

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-12372

WATER RIGHT NUMBER: 63-12372

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVE SIMMONS 12470 W ABLE DR STAR, ID 83669 (208)286-9576
Current Owner	SCOTT DRAYTON 12470 W ABLE DR STAR, ID 83669 (208) 286-0986
Current Owner	SUSAN DRAYTON 12470 W ABLE DR STAR, ID 83669 (208) 286-0986

Priority Date: 11/29/1996

Basis:

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER L4 (SW1/4 SW1/4) Sec. 31, Twp 05N, Rge 01W, B.M. ADA County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 01W 31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
											2.0						L 4

Total Acres: 2

Conditions of Approval:

SCANNED

NOV 19 2008

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-12372

Remarks:Comments:Dates and Other Information:

Application Received Date: 11/29/1996
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

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

Water Supply Bank:

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 25 2008

WATER RESOURCES
WESTERN REGION

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Dave Simmons, hereby assign to Scott & Susan Draughton
of, 12470 W. Able Dr., Star, ID 83669 (208) 286-0986
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 63-12372
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

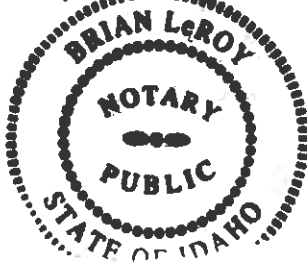
Made this 24th day of SEPT., 2008.

Dave SS
Applicant(s)

State of Idaho)
County of Ada)ss

On this 24th day of September, 2008, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL



4548 W. Aspen Creek st Meridian ID 83642
Notary Public residing at

Brian Leroy Brian Leroy

My commission expires: June 9, 2012

✓ data-entry done 9/30/08

SCANNED

NOV 19 2008

Assigned to
Drayton's
9/25/08.

Ident. No. 63-12372

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DAVE SIMMONS 208-286-9576
Address: 12470 W ABLE
STAR ID 83669
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: Lot 4 (SWSW), Sec. 31, Township 05N, Range 01W
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.060		
5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, SPRINKLERS
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 01/01/1976
Drilling Firm UNKNOWN
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05N	01W	31	Lot 4 (SWSW)	02		2

Total number of acres irrigated: 2

SCANNED

NOV 19 2008

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

See Original →

Applicant



Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by _____ #W021764 Date 11/29/1996

Publication prepared by DB Date 11/13 2008 Published in IDAHO STATESMAN

Publication approved _____ DATE: _____ Date NOVEMBER 20 & 27, 2008

Ident. No. 63-12372

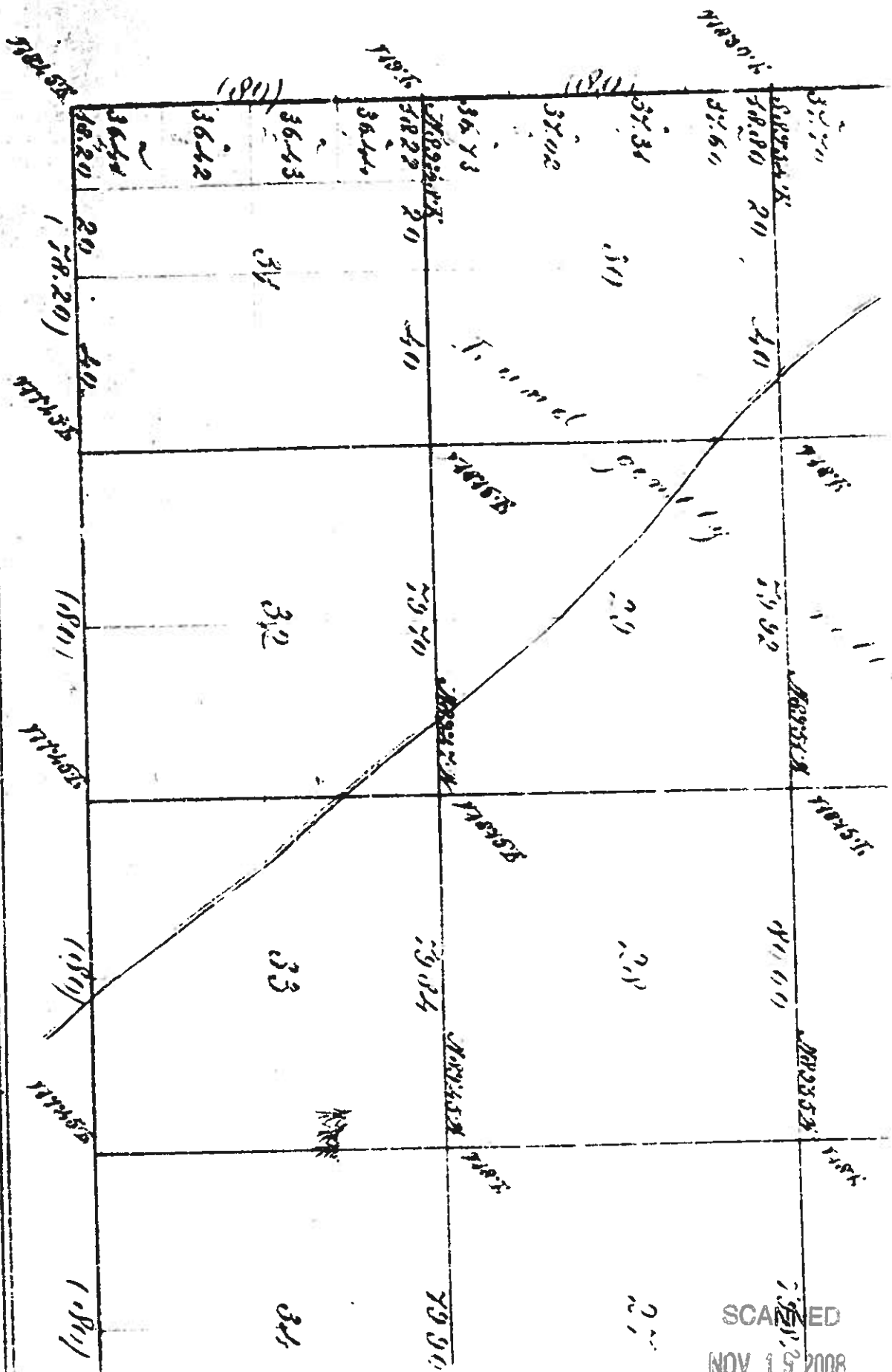
Comments: Date: 12/ 4/1996 User-ID: LGRAVES

Subject: MISC

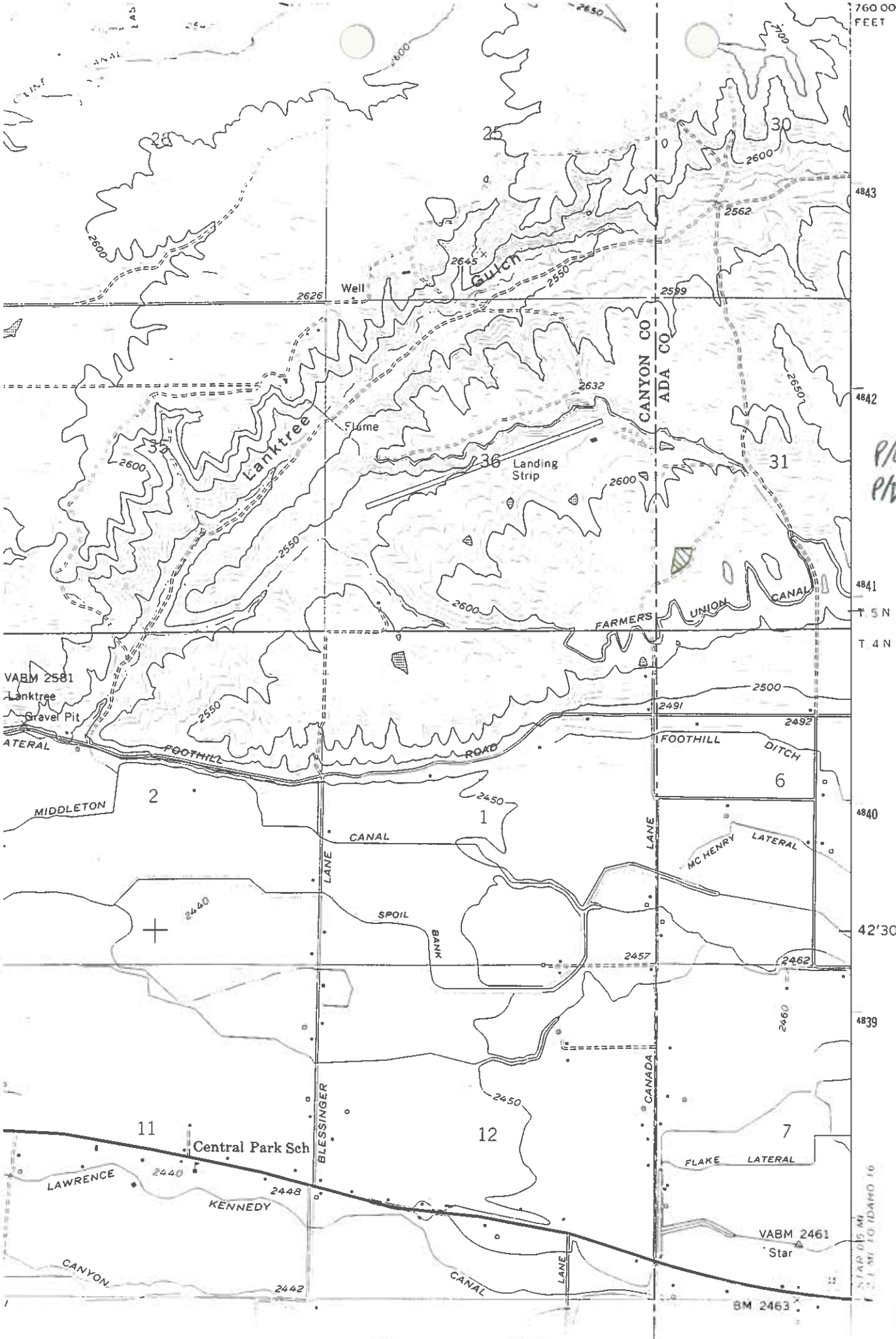
P/U aka Lt 2, Blk 2, Kirtley Sub.
Processing delayed pending backlog reduction.
Additional drilling permit fee for irrigation needs requested
prior to issuance of permit.

SCANNED

NOV 19 2008



Survey Designated	By whom surveyed	Date of survey not	Amount of survey			Other surveyed
			Acres	sq rods	links	
Township Lines	Atkins & Thompson	August 24 1857	6.5	75	24	August 27th 1857
Section divisions	"	"	59	60	47	November 1858
Total number of Acres 22,868.88.						



760 000
FEET

4843

4842

4841

T 5 N

T 4 N

4840

42'30"

4839

STAR 05 M
2.1 MI TO IDAHO 16

P/h, T5N, R11
P/D Sec 31
Gov Lt 4
SWSW

RECEIVED

NOV 29 1996

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Dave Simmons Phone 286-9576
Mailing address 12470 W. Able STAR ID 83669
2. Source of water supply ground water (well) which is a tributary of N/A
3. Location of point of diversion is Township 5N Range 1W Sec. 31, in the SW 1/4, SW 1/4, SW 1/4, Govt. Lot #17 4, B.M., Ada County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .06 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source irrigation
well, pump, sprinklers
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 1976?; Drilling firm UNKNOWN
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is N/A years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

* per telecon w/ applicant 12/4/96

SCANNED

NOV 19 2008

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	31											2						2
													64						

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. None Known

11. a. Who owns the property at the point of diversion? We do - applicant

b. Who owns the land to be irrigated or place of use? We do - applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

We propose to irrigate one of our paddocks to have a grass lot for our horses.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

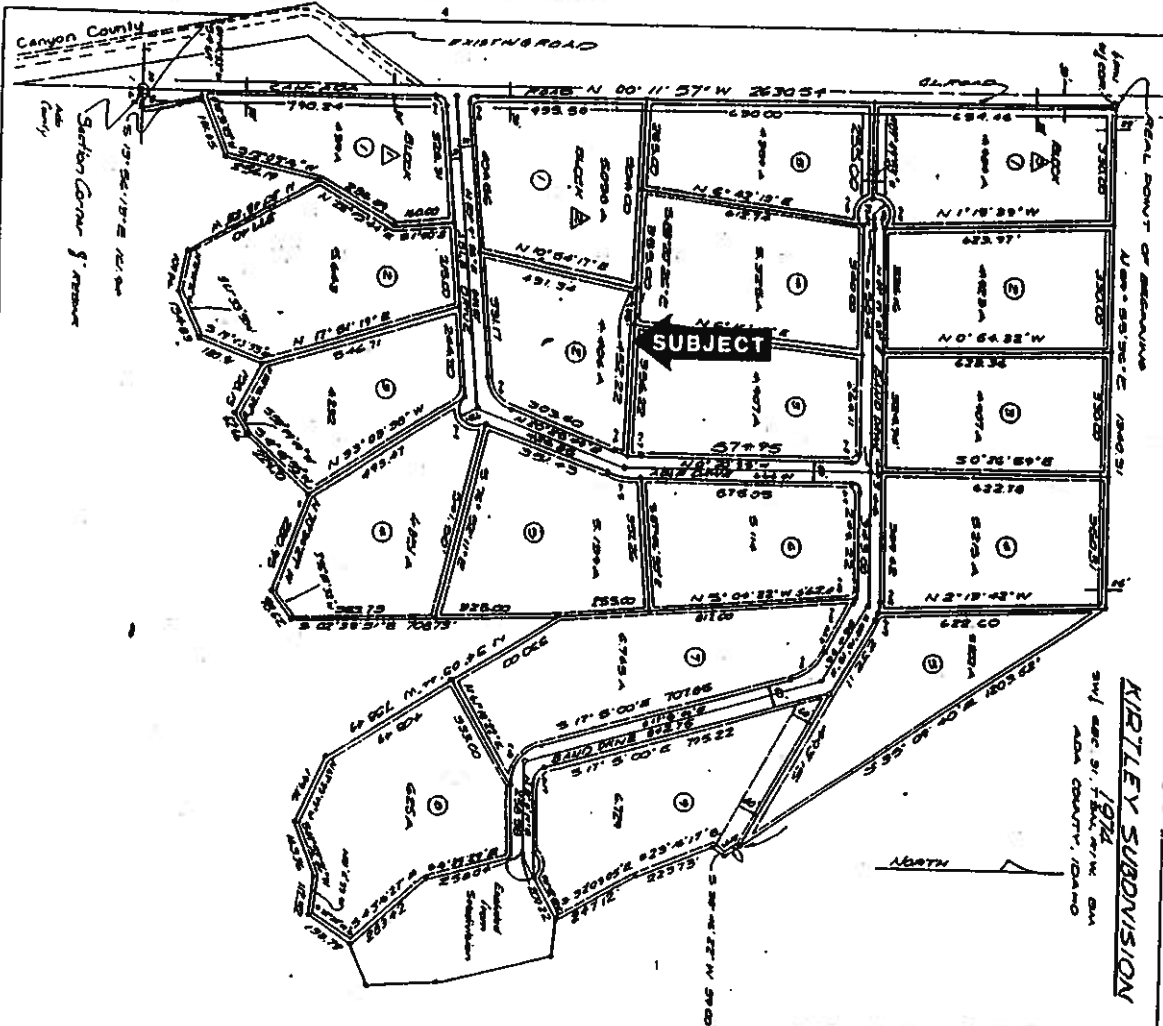
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Rayne Simmons
Signature of Applicant (and title, if applicable)

Received by DB Date 11-29-96 Time 11:30 AM Preliminary check by 62
Fee \$ 50 Received by DB # W021764 Date 11-29-96
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

PLAT MAP

Borrower Client SIMMONS
 Property Address 12470 ABLE DRIVE
 City STAR County ADA State ID Zip Code 83669
 Lender REPUBLIC MORTGAGE CORP.



KIRTLLEY SUBDIVISION
 3rd SEC 31, T24N, R10E, S14E
 ADA COUNTY, IDAHO

RECEIVED
 NOV 29 1996
 WATER RESOURCES
 WESTERN REGION



NOTE:
 BOUNDARY AND SET BY PREVIOUS SURVEY.

LEGEND:
 SECTION CORNER
 QUARTER CORNER
 UTILITY EASEMENTS
 LOT NUMBERS
 BLOCK NUMBERS
 PROPERTY LINES
 FUTURE
 PROPERTY LINES

TABLE OF CORNER DATA

LOT	1	2	3	4	5	6	7	8	9	10
1	20	20	20	20	20	20	20	20	20	20
2	20	20	20	20	20	20	20	20	20	20
3	20	20	20	20	20	20	20	20	20	20
4	20	20	20	20	20	20	20	20	20	20
5	20	20	20	20	20	20	20	20	20	20
6	20	20	20	20	20	20	20	20	20	20
7	20	20	20	20	20	20	20	20	20	20
8	20	20	20	20	20	20	20	20	20	20
9	20	20	20	20	20	20	20	20	20	20
10	20	20	20	20	20	20	20	20	20	20

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, November 13, 2008 1:17 PM
To: legals@idahostatesman.com
Subject: Legal Notices

Attachments: Ada County Ads - Cover Letter.RTF; 63-12285 Ad.RTF; 63-12286 Ad.RTF; 63-12372 Ad.RTF; 63-12426 Ad.RTF; 63-12486 Ad.RTF; 63-31327 Ad.RTF; 63-31563 Ad.RTF; 63-32220 Ad.RTF; 63-33124 Ad.RTF

Attached please find (9) legal notices being submitted for publication. Please contact me if you have any questions or are not able to run the ads on the dates listed.

Thank You,

Denise Buffington
Idaho Dept of Water Resources
Western Region



Ada County Ads -
Cover Letter....



63-12285 Ad.RTF
(14 KB)



63-12286 Ad.RTF
(14 KB)



63-12372 Ad.RTF
(13 KB)



63-12426 Ad.RTF
(14 KB)



63-12486 Ad.RTF
(13 KB)



63-31327 Ad.RTF
(14 KB)



63-31563 Ad.RTF
(13 KB)



63-32220 Ad.RTF
(13 KB)



63-33124 Ad.RTF
(13 KB)

November 13, 2008

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-12285, 63-12286, 63-12372, 63-12426, 63-12486, 63-31327,
63-31563, 63-32220 & 63-33124

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/08/2008. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-12372

SCOTT DRAYTON
SUSAN DRAYTON
12470 W ABLE DR
STAR ID 83669

Point(s) of Diversion L4 (SWSW) S31 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 11/29/1996

Place Of Use: IRRIGATION

T05N R01W S31 SWSW Lot 4

Number of Acres 2

Remark: Water bearing zone to be appropriated is from 200 to 300 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/08/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on November 20th & 27th, 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 25, 2008

SCOTT DRAYTON
SUSAN DRAYTON
12470 W ABLE
STAR ID 83669

RE: Application for Permit No. 63-12372

Dear Mr. & Mrs. Drayton:

The Department of Water Resources has received your completed Response Form, indicating that you wish to proceed with processing of the above referenced application for permit.

Because Department records still show Dave Simmons as the current owner, an Assignment of Application for Permit will be required in order to continue processing. Enclosed is an assignment form for your use. Please have this form completed and return it to us within **15 days** of receipt of this letter.

Thank you for your patience and cooperation. Please feel free to contact the Department if you have any questions.

Sincerely,

Denise Buffington
Administrative Assistant
Western Region

Enclosure(s)

RECEIVED

AUG 21 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: ~~DAVE SIMMONS~~

Address: 12470 W ABLE
STAR, ID 83669

Scott Drayton &
Susan Drayton

Application No: # 63-12372

(Please read carefully and mark)

☒ Yes, I intend to proceed with the water use development outlined in the application. I retain full possessory interest in the listed point of diversion and place of use locations on the application. I request the Department continue processing the application. (Please describe on the back updates/changes needed on your application)

(Please fill in) The estimated (well) water bearing zone will be

273 ft to ft below the ground surface.
Current well depth.

☐ No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this 16 day of August 2008

Applicant Signature Susan Drayton - Scott & Drayton

Printed Applicant Name Susan Drayton & Scott Drayton

Return Form to: J. Westra

Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

SCANNED

NOV 19 2008

OVER



RECEIVED

AUG 5 1 2008

WESTERN REGION
WATER RESOURCES

Property was purchased by Scott & Susan Drayton
September 1999

We wish to continue to pursue this permit
for the property.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DAVE SIMMONS
12470 W ABLE
STAR, ID 83669

RE: Held Application for Permit #63-12372--Filed November 29, 1996

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a profile report of your application as submitted to our agency. Please check carefully the specifics on the application. You must still have full possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration. Your application will need to have public notice published in your local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response, provide any updates/changes needed, and list the water bearing zone for the well source.

OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

for 
John Westra, Manager Western Region
Enclosure: Proof Report, Response Sheet

SCANNED

NOV 19 2008

RECEIVED

OCT - 6 1997

WATER RESOURCES
WESTERN REGION

To Whom it May Concern:

In response to your letter we have the following information:

- 1) There is an existing well so item #1 referring to the "proposed depth of the water bearing zone to be developed" is not relevant. I believe our well depth is >200 ft, but I could not find the actual depth in any literature we have.
- 2) The acres are not currently being irrigated. The only sprinkling that is done is a automatic system hooked into the well to water the lawn.

Thank you,



Layne Simmons

SCANNED

NOV 19 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 4, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dave Simmons
12470 W Able
Star ID 83669

RE: APPLICATION FOR PERMIT

Dear Mr. Simmons:

Your application for permit, No. 63-12372, to appropriate ground water for irrigation use was received on 11/29/1996. Processing of the application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992, concerning water right applications proposing new consumptive uses of public water. The moratorium has been lifted, but processing of all new or pending applications has been suspended until technical data are available from a comprehensive Treasure Valley ground water study now underway. Initial results of the study will not be available for at least one year.

To facilitate handling of your filing once it can be processed, please provide the following information.

1) What is the proposed depth(s) of the water bearing zone(s) to be developed within the aquifer. For example, a well with a total depth of 250 feet might be developed with a water bearing zone in the 140-190 feet depth interval. For more information on the appropriate water bearing zone for your proposed well, you might contact a licensed well driller or review well drilling reports available at this office.

2) Please confirm if the acres are already irrigated from a surface water source. If so, what is the nature of this existing water use (private system or delivery organization; name of organization etc.)? What is the source of this surface water, e.g. Boise River via Farmers Union Ditch Co.? If surface water has been used on the land and will now be replaced with ground water, a mitigation plan will need to be submitted showing how the reduction in aquifer recharge from the surface water source will be compensated.

This office will hold your application and will begin processing as soon as possible. Delays related to department actions do not affect the date of priority or seniority of any application, once established.

SCANNED

December 4, 1996

Page 2

If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves

Sr Water Resource Agent

SCANNED
NOV 19 2008