS LATERAL

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R01E S26

NWNE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
03N	01E	26	:			01												:	1.0	
																			TOTAL ACRES	1.0

POU County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-15591	63-17159	63-17730	63-18184	63-18270	63-22417	63-22694	63-30219	A63-15591	A63-15848
A63-17159	A63-17730	A63-18184	A63-18270	A63-22417	A63-22694	A63-30219			

Other Water Rights Listing Overlapping Place(s) of Use:
A63-15848

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/12/94 RMCCARTH 03/17/95 RMCCARTH 03/30/95 POST-STD

Receipt Details for ID C032318

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/16/1995 8:38:23 AM	3/16/1995	State	\$51.00	Check
Payer	RUSH, LINDA M./MICHAEL G.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5578			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FILING FEE #A63-04815

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$51.00	ADJUDICATION FILING FEE #A63-04815	41503	337	0	0	1155

Refund(s):

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

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

2007 SEP 19 PM 1 02

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 63-04815

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 August 16, 2006, the New York Irrigation district filed an amended objection to the *Director's Report*, asserting issues regarding waste water. On September 18, 2007, the parties to the subcase filed a *Standard Form 5 - Stipulated Elements of a Water Right*, which resolved the objection. 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 63-4815 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. 19, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 SEP 18 PM 1 02

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 63-04815

NAME AND ADDRESS: LINDA RUSH
MICHAEL RUSH
9412 W WRIGHT ST
BOISE, ID 83709

SOURCE: WASTE WATER TRIBUTARY: FARMERS LATERAL

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

QUANTITY: 0.03 CFS
4.50 AFY

PRIORITY DATE: 01/01/1929

POINT OF DIVERSION: T03N R01E S26 NWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.03 CFS
			4.50 AFY

PLACE OF USE: Irrigation Within Ada County
T03N R01E S26 NWNE 1.0
1.0 Acres Total

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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

RULE 54(b) CERTIFICATE

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

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

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

2007 SEP 19 PM 1 02

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

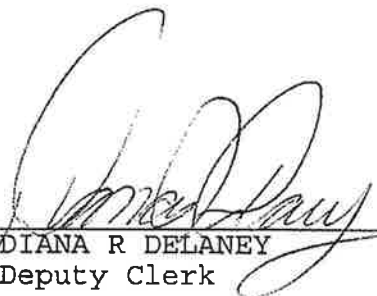
Water Right(s): 63-04815

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-CRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 19 PM 1 02

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): 63-04815

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

NEW YORK IRRIGATION DISTRICT

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

NEW YORK IRRIGATION DISTRICT

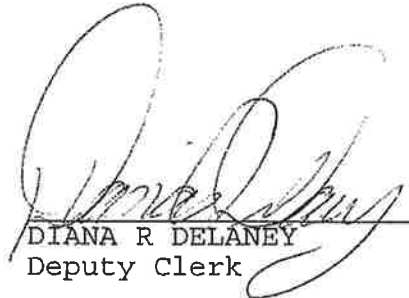
Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

CERTIFICATE OF MAILING

PAGE 1
09/19/07

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

LINDA RUSH
MICHAEL RUSH
9412 W WRIGHT ST
BOISE, ID 83709
Phone: 208-362-4348



DIANA R DELANEY
Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

September 17, 2007

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

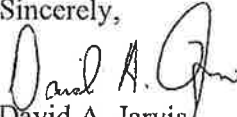
Re: SRBA Case No. 39576
Subcase No.63-04815

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document.

1. **STANDARD FORM 5 – STIPULATED ELEMENTS OF A WATER RIGHT.**

Sincerely,


David A. Jarvis
Paralegal

Enclosure

RECEIVED
SEP 20 2007
DEPARTMENT OF
WATER RESOURCES

RESPONDENT(s):
USDI-BOR

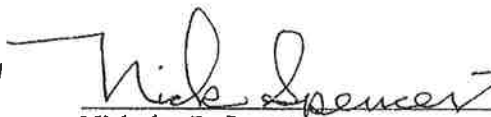


David W. Gehlert 9/17/07
Trial Attorney Date

IDWR Concurrence:



Vicky Music 9/11/2007
Senior Water Resource Agent Date



Nicholas B. Spencer 8-1-07
Deputy Attorney General Date
Attorney for IDWR

176A
DL

CERTIFICATE OF MAILING

I certify that on SEPT-17, 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:

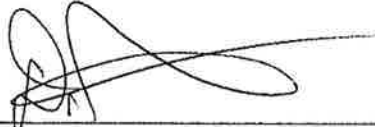
Charles F McDevitt
420 W Bannock St
PO Box 2564
Boise, ID 83701

Kendal A McDevitt
405 S Eighth St, Ste 202
Boise, ID 83702

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Linda & Michael Rush
9412 W Wright St
Boise, ID 83702

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



Signature of person mailing the form

176R
cf DL

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

RIGHT NUMBER: 63-4815

NAME AND ADDRESS:

LINDA RUSH
9412 W WRIGHT ST
BOISE ID 83709

MICHAEL RUSH
9412 W WRIGHT ST
BOISE ID 83709

SOURCE:

Source:
WASTE WATER

Tributary:
FARMERS LATERAL

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

QUANTITY:

0.030 CFS
4.500 AFY

Edgar *VMM*
NBS
MCR

PRIORITY DATE:

01/01/1929

POINT OF DIVERSION:

T03N R01E S26 NWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.030 CFS 4.50 AFY

PLACE OF USE:

IRRIGATION

within ADA County

T03N R01E S26 NWNE 1.0

1 ACRES TOTAL

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

The quantity of water decreed for this water right is not a determination of historical beneficial use. 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 - Beneficial Use

PARCEL NO. R1171010070.

PROPERTY IS ALSO KNOWN AS LOT 7, BLK 1, HARVEY BURNETT SUB #2.

SF5: Water Right No. 63-4815



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

August 1, 2007

Charles F McDevitt
420 W Bannock St
PO Box 2654
Boise, ID 83701

RE: Subcase Nos. 63-4815, 63-5242 & 63-18441

Dear Mr. McDevitt:

Pursuant to the SRBA District Court hearing held yesterday, enclosed please find documents entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5s) which have revised recommendations with the waste water remark added.

Please review the recommendations, which are attached to the SF 5s, then sign and date the originals and **initial the changes** on the pages entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please forward the SF 5s to the claimants for each subcase for their signatures and initials, requesting that the documents be sent to Dave Gehlert at the USDI-BOR.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,


Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Vicky Music, Western Region

2006 AUG 16 AM 9:07

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	) Subcase 63-04815
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

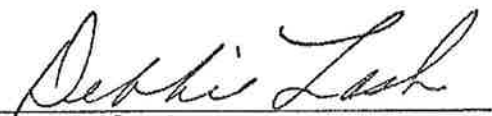
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

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

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

LINDA RUSH
MICHAEL RUSH
9412 W WRIGHT ST
BOISE, ID 83709
Phone: 208-362-4348


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

A. Subcase 63-4815

(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: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

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)
County of Ada) ss.

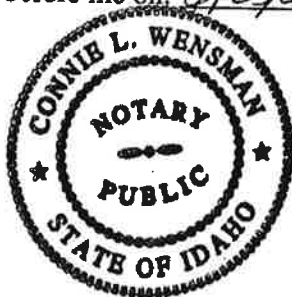
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Meridian
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.

CERTIFICATE OF MAILING

F.

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: Linda & Michael Rush
Address: 9412 W. Wright Street
Boise, ID 83709

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

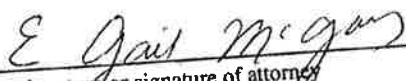
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

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

COPY

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

In Re SRBA)

A. Subcase 63-4815

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

RECEIVED

APR 24 2006

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

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

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: Linda Rush
Michael Rush
Address: 9412 W. Wright Street
Boise, ID 83709

Original Owner:

Name: Kenneth Burley
Address: 9412 W. Wright Street
Boise, ID 83709

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

1. ☐ Name and Address

Should be: _____

2. ☒ Source

Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.

Objection-1

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

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna 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 Boise-Kuna 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: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Poise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 25th, 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:

Current Owner:

Name: Linda Rush
Michael Rush
Address: 9412 W. Wright Street
Boise, ID 83709

Original Owner:

Name: Kenneth Burley
Address: 9412 W. Wright Street
Boise, ID 83709

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 Hale, Legal Assistant
McDEVITT & MILLER LLP

05/31/2005

NOTICE OF ERROR
REPLY

RECEIVED
JUN 23 2005
WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-4815

LINDA RUSH
9412 W WRIGHT ST
BOISE ID 83709
Telephone Number: (208)362-4348

MICHAEL RUSH
9412 W WRIGHT ST
BOISE ID 83709
Telephone Number: (208)362-4348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: June 20, 2005 SIGNATURE: Michael Rush

Please print your name: Michael Rush

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

01/28/2005

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

RIGHT NUMBER: 63-4815

NAME AND ADDRESS: LINDA RUSH
9412 W WRIGHT ST
BOISE ID 83709

MICHAEL RUSH
9412 W WRIGHT ST
BOISE ID 83709

SOURCE: WASTE WATER

TRIBUTARY: FARMERS LATERAL

QUANTITY: 0.030 CFS
4.500 AFY

PRIORITY DATE: 01/01/1929

POINT OF DIVERSION:

T03N R01E S26 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.030 CFS 4.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S26 NWNE 1.0

1 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

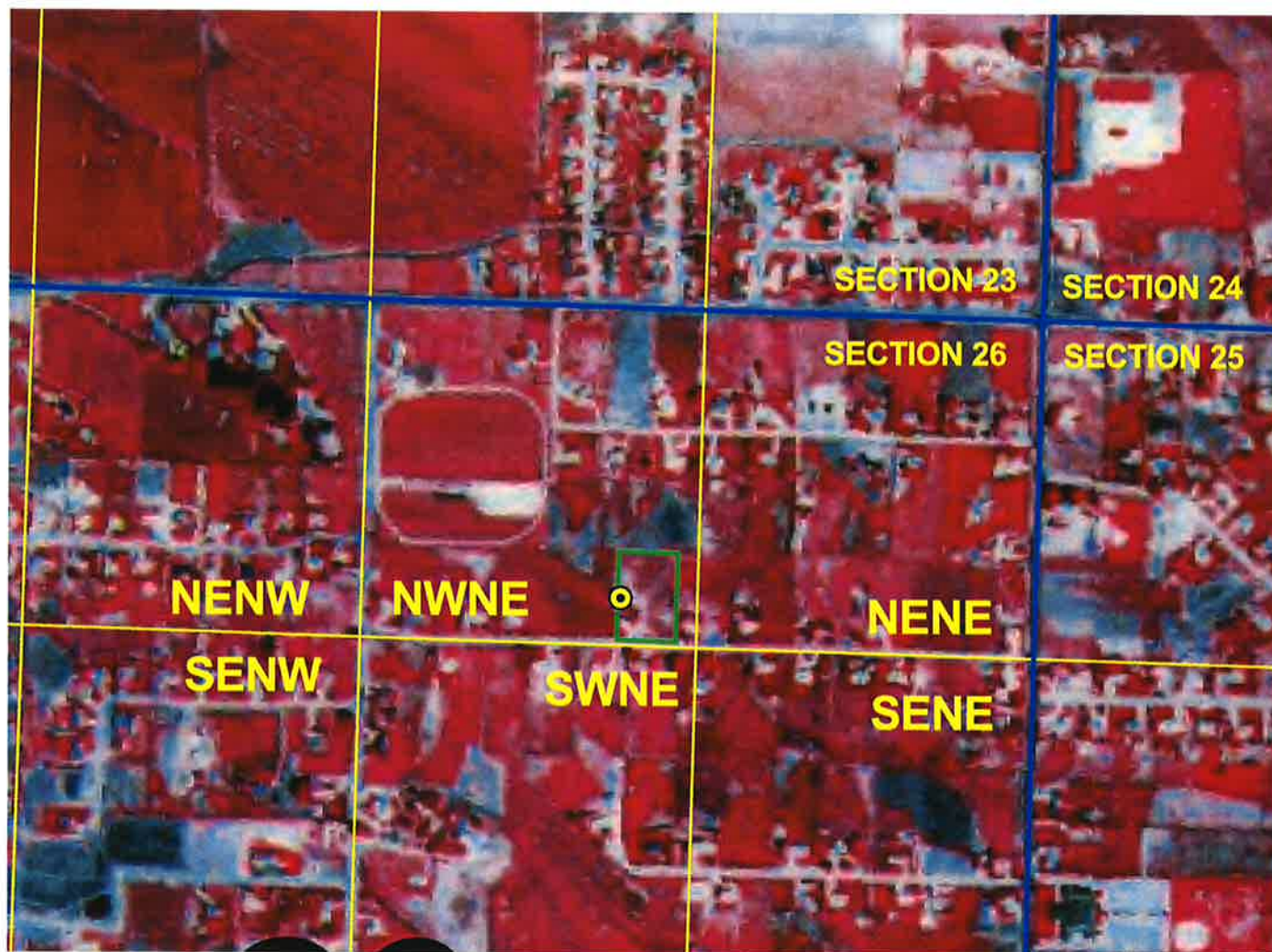
PARCEL NO. R1171010070.

PROPERTY IS ALSO KNOWN AS LOT 7, BLK 1, HARVEY BURNETT SUB #2.



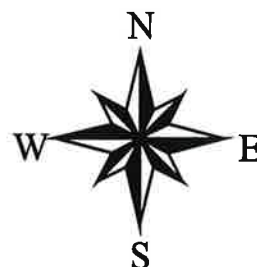
State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 26
Water Right(s) : 63-4815



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 1.0



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

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: January 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4815 V1

WATER RIGHT NUMBER: 63-4815 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH E BURLEY 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	LINDA RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	MICHAEL RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348

Priority Date: 01/01/1929

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	FARMERS LATERAL

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.030 CFS	4.50 AF
	<u>Total Diversion:</u>	0.030 CFS	4.50 AF

Location of Point(s) of Diversion

WASTE WATER	NW1/4NE1/4	Sec. 26, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S26 NWNE 1.0

Total Acres: 1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:

1. Explanatory PARCEL NO. R1171010070.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4815 V1

2. Explanatory PROPERTY IS ALSO KNOWN AS LOT 7, BLK 1_, HARVEY BURNETT SUB #2.

Comments:

1. vmusic 1/28/2005 EVIDENCE OF PRIORITY

Comment: LETTER FROM RUSHES RE USE OF WATER TO THE 1920s.

2. vmusic 1/28/2005 POD

Comment: WASTEWATER DITCH GOES UNDER SIDEWALK NORTH OF HOUSE. PUMP IS IN TREES BETWEEN SIDEWALK AND WEST PROPERTY LINE PER CONVERSATION WITH LINDA RUSH ON 1-28-05.

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>
Contacts	1/24/2005 12:33:53 PM	vmusic			Active
Contacts	1/24/2005 12:33:57 PM	vmusic			Active
Priority Date	1/24/2005 12:34:47 PM	vmusic			Active
POD	1/24/2005 12:36:14 PM	vmusic			Active
Source	1/24/2005 12:37:37 PM	vmusic			Active
POU	1/24/2005 12:38:42 PM	vmusic			Active
Use	1/24/2005 12:41:17 PM	vmusic			Active
Season	1/24/2005 12:42:06 PM	vmusic			Active
Quantity	1/24/2005 12:44:23 PM	vmusic			Active
Summary			01/24/2005	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/28/2005 2:14:16 PM	vmusic	Edited point location
Use	1/24/2005 12:41:17 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - IDWR STANDARD FOR USE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4815 V1

Season	1/24/2005 12:42:06 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	1/24/2005 12:38:43 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIAL PHOTOS, CONVERSATION WITH CLAIMANT, ADA CO TAX LOT INFO
POU	1/24/2005 12:40:11 PM	vmusic	Edited shape boundary
Contacts	1/24/2005 12:33:54 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
Contacts	1/24/2005 12:33:58 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	1/24/2005 12:36:15 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4815 V1

Priority Date	1/24/2005 12:34:48 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - AERIAL PHOTO
Source	1/24/2005 12:37:37 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - CONVERSATION WITH CLAIMANT
Quantity	1/24/2005 12:44:24 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	1/24/2005 12:52:21 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required?

Linda and Michael Rush
9412 W Wright St
Boise, ID 83709

Vicky Music
Idaho Department of Water Resources

RE: SRBA Claim No. 63-4815

Dear Ms Music,

This letter is regarding the water rights claim referenced above. This claim is based on a history of beneficial use. I have had some difficulty pinpointing the earliest point of use, but the following history provides some context. The wastewater ditch runs through this property and, because of the topography, has likely been there since irrigation was established in this area. The subdivision lot that our house is on also has the original homestead structure on it. The wastewater ditch has an old concrete structure designed to access the water. It looks very similar to the concrete used for the walkways for the homestead house. Our house was built in 1965, so that is the very latest date possible for the first beneficial use. This property was sold to Burnett (the person who created the subdivision) in 1945. He would have used the wastewater from that time, but the early deeds for this property date back to the 1920's and were owned by the Wood Creek Sheep Company and Wood Creek Livestock Company, both of whom would have used the water.

I appreciate your assistance in this matter. If there is any further information you need, please let me know.

Sincerely,



Mike Rush

1-28-05 - JET Linda
Rush - where is pond?
close to west prop. line.
ditch goes under glade area.

CONVERSATION MEMO

DATE: 1/24/2005
TO: MEMO TO CLAIM FILE NO. 63-4815
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: EVIDENCE OF PRIORITY

Mr. Michael Rush called this morning. He had received an evidence of priority letter from the OAG and me.

He has not been able to find any evidence for the 1929 priority date. He has talked to neighbors but the old timers are gone, as is the prior owner. I told him I had to have something and asked him to write a letter to me anyway and describe his knowledge of the way the water has been used and why he thinks the 1929 was claimed. Also, I looked at a 1939 aerial while we were on the phone and told him that the only option I might have would be to recommend the 1939 priority date. The property was irrigated then. He doesn't have any problem with my recommending 1939. He will fax me the letter by this Friday.

VLM



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED
DEC 10 2004
WATER RESOURCES
WESTERN REGION

December 7, 2004

LINDA AND MICHAEL RUSH
9412 W WRIGHT ST
BOISE ID 83709

Re: SRBA Claim No. 63-4815

Dear Mr. and Mrs. Rush:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make positive recommendations of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right early next year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Vicky Music at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If we do not hear from you by January 7, 2005 then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in cursive script, reading "Nick Spencer", is written over a horizontal line.

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Vicky Music

Music, Vicky

From: Harvey, Becky
Sent: Friday, December 03, 2004 2:10 PM
To: Music, Vicky
Subject: RE: B 63 letters

Will do.

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

From: Music, Vicky
Sent: Friday, December 03, 2004 2:08 PM
To: Spencer, Nick; Harvey, Becky
Subject: B 63 letters

Hi - I received a great response from the last batch of letters you sent for me -thanks! I need more ! Below is some information but let me know if it is not enough. Also, will you please ask that they have the info to me sometime in the first week of Jan 2005?

1 - 63-4993 and 63- 4994. EOP/ field exam letter sent 8/24 and have been in touch since but has not given me info.

attn: Lee Hanson

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE

SALT LAKE CITY, UT 84150-6312

2 - 63-5274. EOP/filed exam letter sent 8/24. No response - sent to all 3 guys.

J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707
(208)336-2110

Attorney

J R SIMPLOT CO
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
PO BOX 27
BOISE, ID 83707-0027
(208)389-7318

3 - 63-4815/ EOP letter sent 10/15. No response.

Current Owner LINDA RUSH
MICHAEL RUSH
9412 W WRIGHT ST
BOISE, ID 83709
(208)362-4348

4 - 63-15603. EOP/ field exam letter sent 10/15. No response.

HELEN L HUFFMAN
JOHN HUFFMAN
2045 E AMITY RD
MERIDIAN, ID 83642
(208)888-0099

5 - 63-18687. EOP letter sent 10/15. No response.

AARON W KREGER
JANICE KREGER
4410 E FRANKLIN RD
MERIDIAN, ID 83642
(208)322-0346

6 - 63-4995. EOP letter sent 10/12. No response. [new address per Ada co assessor info]

JOHN JOSEPH SMILEY, trustee
2825 Sophie Lake Rd
Eureka ,MT 59917

7 - EOP letter sent 11/8. No response.

WYMOSA WATER TRUST
4900 WYMOSA
BOISE, ID 83703
(208)344-0045

Thanks again - Vicky M



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 15, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL RUSH
LINDA RUSH
9412 W WRIGHT ST
BOISE, ID 83709

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4815

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of this priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by November 1, 2004. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully Submitted,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-4815

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

desktop review/vcm

**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
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4815

Owner: _____ Phone No. _____

Current Address: _____

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

Accompanied by: _____

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: 1-1-1929

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

no evidence in file. send pop letter

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

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

Description of diverting works

SHE CLAIM

OVERLAP REVIEW

Other water rights with the same point of diversion:

NO

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

NA

WATER USES☐ No change☐ Different Uses

Use WV From 5/1 To 11/15 Amount .03 CFS AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

claimed .5 for 1 ac.
↓ Q**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)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes Stock # Types Additional comments: **PLACE OF USE:**☒ No Change☐ Changes shown below:

lot is 1.9 ac.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-20219 - D/S

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

no - D/S - Groundwater

Delivery System Narrative: see claim

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Parcel # R1171010070

N/A Q not a def of inst blu

aka lot 7 Blk 1 Harvey Bennett Sub #2

1-24-05 TCT Michael Rush - cannot find evid of priority.

only source is New York Canal
waste water ditch thru his property & then to stream
cant find 1929 priority evidence. See memo.

AFTER EXAM THE FILE SHOULD CONTAIN:

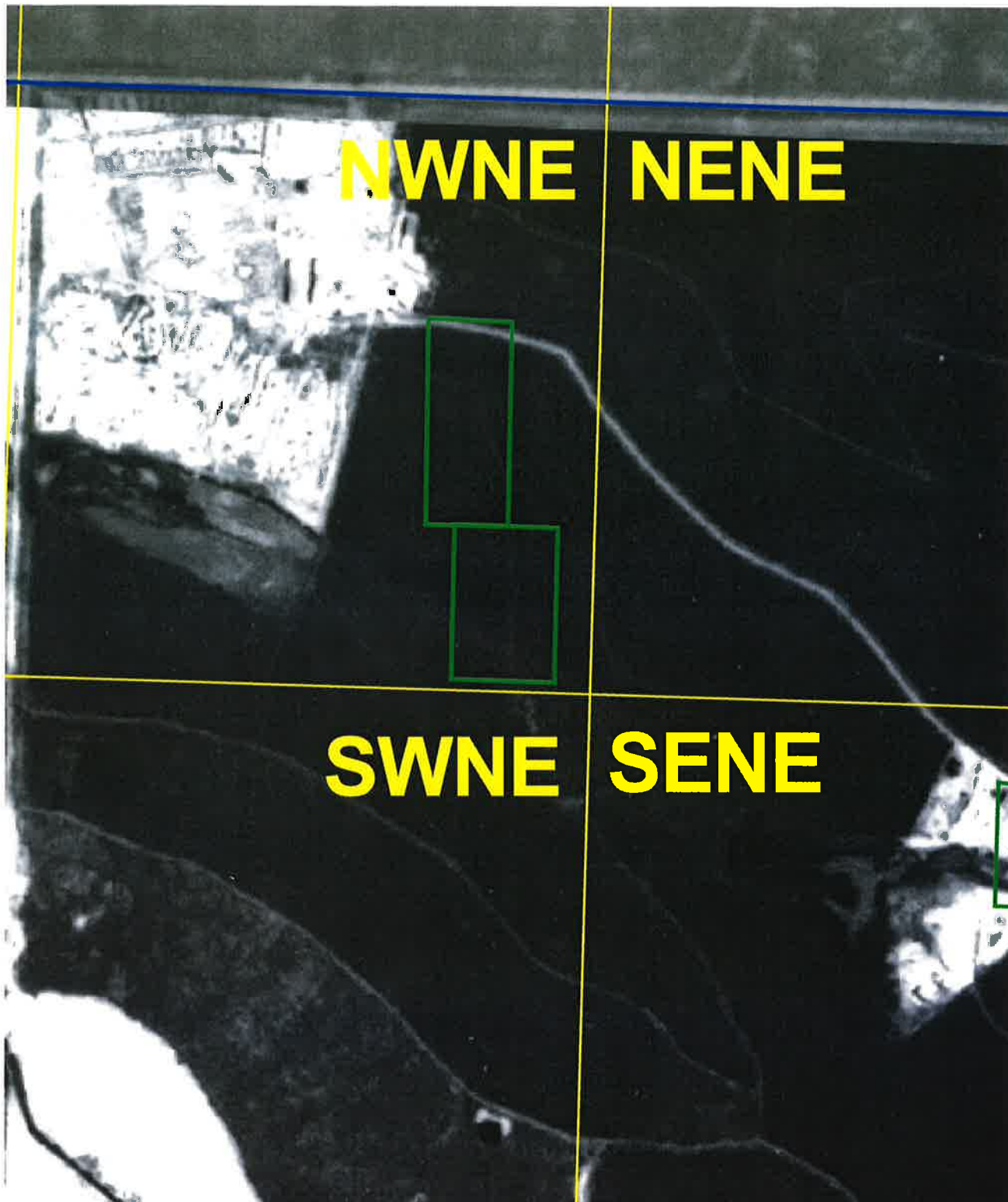
- NA ☒ Completed claim checklist
☐ Photographs of POD's and POU
☐ GPS readings
☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

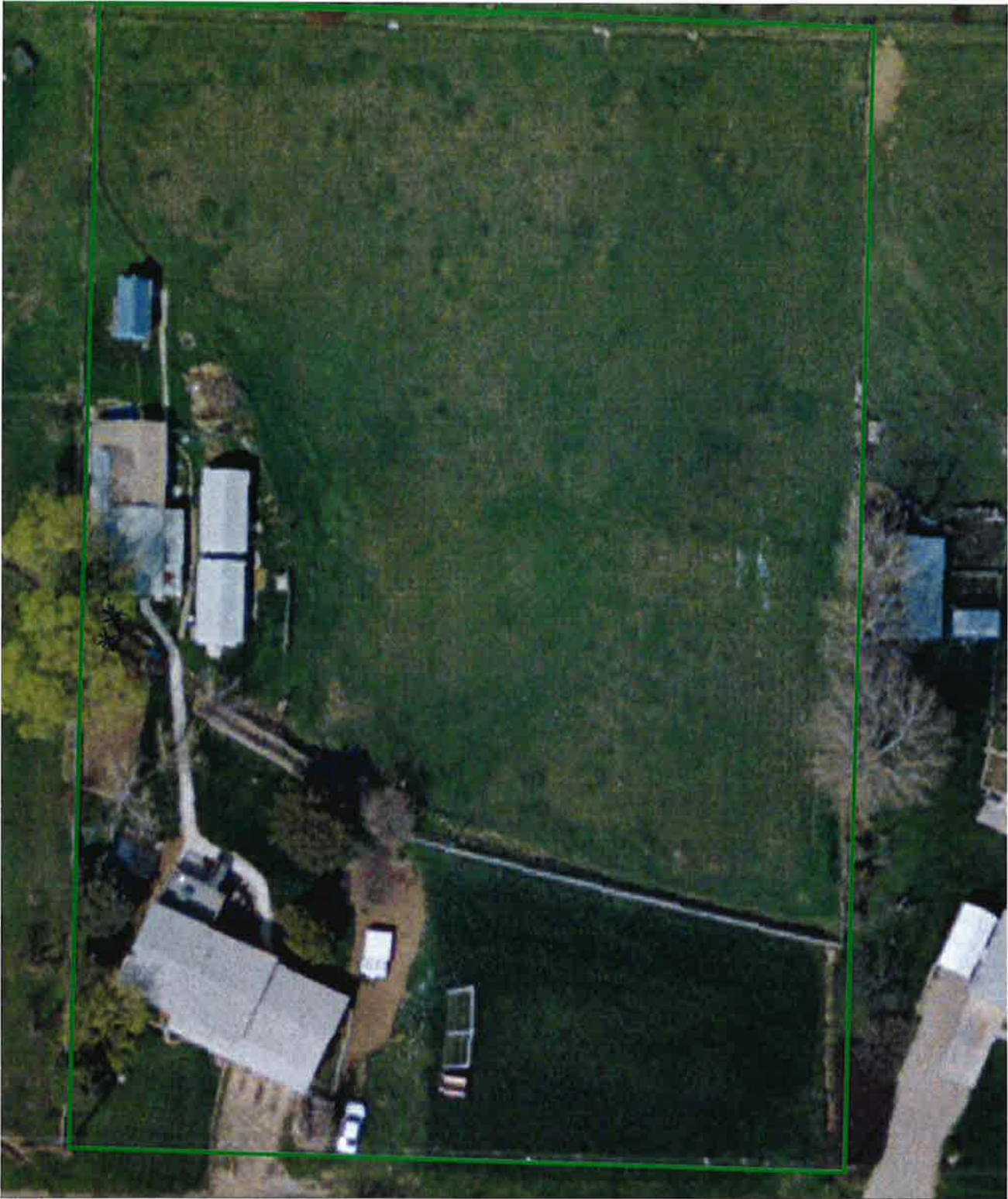
1-24-05

FIELD EXAMINER: _____

Wally Wall



64-4815 - 1939 aerial. I think POD is on the west side of lot close to outbuildings. The southermost POD is 63-4815.



64-4815 - 2003 aerial. Ask M Rush -claimant where POD is.
is it on the west side of lot close to outbuildings?

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4815**

01/24/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4815	Claim	03N	01E	26	NW	NE		IRRIGATION	1/1	LINDA RUSH
15848	Claim	03N	01E	26	NW	NE		IRRIGATION		ROY J WILLIAMSON
4815	Water Right	03N	01E	26	NW	NE		IRRIGATION	1/1	KENNETH E BURLEY
4835	Water Right	03N	01E	26	NW	NE		IRRIGATION	2/2	HARMON D RYAN
22694	Water Right	03N	01E	26	NW	NE		STOCKWATER		GEORGIA MOLENAAR
30219	Water Right	03N	01E	26	NW	NE		STOCKWATER		LINDA RUSH
2576	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	03N	01E	26	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
15848	Claim	03N	01E	26	NW	NE		DOMESTIC		ROY J WILLIAMSON
15591	Water Right	03N	01E	26	NW	NE		DOMESTIC		TOMMY N THOMPSON
17159	Water Right	03N	01E	26	NW	NE		DOMESTIC		GOMER H CONDIT
17730	Water Right	03N	01E	26	NW	NE		DOMESTIC		DARLENE R BOLEN
18184	Water Right	03N	01E	26	NW	NE		DOMESTIC		DOROTHY FRAZIER
18270	Water Right	03N	01E	26	NW	NE		DOMESTIC		CLAYTON A WINN
22417	Water Right	03N	01E	26	NW	NE		DOMESTIC		GWEN V DENNIS
22694	Water Right	03N	01E	26	NW	NE		DOMESTIC		GEORGIA MOLENAAR
30219	Water Right	03N	01E	26	NW	NE		DOMESTIC		LINDA RUSH

Dom, SW, - well

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4815

01/24/2005

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-15591	Claim	03N	01E	26	NW	NE		GROUND WATER	TOMMY N THOMPSON
63-15848	Claim	03N	01E	26	NW	NE		GROUND WATER	ROY J WILLIAMSON
63-17159	Claim	03N	01E	26	NW	NE		GROUND WATER	VIRGINIA W CONDIT
63-18270	Claim	03N	01E	26	NW	NE		GROUND WATER	CLAYTON A WINN
63-30219	Claim	03N	01E	26	NW	NE		GROUND WATER	MICHAEL RUSH
63-4815	Claim	03N	01E	26	NW	NE		WASTE WATER FARMERS LATERAL	LINDA RUSH
63-17730	Claim	03N	01E	26	NW	NE		GROUND WATER	DARLENE R BOLEN
63-22694	Claim	03N	01E	26	NW	NE		GROUND WATER	JAKE MOLENAAR
63-18184	Claim	03N	01E	26	NW	NE		GROUND WATER	WILLIAM M FRAZIER
63-22417	Claim	03N	01E	26	NW	NE		GROUND WATER	GWEN V DENNIS
63-4835	Water Right	03N	01E	26	NW	NE		GROUND WATER	HARMON D RYAN
63-15591	Water Right	03N	01E	26	NW	NE		GROUND WATER	TOMMY N THOMPSON
63-17159	Water Right	03N	01E	26	NW	NE		GROUND WATER	GOMER H CONDIT
63-18270	Water Right	03N	01E	26	NW	NE		GROUND WATER	CLAYTON A WINN
63-30219	Water Right	03N	01E	26	NW	NE		GROUND WATER	LINDA RUSH
63-4815	Water Right	03N	01E	26	NW	NE		WASTE WATER FARMERS LATERAL	KENNETH E BURLEY
63-17730	Water Right	03N	01E	26	NW	NE		GROUND WATER	DARLENE R BOLEN
63-22694	Water Right	03N	01E	26	NW	NE		GROUND WATER	GEORGIA MOLENAAR
63-18184	Water Right	03N	01E	26	NW	NE		GROUND WATER	DOROTHY FRAZIER
63-22417	Water Right	03N	01E	26	NW	NE		GROUND WATER	GWEN V DENNIS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4815

WATER RIGHT NUMBER: 63-4815

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH E BURLEY 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	LINDA RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	MICHAEL RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348

Priority Date: 01/01/1929

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

FARMERS LATERAL

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.500 CFS

Annual Volume

4.5 ac

Total Diversion:

0.500 CFS

Location of Point(s) of Diversion

WASTE WATER

NW1/4NE1/4

Sec. 26, Twp 03N, Rge 01E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T03N R01E S26 NWNE 1.0

Total Acres: 1

Conditions of Approval:Remarks:Comments:Dates and Other Information:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Kenneth E. Burley
(Name of Claimant)
9412 West Wright St. Boise, Idaho 83709 Telephone No. 362-0505
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1929

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Waste Water tributary to Farmers Lateral

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) (Mo., Day)	
Quantity	<u>0.5 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-15</u>	To <u>10-25</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.5 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NE 1/4, Sec. 26 Twp. 3 N Rge. 1 E B.M., County of Ada

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch for Flood Irrigation, Pump for Sprinkler Irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1E	26		1															1

No. of acres 1

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

[illegible]

Stollman
9-34-10-1981

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4815

WATER RIGHT NUMBER: 63-4815

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KENNETH E BURLEY 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	LINDA RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348
Current Owner	MICHAEL RUSH 9412 W WRIGHT ST BOISE, ID 83709 (208)362-4348

Priority Date: 01/01/1929

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	FARMERS LATERAL

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4NE1/4	Sec. 26, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T03N R01E S26 NWNE 1.0

Total Acres: 1

Conditions of Approval:

Remarks:

Comments:

Idaho Department of Water Resources

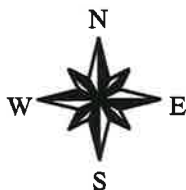
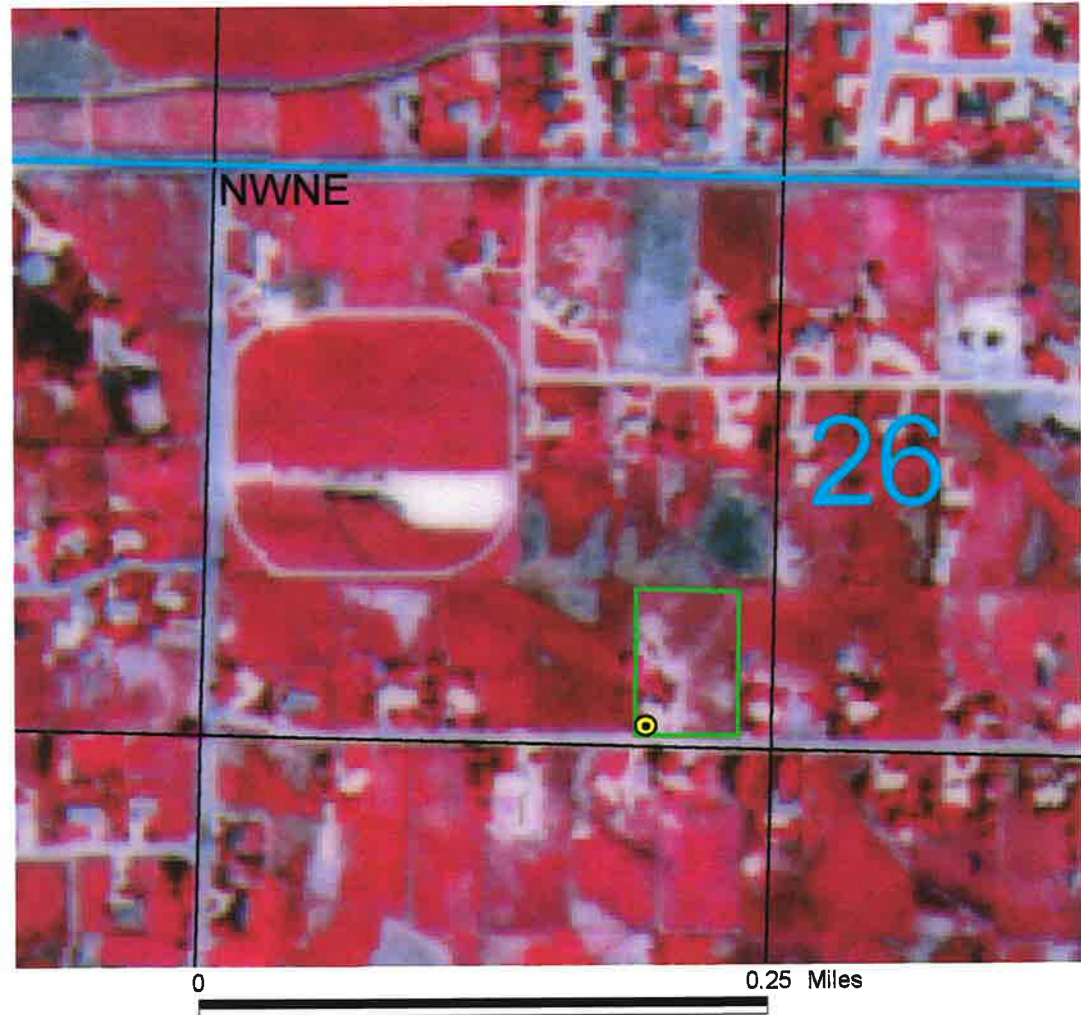
Claim Number: 63-04815

Legal: T03N, R01E, S26

Reviewed By:

1987 Napp Photo

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



Idaho Department of Water Resources

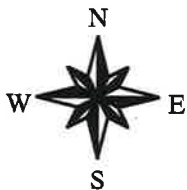
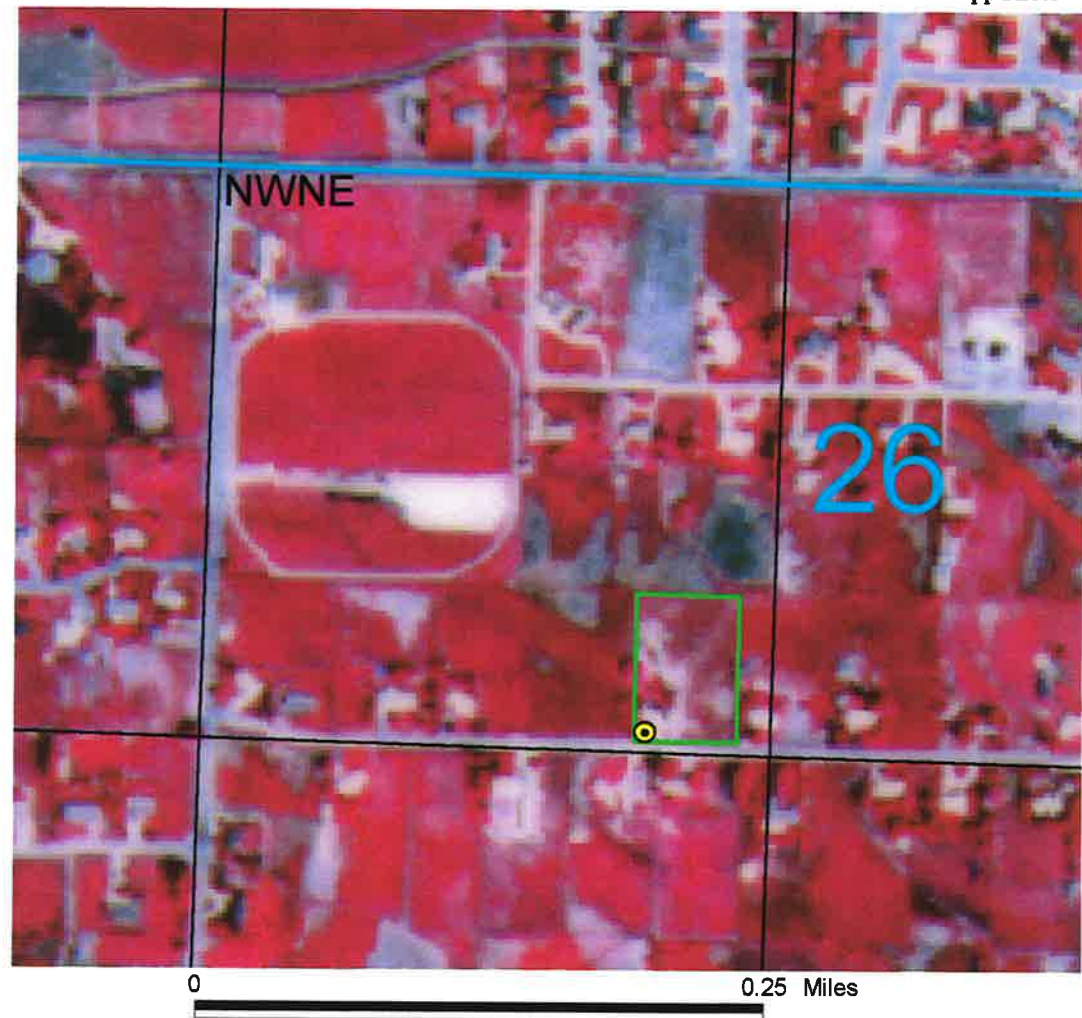
Claim Number: 63-04815

Legal: T03N, R01E, S26

Reviewed By:

1987 Napp Photo

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



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-04815 Date: 3-14-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	26		1															1
GIS					1.9															1.9
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 1

Overlapping POU Claim #'s:

Total GIS Acres: 1.9

COMMENTS:

Per county data / boundaries. POD estimated near home.