

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74954

This is to certify that: JAMES C AMSTUTZ
1649 N CRANE RD
MIDVALE ID 83645
(208)355-2649

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
67-7321	AJC/License	05/03/1977	3.12 cfs	N/A	N/A	257.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-7321	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
67-7321	67-7321	3.12 cfs	N/A	N/A	257.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.12 cfs	N/A	N/A	257.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of September, 20 08


John Westra, Western Regional Manager

WATER RIGHT NO. 67-7321
As Modified by Transfer No. 74954

In accordance with the approval of Transfer No. 74954, Water Right No. 67-7321 is now described as follows.

Right Holder: JAMES C AMSTUTZ
1649 N CRANE RD
MIDVALE ID 83645

Priority Date: May 03, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/15	3.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 10, Twp 12N, Rge 01W, WASHINGTON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N	01W	10		20.0	18.0		34.0	36.0	40.0	40.0	17.0	1.0				30.0	21.0		257.0

Total Acres: 257.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

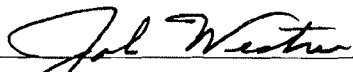
WATER RIGHT NO. 67-7321
As Modified by Transfer No. 74954

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. Rights 67-2378 and 67-7321 when combined shall not exceed a total diversion rate of 3.12 cfs and a total annual maximum diversion volume of 1028.0 af at the field headgate.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of September, 2008


John Westra, Western Regional Manager

12/12/2008

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

RIGHT NUMBER: 67-7321

NAME AND ADDRESS: JAMES C AMSTUTZ
1649 N CRANE RD
MIDVALE ID 83645

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.120 CFS

Rights 67-2378 and 67-7321 when combined shall not exceed a total diversion rate of 3.12 cfs, a total annual maximum diversion volume of 1028.0 af at the field headgate.

PRIORITY DATE: 05/03/1977

POINT OF
DIVERSION:

T12N R01W S10 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.120 CFS
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than <the date of this approval.		

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R01W S10	NWNE	20.00	T12N R01W S10	SWNE	18.00
T12N R01W S10	NENW	34.00	T12N R01W S10	NWNW	36.00
T12N R01W S10	SWNW	40.00	T12N R01W S10	SENE	40.00
T12N R01W S10	NESW	17.00	T12N R01W S10	NWSW	1.00
T12N R01W S10	NWSE	30.00	T12N R01W S10	SWSE	21.00

257 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Saxton, Craig

From: Lester, Steve
Sent: Tuesday, August 05, 2008 11:38 AM
To: Saxton, Craig
Subject: RE: Amstutz Transfer Application, 67-7321

Attachments: 67-7321 xfer.pdf

Hi Craig:

Was out yesterday so wanted to reply before your meeting tomorrow.

Yes, we will expedite. Does not need legal notice so that will save time. Scanned copy of application is attached (not scanned to PowerDocs yet, that will follow). Estimate can issue transfer decision by early September - suggest allowing to early October in case run into unforeseen snags (possible but unlikely).

Application appears to be filled out okay - except am troubled by page 2, item 6c where states 12 acres being moved have never been irrigated - contradicts the current aj recommendation. I will talk to applicant to get a replacement page 2 to reword that info to avoid possible snags.

Let me know if you need anything else for your objection meeting.

Steve



67-7321 xfer.pdf
(307 KB)

From: Saxton, Craig
Sent: Monday, August 04, 2008 8:54 AM
To: Lester, Steve
Cc: Bromley, Chris
Subject: RE: Amstutz Transfer Application, 67-7321

Hey Steve,

BLM won't withdraw their objection based on the filing of the transfer. To refresh, this was a transfer to move 12 acres off of BLM ground onto private ground. It looks like the Transfer application number is 74954.

When we spoke before, you said you might be able to put that on the fast track. Is that possible?

What I am ultimately looking for is to be able to give the Special Master a guestimate of when it could be approved. We have a hearing regarding the objection to 67-7321 which this transfer is to resolve this Wednesday. When we speak with the special master, we will tell him that a transfer has been filed. He will then want to schedule a status conference a few months out which is basically just a meeting where we tell him how we are progressing with resolving the objection. We just need to let him know if we are talking months or years.

Could you confirm that the transfer is appropriately filled out to remove 12 acres from the SESE of 12N, 1W, S10. BLM pulled a copy of the transfer from the external website and it doesn't look like that 12 acres is being moved. On our side of the database in the query tools, it says data entry incomplete and Shelley tells me that is because it is just a placeholder until the transfer is actually data entered. Actually, I would really like a scanned copy of the transfer to take to the hearing if I could get one. I had Shelley check the backfile and it looks like it isn't scanned yet.

Thanks,

Craig

From: Lester, Steve

Sent: Monday, July 21, 2008 11:34 AM
To: Saxton, Craig
Subject: Amstutz Transfer Application, 67-7321

Craig:

Here is confirmation that Western Region received the Amstutz transfer application on 7/14/08 filed to resolve BLM objection about public land.

We will try to expedite it to move things along.

Meanwhile, please let me know if you need anything in this regard.

Steve

JUL 17 2008

JUL 14 2008

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

74954

Total Acres 257

PART 1

6. General Information:

a. Description of diversion system WELL WATER PUMPED VIA BURIED PIPELINE
TO WHEEL LINES

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THE 12 ACRES OF BLM LAND IS NOT IRRIGATED NOR
HAS IT EVER BEEN IRRIGATED.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Receipt No. _____

Current Water Right No. 67-7321**Priority Date:** 05/03/1977**Origin:** Adjudication Recommendation**Basis:** License**Status:** Active**Source:** GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	3.12 CFS		
	Total Diversion	3.12 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENW 12N 01W 10 WASHINGTON

PLACE OF USE: IRRIGATION

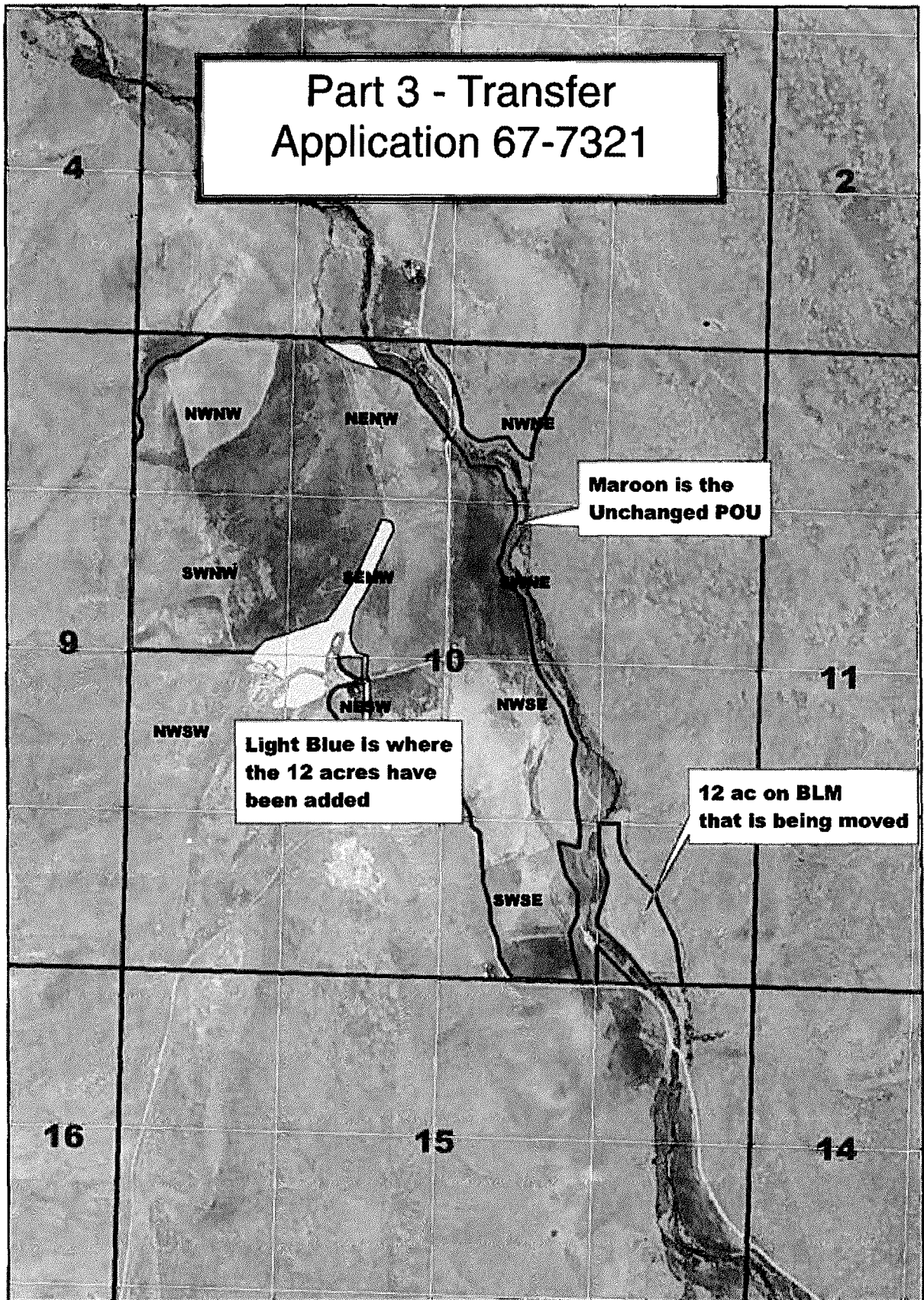
Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12N 01W 10		20.0	18.0		32.0	36.0	39.0	35.0	14.0						30.0	21.0	12.0	257.0

Total Acres: 257

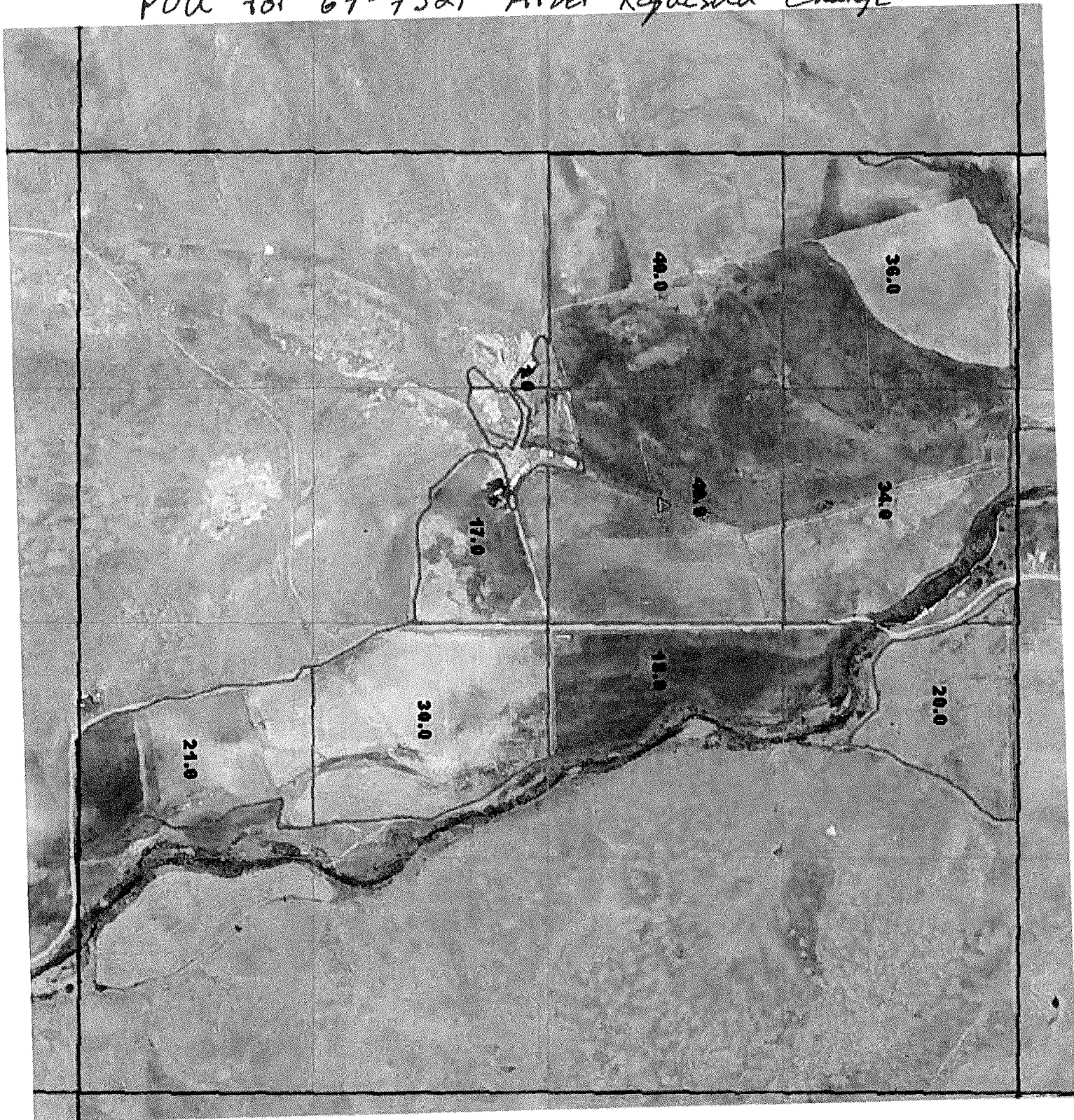
Conditions/Remarks:

1. Right Nos. 67-2378 and 67-7321 are limited to a total combined annual diversion volume of 1028.0 AF.
2. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 1 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.
3. 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. Right Nos. 67-2378 and 67-7321 are limited to a total combined diversion rate of 3.12 cfs.

Part 3 - Transfer Application 67-7321



POU for 67-7321 After Requested Change.



PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

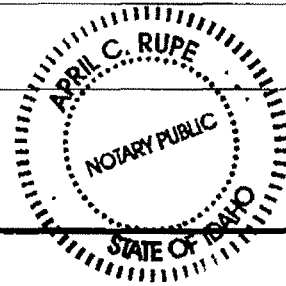
[Signature]
 (Signature of Applicant)

JAMES C. AMSTUTZ
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 11th day of July, 2008

April C. Rupe
 (Notary Public)

My commission expires 4-26-2013

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 7/14/08 Protest filed by _____

Prelim. Check by _____ Fee \$370.00

Received by [Signature] COB7275 Date 7/14/08

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

AUG 22 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

Case No. 39576

A. Subcase 67-07321
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: James C. Amstutz
Address: 4685 Beacon Ave.; Emmett, Idaho 83617

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

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:
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: See attached.

11. 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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

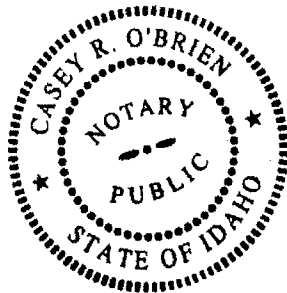
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Casey A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

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.

G. CERTIFICATE OF MAILING

I certify that on August 20th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

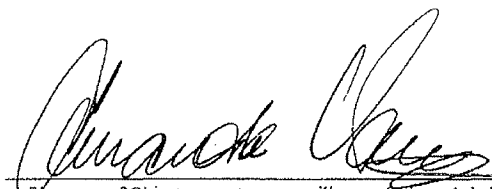
Name: James C. Amstutz
Address: 4685 Beacon Ave.; Emmett, Idaho 83617
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

12/21/2006

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

RIGHT NUMBER: 67-7321

POU on BLM:

NAME AND ADDRESS: JAMES C AMSTUTZ
4685 BEACON AVE
EMMETT ID 83617

-The Place of Use identified below is public land and agricultural activity is not authorized.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.120 CFS

Right Nos. 67-2378 and 67-7321 are limited to a total combined annual diversion volume of 1028.0 AF.

Right Nos. 67-2378 and 67-7321 are limited to a total combined diversion rate of 3.12 cfs.

PRIORITY DATE: 05/03/1977

POINT OF
DIVERSION: T12N R01W S10 NWSESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.120 CFS
The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 1 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 WASHINGTON County

T12N R01W S10	NWNE	30.00	T12N R01W S10	SWNE	18.00
T12N R01W S10	NENW	32.00	T12N R01W S10	NWNW	36.00
T12N R01W S10	SWNW	39.00	T12N R01W S10	SENE	35.00
T12N R01W S10	NESW	14.00	T12N R01W S10	NWSE	30.00
T12N R01W S10	SWSE	21.00	T12N R01W S10	SESE	12.00
257 ACRES TOTAL					

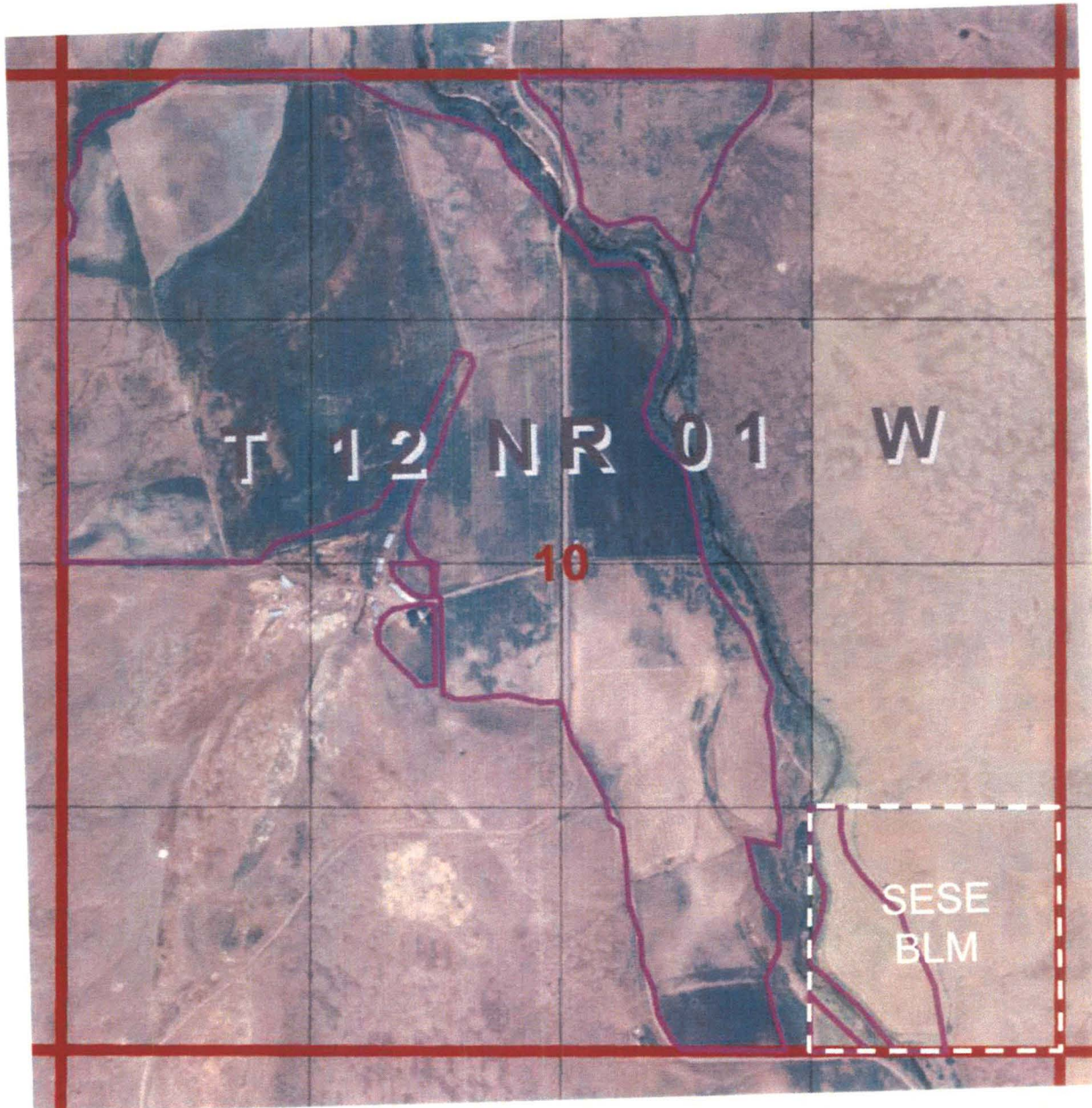
BLM

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

67-07321; Amstutz



POU on BLM:

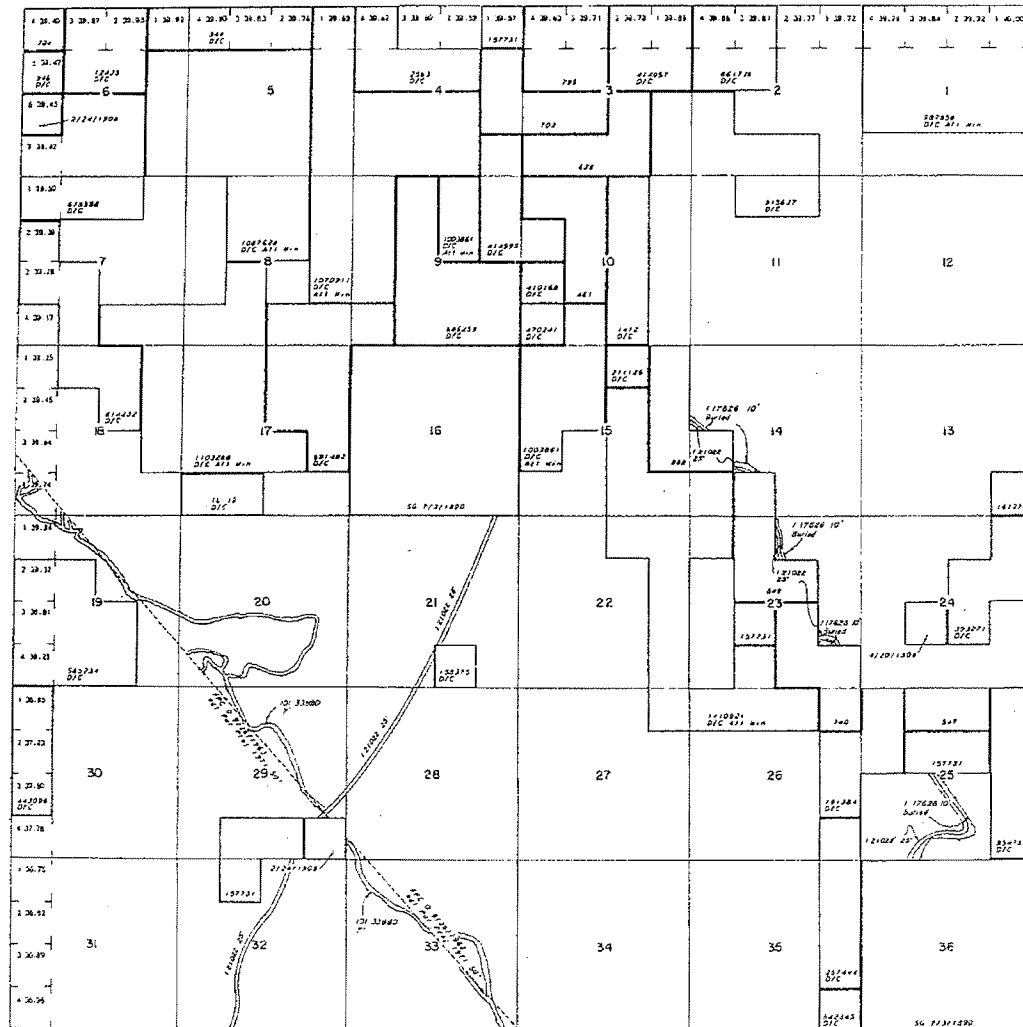
-The Place of Use T12N R01W S10 SESE 12.00 acres is not authorized.

-Please remove the Place of Use from recommendation and adjust acres accordingly.

-Shapefile needs to be adjusted to remove public land.

BOISE DISTRICT SEC 3

MT PLAT



SCALE in Chains

WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the membership survey data. Results become less and less reliable with changes which have been assumed by lateral movements of census or other bodies of water. Refer to the statistical surveys for official survey information.

[illegible]

FOR DROEGHS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

SUBMIT TO	CURRENT TO
USE PLATS:	

Doris Murr

* 12 61

R. I. H.

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, March 04, 2008 11:51 AM
To: 'jacattle@ruralnetwork.net'
Subject: Transfer of 12 acres from BLM ground to new ground
Attachments: proposed pou 67-7321.jpg; recommended pou 67-7321.jpg; old and new combine.jpg; new location 12 acres.jpg

Dear Mr. Amstutz,

I am attaching 4 maps. I tried to add the 12 acres in the middle around the house as you told me on the phone, but I don't know if that is what you were looking for. Take a look at the maps and let me know what you think. We can move the 12 acres where ever you want. Once we figure out where you want them moved, we can start completing the transfer application.

Thanks,

Craig
craig.saxton@idwr.idaho.gov
287-4916

4-1-08: Called and left message

12/12/2006

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

RIGHT NUMBER: 67-7321

NAME AND ADDRESS: JAMES C AMSTUTZ
4685 BEACON AVE
EMMETT ID 83617

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.120 CFS

Right Nos. 67-2378 and 67-7321 are limited to a total combined annual diversion volume of 1028.0 AF.

Right Nos. 67-2378 and 67-7321 are limited to a total combined diversion rate of 3.12 cfs.

PRIORITY DATE: 05/03/1977

POINT OF DIVERSION:

T12N R01W S10 NWSESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

3.120 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 1 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 WASHINGTON County

T12N R01W S10	NWNE	20.00	T12N R01W S10	SWNE	18.00
T12N R01W S10	NENW	32.00	T12N R01W S10	NWNW	36.00
T12N R01W S10	SWNW	39.00	T12N R01W S10	SENW	35.00
T12N R01W S10	NESW	14.00	T12N R01W S10	NWSE	30.00
T12N R01W S10	SWSE	21.00	T12N R01W S10	SESE	12.00

257 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

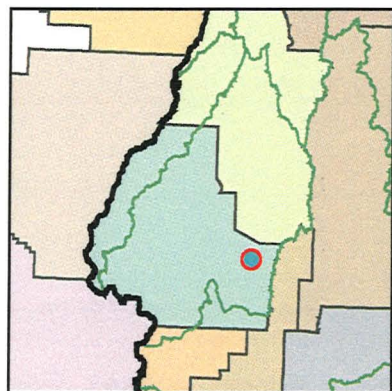
SRBA Recommendation:

67-7321

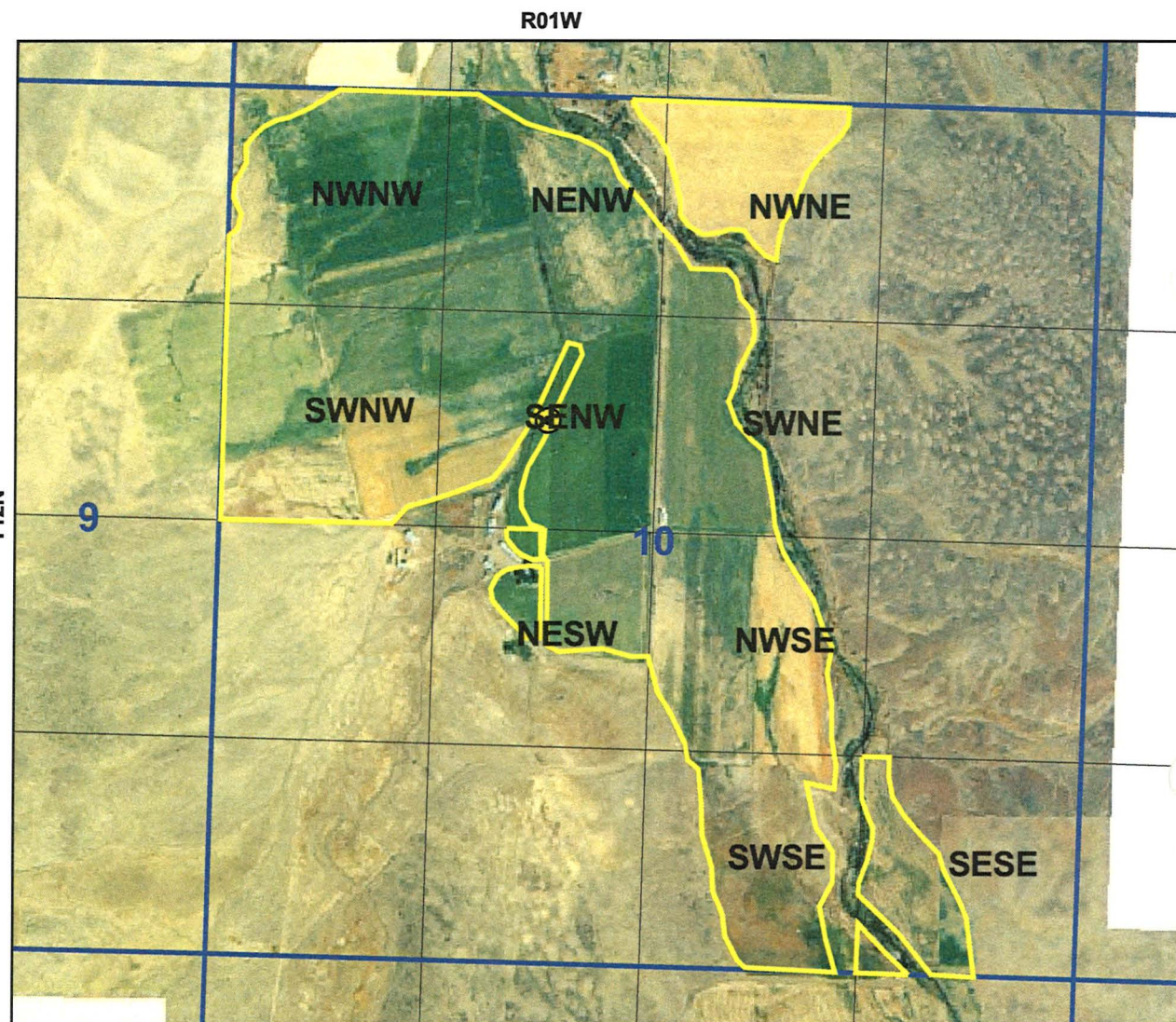
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by IDWR State Office
On Tuesday, December 12, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7321 V1

WATER RIGHT NUMBER: 67-7321 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES C AMSTUTZ 4685 BEACON AVE EMMETT, ID 83617 (208)365-2649
Original Owner	GAY CRAIG 1649 N CRANE RD MIDVALE, ID 83645 (208)355-2480
Original Owner	JAMES D CRAIG 1649 N CRANE RD MIDVALE, ID 83645 (208)355-2480

Priority Date: 05/03/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	3.120 CFS	
	<u>Total Diversion:</u>	3.120 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SW1/4	Sec. 10, Twp 12N, Rge 01W, B.M.
WASHINGTON 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	
12N	01W	10	20.0	18.0			32.0	36.0	39.0	35.0	14.0					30.0	21.0	12.0	257.0

Total Acres: 257

Conditions of Approval:

1. E53 Right Nos. 67-2378 and 67-7321 are limited to a total combined annual diversion volume of 1028.0 AF.
2. S40 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 1 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.

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Adjudication Recommendation Report 67-7321 V1

3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. E51 Right Nos. 67-2378 and 67-7321 are limited to a total combined diversion rate of 3.12 cfs.

Remarks:Comments:

1. mvanbussum 12/12/2006 Recombined

Comment: 67-14315 and 67-14316 have been recombined into 67-7321.

2. mvanbussum 12/12/2006 copied from remarks

Comment: This claim has been split. See nos. 67-14315 (Craig) & 67-14316 (Amstutz). DH 5/30/2002

3. mvanbussum 12/12/2006 Copied from remarks

Comment: It appears that the point of diversion was incorrect on the license. The location of the well has not changed since initial development of the system; however, it appears that the correct legal description is as identified on this claim.

4. mvanbussum 12/12/2006 Period of Use

Comment: Licensed period of use is 4/15 to 10/15. IDWR current standard is 3/15 to 10/31. Added shoulder remark.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.12	1028	
Combined Water Rights: 67-2378 , 67-7321		

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	12/12/2006 4:39:07 PM	mvanbussum			Active
Priority Date	12/12/2006 4:40:04 PM	mvanbussum			Active
POD	12/12/2006 4:40:16 PM	mvanbussum			Active
Source	12/12/2006 4:42:49 PM	mvanbussum			Active
POU	12/12/2006 4:43:02 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-7321 V1

Use	12/12/2006 4:51:09 PM	mvanbussum	Active
Season	12/12/2006 4:52:04 PM	mvanbussum	Active
Quantity	12/12/2006 4:57:04 PM	mvanbussum	Active
Summary	12/12/2006	mvanbussum	Active
Summary	12/12/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/12/2006 4:39:10 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	12/12/2006 4:40:18 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	12/12/2006 4:42:28 PM	mvanbussum	Updated shape
Source	12/12/2006 4:42:51 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/12/2006 4:43:04 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/12/2006 4:49:04 PM	mvanbussum	Updated shape for Active POU
Use	12/12/2006 4:51:12 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

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Adjudication Recommendation Report 67-7321 V1

General	12/12/2006 4:40:06 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	12/12/2006 4:49:29 PM	mvanbussum	Updated PLS for Active POU
Season	12/12/2006 4:52:07 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	12/12/2006 4:57:07 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Recommended as licensed.
Summary	12/12/2006 4:58:04 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

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Adjudication Recommendation Report 67-7321 V1

Summary	12/12/2006 4:59:24 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:

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 67-7321
Date Received: 9/27/1989
Receipt No: C011806
Received By:

COPY

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES C AMSTUTZ Phone: (208)355-2649

1649 N CRANE RD
MIDVALE ID USA 83645

2. Date of Priority: 05/03/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	01W	10	NW SE SW	WASHINGTON	

5. Description of diverting works:

WELL, 200' DEEP, PUMP 100 HP MOTOR, PUMP AT 130', STATIC WTR 70'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.12	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	01W	10	NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	18
			NE	NW	IRRIGATION	32
			NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	34
			NE	SW	IRRIGATION	14
			NW	SE	IRRIGATION	30
			SW	SE	IRRIGATION	21
			SE	SE	IRRIGATION	12
					Section Acres	257
					Total Acres	257

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim has been split. See nos. 67-14315 (Craig) & 67-14316 (Amstutz). DH 5/30/2002

It appears that the point of diversion was incorrect on the license. The location of the well has not changed since initial development of the system; however, it appears that the correct legal description is as identified on this claim.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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: A67-07321
Date Received: 9/27/1989
Receipt No: coll 806
Received By: hat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES D. CRAIG 208-355-2480
Address: 1649 NORTH CRANE ROAD
MIDVALE, ID 83645

OR

Name: GAY CRAIG 208-355-2480
Address: 1649 NORTH CRANE ROAD
MIDVALE, ID 83645

2. Date of Priority: MAY 03, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	01W	10	NW	SE	SW		WASHINGTON

5. Description of diverting works:
WELL, 200' DEEP, PUMP 100 HP MOTOR, PUMP AT 130', STATIC WTR 70'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.120		

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

8. Total consumptive use is 771.0 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
SEP 17 2007

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	01W	10	NW		NE		IRR	20.0
			SW		NE		IRR	18.0
			NE		NW		IRR	32.0
			NW		NW		IRR	37.0
			SW		NW		IRR	39.0
			SE		NW		IRR	34.0
			NE		SW		IRR	14.0
			NW		SE		IRR	30.0
			SW		SE		IRR	21.0
			SE		SE		IRR	12.0
							Section Acres	257.0
							Total Acres	257.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
LICENSE 67-2378.

14. Remarks:
It appears that the point of diversion was incorrect on the license. The location of the well has not changed since initial development of the system; however, it appears that the correct legal description is as identified on this claim.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 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): + James D. Craig Date: + Sept 27, 89

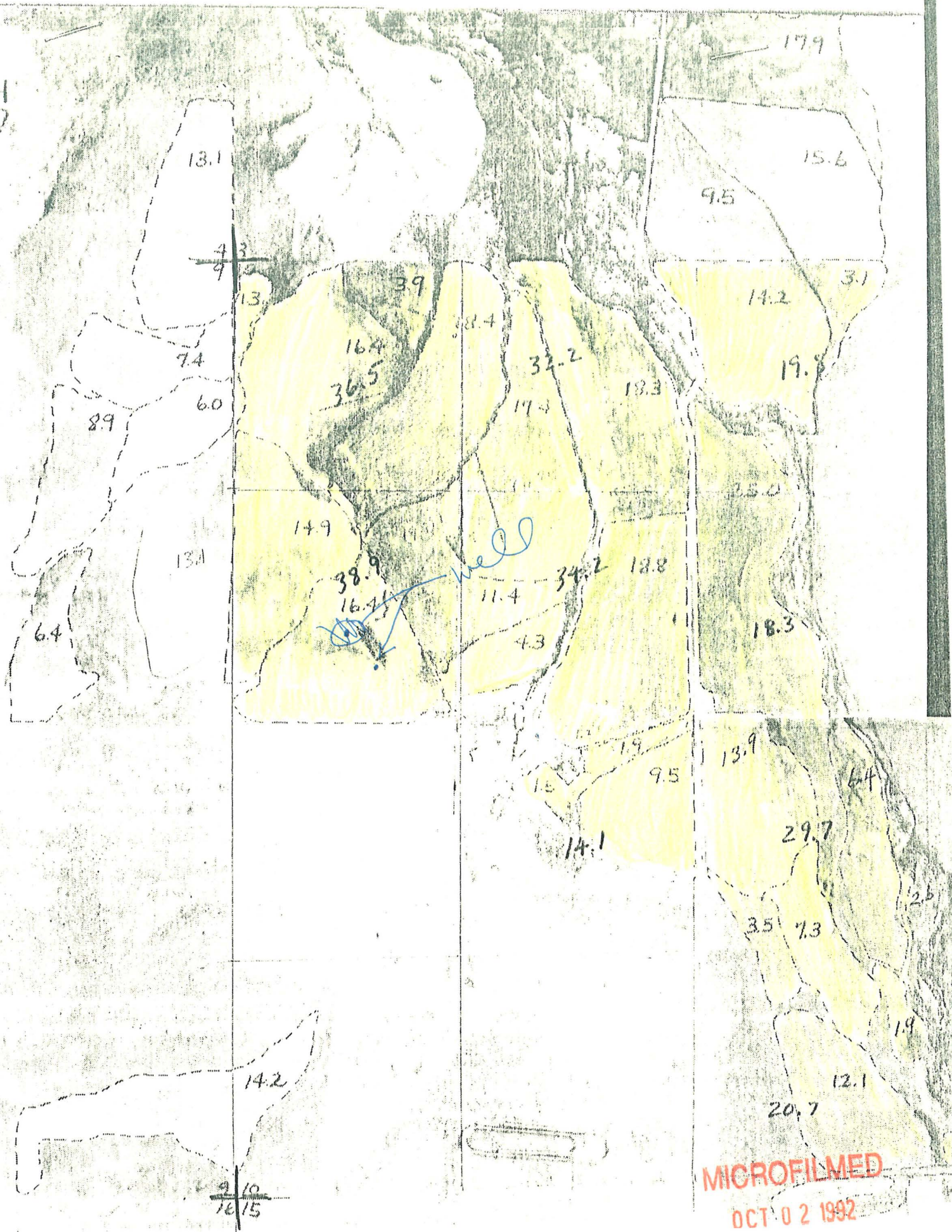
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of September 19 89 Abel Harrington

Seal

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

[illegible]

MICROFILMED
OCT 02 1992

SPLIT CLAIM

Page 1

05/30/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-7321

WATER RIGHT NUMBER: 67-7321

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GAY CRAIG 1649 NORTH CRANE RD MIDVALE, ID 83645 (208)355-2480
Original Owner	JAMES D CRAIG 1649 NORTH CRANE RD MIDVALE, ID 83645 (208)355-2480

Priority Date: 05/03/1977

Basis: License

Status: **Parent**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15	to 10/15	3.120 CFS	
	<u>Total Diversion:</u>		3.120 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SW1/4 Sec. 10, Twp 12N, Rge 01W, B.M. WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T12N R01W S10	NWNE	20.0	T12N R01W S10	SWNE	18.0
T12N R01W S10	NENW	32.0	T12N R01W S10	NWNW	37.0
T12N R01W S10	SWNW	39.0	T12N R01W S10	SENE	34.0
T12N R01W S10	NESW	14.0	T12N R01W S10	NWSE	30.0
T12N R01W S10	SWSE	21.0	T12N R01W S10	SESE	12.0

Total Acres: 257

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-7321Remarks:

1. General It appears that the point of diversion was incorrect on the license. The location of the well has not changed since initial development of the system; however, it appears that the correct legal description is as identified on this claim.

2. General This claim has been split. See nos. 67-14315 (Craig) & 67-14316 (Amstutz). DH
5/30/2002

Comments:Dates and Other Information:

Claim Received Date: 7321
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed: False
DLE Act Number:
Carey Act Number:
Mitigation Plan: OR

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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