

MEMORANDUM

TO: 63-33897
FROM: Rachel Sommer
DATE: January 11, 2017
RE: Application for Permit 63-33897 and Ownership Change for 63-3221 and 63-33896.

On January 21, 2014 Steven P Calverly submitted an application for permit to appropriate .93 cfs for irrigation purposes along with an ownership change to split right 63-3221.

The ownership change split was completed pursuant to the warranty deed submitted. Right 63-3221 was originally for 2.94 cfs and 675.0 af for 150 acres. Once split the original owners retained right no. 63-3221 with 1.58 cfs and 363.2 af for 80.7 acres and the new owner, John P Calverly, was assigned right no. 63-33896 with 1.36 cfs and 311.9 af for 69.3 acres.

On the application for permit form, the applicants described owning a slightly less amount of right 63-3221 than what was assigned through the completed ownership change. The agent assigned to review the application for permit found a deed that stated a third party, Michael Homan, at one point had a 1/3 interest in right 63-3221 but not the land. The agent worked with staff at our State Office to determine if modifications to the rights were needed to include Mr. Homan as an owner of a portion of the right. On May 26, 2015 IDWR sent a letter to Mr. Homan to inquire if he still had any interest in the right. To date, no response has been received by Mr. Homan.

I was assigned to process the application for permit filing in the name of Steven P Calverly. Reviewing the completed ownership change and supporting documents I found no reason to believe Mr. Homan has interest in right 63-3221. Mr. Homan was sent a letter in January of 2015 acknowledging the completed ownership change and on May 26, 2015 a letter of inquiry was also sent. Mr. Homan has had applicable time to come forward to express his interest in right 63-3221. It's unnecessary to hold this application for permit any longer. If at any time Mr. Homan feels he is entitled to a portion of right he should come forward and submit a Notice of Change in Water Right Ownership.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-3221

1/23/2014

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JOHN M MARSHALL GIVENS PURSLEY LLP 601 W BANNOCK PO BOX 2720 BOISE, ID 83702 (208)388-1200
Current Owner	ORACO A PARTNERSHIP 735 N OVERLAND BURLEY, ID 83318 (208)678-9019
Current Owner	LOUISE MICHELLE SMITH C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	VANNESS ANDERSON C/O OSTEROUT & POPE S OVERLAND AVE BURLEY, ID 83318 (208)678-3027
Current Owner	VERDA ANDERSON C/O OSTEROUT & POPE S OVERLAND AVE BURLEY, ID 83318 (208)678-3027
Current Owner	SONI PADERSON C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	CARMEN GARRARD C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	CLIFFORD TODD SMITH C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	MICHAEL S HOMAN 2229 W STATE ST STE B BOISE, ID 83702 (208)429-1900
Current Owner	ANDERSON ENTERPRISES

Before Split

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-3221

1/23/2014

RT 2 BOX 2431
 BURLEY, ID 83318
 (208)678-4433

Original Owner FRED H WOLSKE
 15000 S CLOVERDALE RD
 KUNA, ID 83634
 (208)362-0964

Priority Date: 1/19/1961

Basis: Decreed

Status: PARENT

Source
 GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.940 CFS

Volume

675.0 AF

Total Diversion

2.940 CFS

675.0 AF

Source and Point(s) of Diversion

GROUND WATER

NENESE

Sec. 26, Twp 02N, Rge 01E, ADA County

Place Of Use

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	26			3.0										27.0	40.0	40.0	40.0	150.0

POU Total Acres: 150.0

Conditions of Approval:

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Combined Use Limits

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-3221

1/23/2014

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License

63-3221

Before Split



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

0 0.075 0.15 0.3 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2017

Water Right 63-3221

AFTER SPLIT

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUISE MICHELLE SMITH C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	SONI PADERSON C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	CARMEN GARRARD C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	CLIFFORD TODD SMITH C/O CLIFF SMITH OAKLEY, ID 83346 (208)678-8864
Current Owner	ANDERSON ENTERPRISES RT 2 BOX 2431 BURLEY, ID 83318 (208)678-4433
Current Owner	VANNESS ANDERSON C/O OSTEROUT & POPE 1710 S OVERLAND AVE BURLEY, ID 83318 (208)678-3027
Current Owner	VERDA ANDERSON C/O OSTEROUT & POPE 1710 S OVERLAND AVE BURLEY, ID 83318 (208)678-3027
Current Owner	MICHAEL S HOMAN 7402 TOBI ST BOISE, ID 83714 (208)429-1900

Priority Date: 1/19/1961

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2017

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.580 CFS	363.2 AF
	<u>Total Diversion</u>		1.580 CFS	363.2 AF

Source and Point(s) of Diversion

GROUND WATER NENESE Sec. 26, Twp 02N, Rge 01E, ADA County

Place Of Use

IRRIGATION within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	26													20.2		20.5	40.0	80.7

POU Total Acres: 80.7

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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.

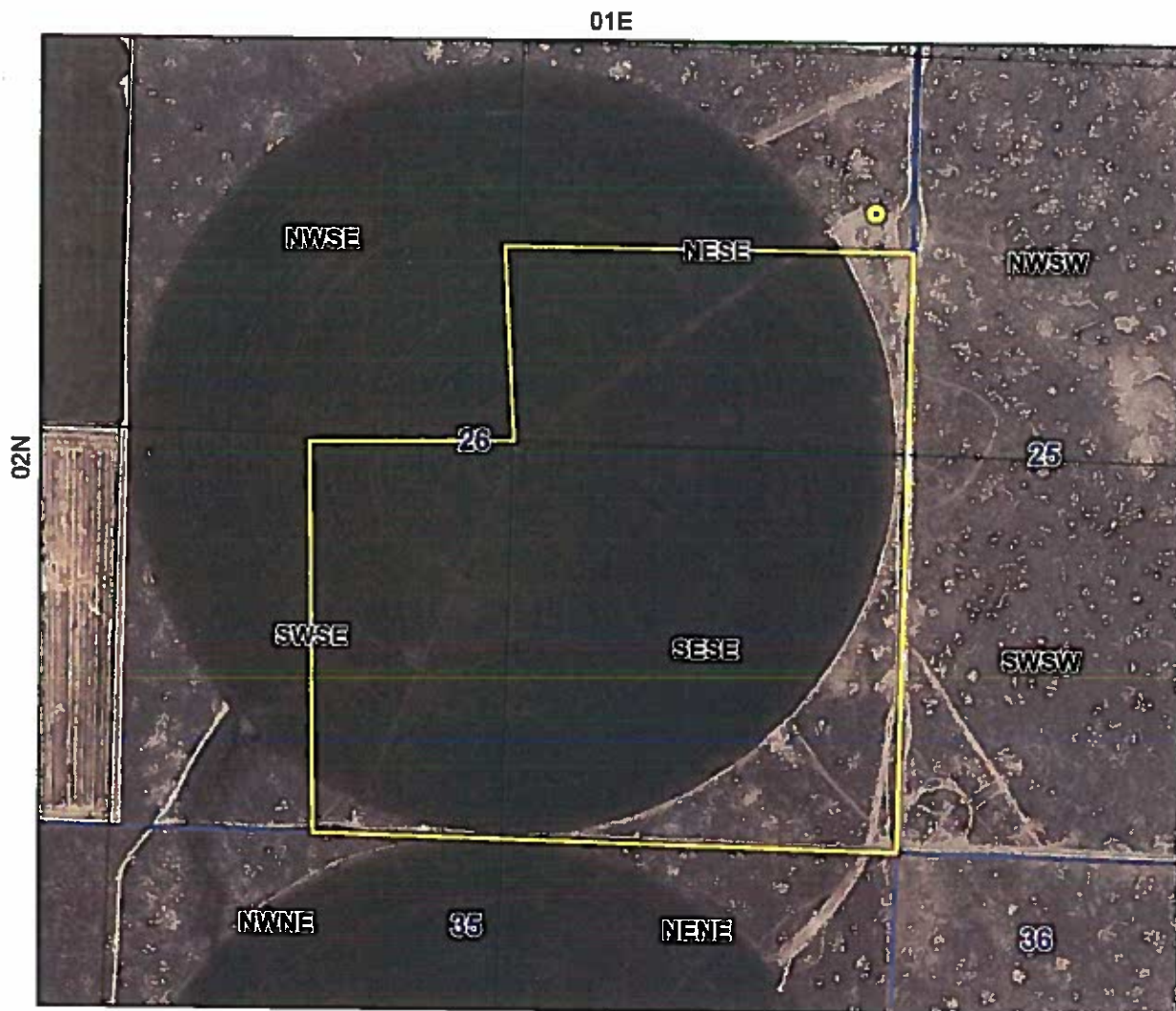
Combined Use Limits: N/A

SubCase: N/A

Water Supply Bank: N/A

State of Idaho
Department of Water Resources
Water Right License
63-3221

After Split



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

0 0.075 0.15 0.3 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/11/2017

Water Right 63-33896

AFTER SPLIT

Owner Type
Current Owner
Name and Address
STEVEN P CALVERLEY
247 N BENE POSTO PL
BOISE, ID 83712-7598
(208) 941-1089

Priority Date: 1/19/1961

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.360 CFS	311.9 AF
	Total Diversion		1.360 CFS	311.9 AF

Source and Point(s) of Diversion

GROUND WATER

NENESE

Sec. 26, Twp 02N, Rge 01E, ADA County

Place Of Use

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	26			3.0										6.8	40.0	19.5		69.3

POU Total Acres: 69.3

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.

Combined Use Limits: N/A

SubCase: N/A

Water Supply Bank: N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 23, 2014

LOUISE MICHELL SMITH
VANNESS ANDERSON
VERDA ANDERSON
SONI PADERSON
CARMEN GARRARD
CLIFFORD TODD SMITH
MICHAEL S HOMAN
ANDERSON ENTERPRISES
ORACO A PARTNERSHIP

Re: Change in Water Right Ownership: Water Right No. 63-3221 (Split into 63-3221 and 63-33896)

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208-287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

c: Givens Pursley



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 26, 2015

MICHAEL S HOMAN
7402 TOBI ST
BOISE ID 83714

RE: Interest in Water Right 63-3221

Dear Mr. Homan,

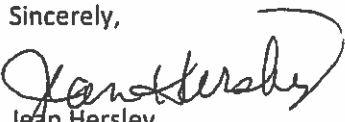
The Department of Water Resources is writing to inquire whether you still have an undivided interest in water right 63-3221. You are listed as one of eight (8) current owners on this right. The water right is located in Township 02N, Range 01E, Section 26, Ada County, which is off of S Maple Grove Rd.

Steven Calverley submitted a Notice of Change in Water Right Ownership in January, 2014 which split water right 63-3221 for his portion. Mr. Calverley received a diversion rate of 1.36 cfs, diversion volume of 311.9 af and 69.3 acres. If you still have your undivided interest in the original right, the Department will need to modify the water right records to show this.

Mr. Calverley submitted an Application for Permit that overlaps with this water right. The Department cannot proceed with the application review until we know how much water Mr. Calverley received with his purchase of a portion, and if you have an interest in this water right.

Please let me know as soon as possible so our Western Region office may continue processing the Application for Permit for Mr. Calverley. If you have any questions, please contact me at (208) 287-4942. Thank you.

Sincerely,


Jean Hersley
Technical Records Specialist II