



4819

4818

4817 000mN

43 30

4816

RECORDED

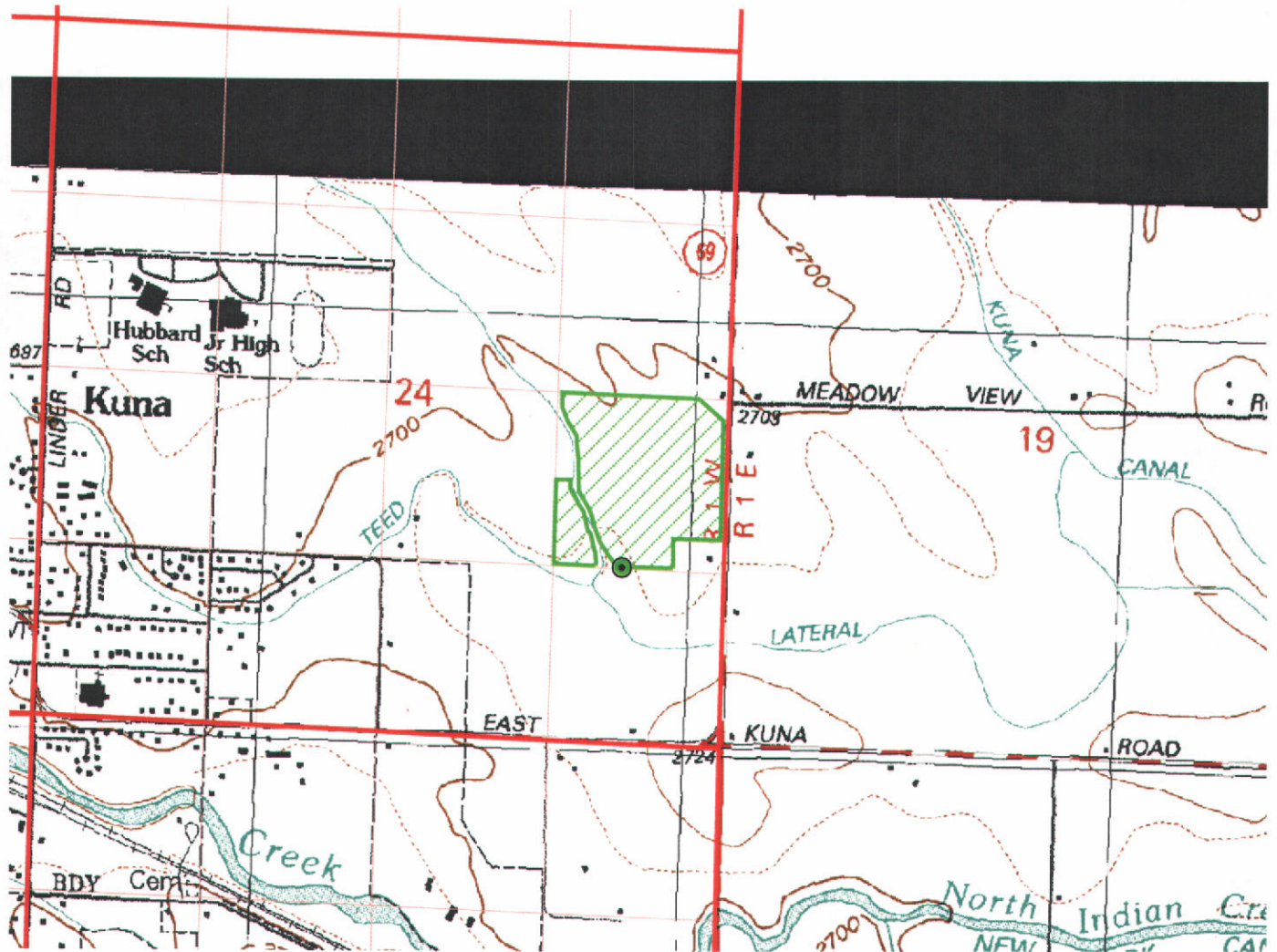
AUG 9 1994

63-11758

NO govt
lots

660 000
FEET

LICENSING EXAM FOR 63-14758
BY DAN NELSON
USGS QUADRANGLE MAP Y7
33.1 ACRES IRRIGATED
NESE S24 T2N R1W



0.4 0 0.4 0.8 Miles

- Point of Diversion
- ▨ Place of Use
- ▭ Section Line
- ▭ 1/4 1/4 Lines

MICROFILMED
FEB 10 2004



**LICENSING EXAM FOR 63-11758
BY DAN NELSON
33.1 ACRES 1994 AERIAL PHOTO
NESE S24 T2N R1W**



0.1 0 0.1 0.2 Miles

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

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FEB 10 2004



TO DONALD NELSON
FROM DUANE YAMAMOTO
DEC 13, 02

1998

#2716

T 1895

T 2228

Some
Note

6/8/98

MICROFILMED
FEB 10 2004

July 10
1895

NESE

LICENSING EXAM FOR 63-11758
BY DAN NELSON
SYSTEM DIAGRAM 1994 AERIAL PHOTO
NESE S24 T2N R1W



0.1 0 0.1 0.2 Miles

-  Point of diversion.shp
-  Ditches and pipelines.shp
-  Place of use.shp
-  Disolv1.shp
-  T02n01w.shp

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FEB 10 2004



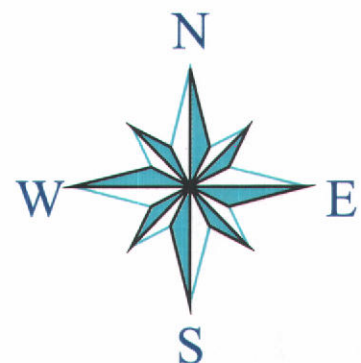
**LICENSING EXAM FOR 63-11758
BY DAN NELSON
33.1 ACRES 2000 AERIAL PHOTO
NESE S24 T2N R1W**



0.1 0 0.1 0.2 Miles

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

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FEB 10 2004



Date **April 1994**

Supersedes All previous catalog materials

Section **2110** Page **141**

CURVE data

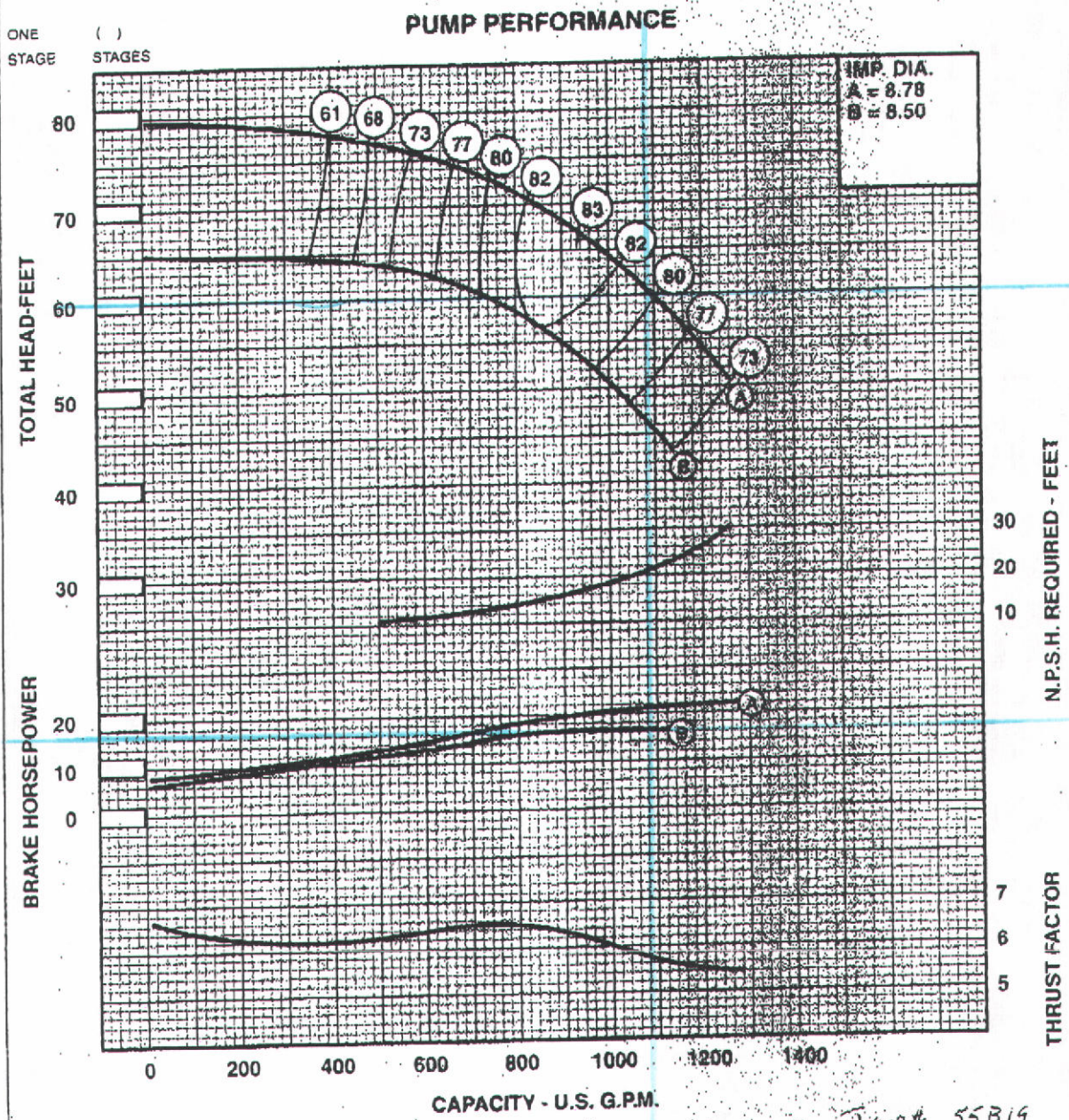


No. Stages	Eff. Change	MATERIAL	Eff. Change
1	-4	IMP. - C.I.	-2
2	-2	IMP. - M-RI	-1
3	-1	BOWL - BRZ.	-1
4	0	BOWL - NI-R.	<1

11 BEH

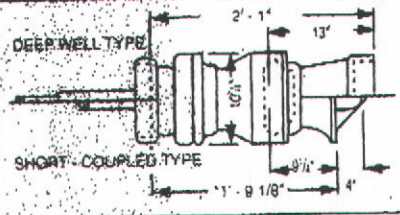
1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 4 OR MORE STAGES. HORSEPOWER SHOWN FOR ONE STAGE BASED ON 4 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.



Imp# 55819

EYE AREA - SQ. IN.	= 15.11	IMPELLER WT. - LBS.	= 12.7
WT. PER IMPELLER LB.-FT. ³	= 0.74	ONE STAGE WT. - LBS.	= 186
MAX. SPHERE SIZE	=	ADD'L STAGE WT. - LBS.	= 74
MAX. NO. STD. STAGES	= 10	IMPELLER NUMBER	=
MAX. OPERATING - P.S.I.	= 430	DISCH. - IN.	= 8
STD. LATERAL - IN.	= 0.56	SUCTION - IN.	= 8
STD. SHAFT DIA. - IN.	= 1.500	MAX. LATERAL - IN.	=
MAX. SHAFT DIA. - IN.	=	BOWL CONN. FLANGED - COLLET	=
MIN. SUBMERGENCE - IN.	= 25	ADD 9 3/4" PER ADDITIONAL STAGE	=



Curves reflect typical performance, refer to factory for certification

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/9/2002

FILE NUMBER 63-11758



This is a photo of the well and well pump. It is a gear drive pump and did not have the diesel motor attached during the field exam.



This is a photo of the pump sitting on the casing. This situation has been reported to Western Region Well Specialist, Rob Whitney. This situation should be corrected before a license is issued. I informed Mr. Yamamoto that allowing the casing to be open at Ground level is unacceptable and that he should fix this situation as soon as possible to avoid possible contamination to the ground water. I also told Mr. Yamamoto that he should contact Mr. Whitney for instruction.

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FEB 10 2004

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/10/2002

FILE NUMBER 63-111758

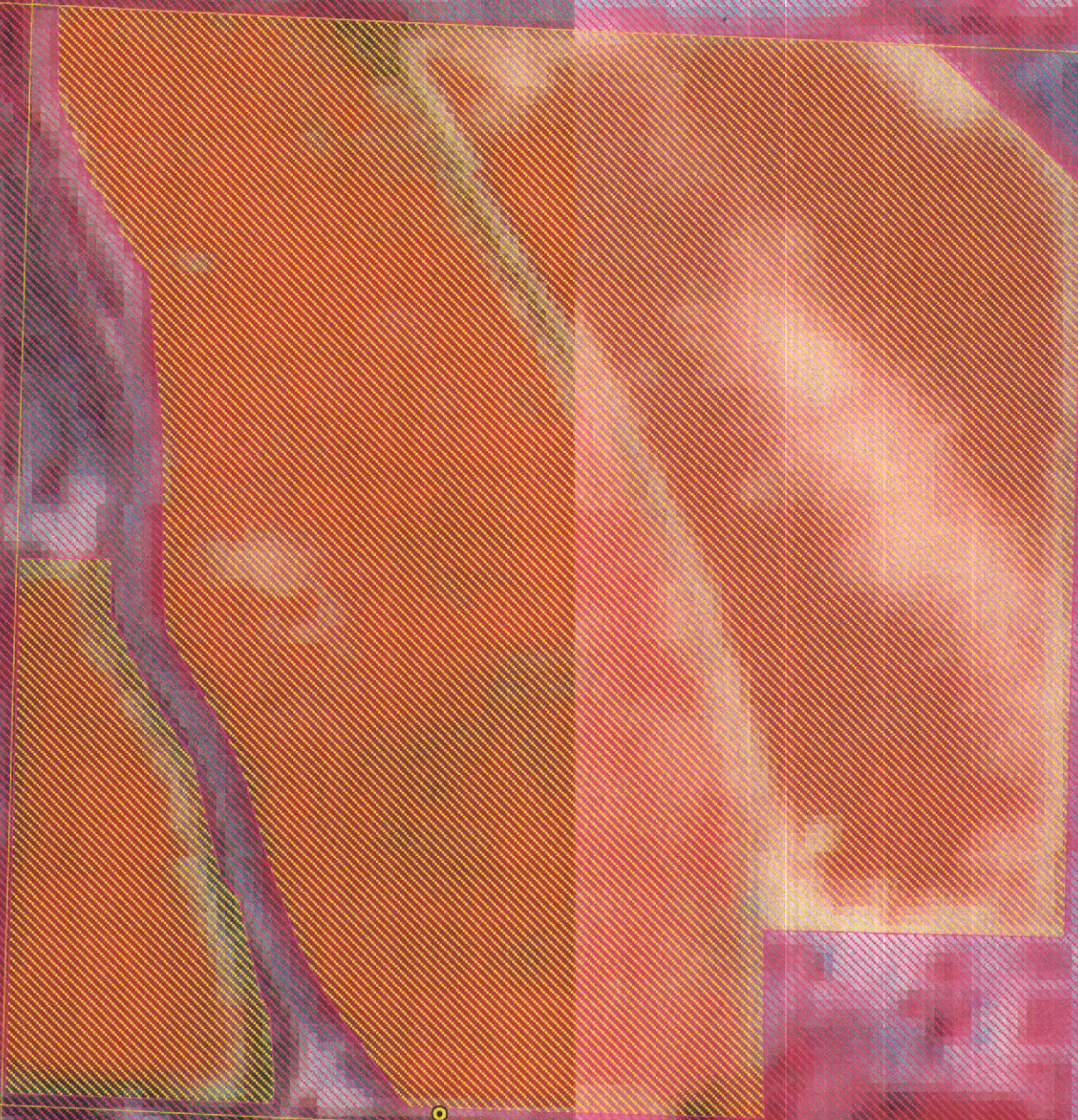


These are photos of the field from the well. Please note that this property is currently being subdivided and a portion of the subdivision was under construction in 2000, which is the only aerial photo available since proof was filed in 1998.

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FEB 10 2004

SHAPE CREATED IN WORKFLOW
BY DAN NELSON
12/16/2002



FEB 10 2003



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11758

Priority: April 6, 1992

Maximum Diversion Rate: 0.66 CFS

It is hereby certified that DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 06, 1992; and has
submitted Proof of Beneficial Use on March 13, 1998. An examination indicates that the works have a
diversion capacity of 1.52 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.66 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 02N, Rge 01W, B.M. ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 01W 24																	33.0

Total Acres: 33

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 148.5 af at the field headgate for the lands above.

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FEB 10 2004

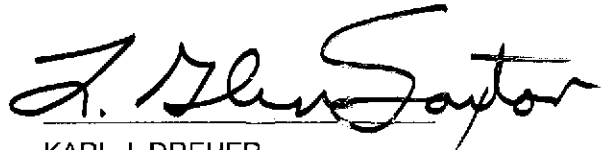
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11758

4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30th day of December, 2003.


for KARL J. DREHER
Director

MICROFILMED

FEB 6 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 17 1998

PROOF OF BENEFICIAL USE Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-11758 Telephone No. 922-5514
2. Name(s) of Permit Holder(s): DUANE YAMAMOTO
3. Mailing Address: P.O. BOX 64 KUNA, ID. 83634
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 5/22 yr. 92
 - a. Well Driller: BILL DOTY DRILLING Drilling Permit Number: 65-92-W-296
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): 115
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 37 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.74 cfs OR ~~75~~ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>X</u>	or	No _____
	Has the measuring device been installed?	Yes _____	or	No <u>X</u> *
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: PERMITHOLDER Telephone Number: 922-5514
Address: SAME AS ABOVE
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 3/13/98
(include your title, if on behalf of company or organization)

* PUMP DRIVEN BY A DIESEL MOTOR. WELL WATER DISCHARGES TO A CONCRETE DITCH. PERMITHOLDER REQUESTS A MEASUREMENT OF FLOW AND ANNUAL REPORTING OF HOURS PUMPED.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11758

Proposed Priority: April 6, 1992

Maximum Diversion Rate:

0.74 CFS

This is to certify, that DUANE YAMAMOTO

PO BOX 64

KUNA ID 83634-0064

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.74 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 24, Township 02N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

02N 01W 24

NESE 37.0

37.0

Total number of acres irrigated:

37.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1998.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, 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 from each point of diversion listed under this right.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
8. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.
9. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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JUN 9 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

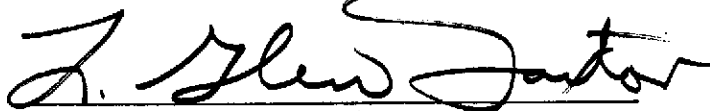
NO. 63-11758

CONDITIONS OF APPROVAL AND REMARKS

10. This right does not authorize the irrigation of land not previously irrigated.
11. Water bearing zone to be appropriated is 125 to 160 feet.

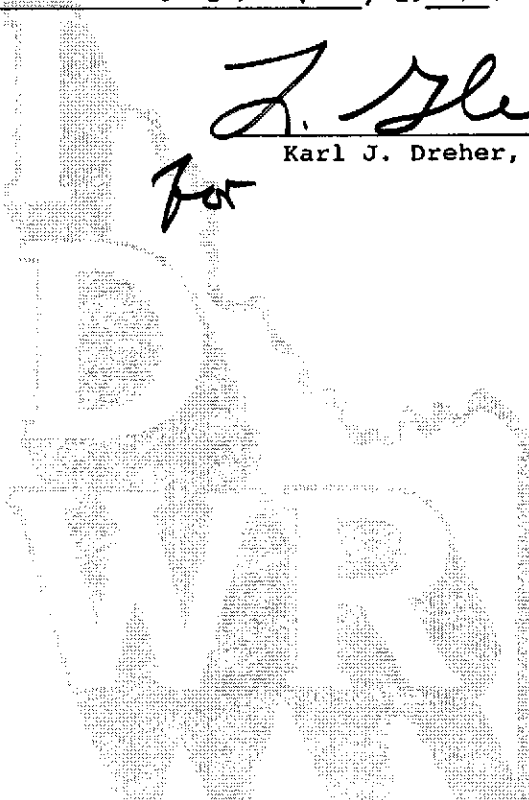
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

22 day of December, 1997.



Karl J. Dreher, Director

for



APPROVED
JUN 09 1997

dy
* Amended 11-15-95

Ident. No. 63-11758

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DUANE YAMAMOTO 208-922-5514
Address: BOX 64
KUNA ID 83634
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NESE Sec. 24, Township 02N, Range 01W
ADA County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|------------------|------|----|
| IRRIGATION | 03/15 | 11/15 | 0.74 | | |
| | | | ~~2.940~~ | | |
5. Total quantity to be appropriated is:
dy ~~2.940~~ CFS (and/or) AF
0.74
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc.
PUMP & DITCHES
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 12 inches; proposed depth of well is 175
feet.
d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.
8. Description of proposed uses:
SUPPLEMENTAL IRRIGATION
9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
<i>dy</i> * 02N	01W	~~13~~	NESW 35	NWSW 40	SWSW 35	~~110~~
		24	NESE 37			37

Total number of acres irrigated: 147

10. Describe any other water rights used for the same purposes.

SEE COMMENTS - IRRIG. DIST ONLY

AUG 09 1994

11. a. Who owns the property at the point of diversion?
APPLICANT & ~~DICK REED~~
b. Who owns the land to be irrigated or place of use?
APPLICANT & DICK REED
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
LAND IN S.13 IS LEASED.

12. Remarks:

13. 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.


Applicant

Received by SL Date 4/6/92 Time 4:34 Preliminary check by SL
Fee \$ 85⁰⁰ Receipted by SL # WU14441 Date 4/6/92
Publication prepared by GG ST Date 4-8-92 ¹⁶⁻¹⁰⁻⁹⁵ Published in ID Statesman
ST ¹¹⁻⁸⁻⁹⁵ 4/16 & 4/23/92
Publication approved ST Date 5-4-92

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AUG 09 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11758 IN)
THE NAME OF DUANE YAMAMOTO)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of drought conditions being experienced during the 1994 irrigation season, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. In May 1992, the department issued the above captioned temporary permit (permit) to use ground water during the 1992 irrigation season to offset the effects of the drought and the associated reduced surface water supply. The permit expired on November 15, 1992.

2. The permit was conditioned that the Director of the department retained jurisdiction to reinstate the permit if drought conditions justify resumption of ground water use.

3. Water supply conditions during 1994 justify reinstatement of the permit by the Director.

CONCLUSIONS OF LAW

1. The Director is authorized under Chapter 2, Title 42, Idaho Code, to issue water right permits authorizing the diversion and use of the state's water resources.

2. The Director should reinstate the above captioned permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **REINSTATED** with the following conditions and limitations:

1. The permit expires on November 15, 1994.

2. The right to divert water under the above captioned permit is void if the surface water appurtenant to the place of use has been sold, transferred, leased or used on any other place of use without the approval of the department.

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AUG 09 1994

3. The permit holder shall use the full allotment of surface water to the extent it is available before diversion is authorized under this reinstated permit.

4. The permit holder shall employ reasonably efficient methods of water application to conserve the water of the state of Idaho.

5. The rate of diversion of water for irrigation under this right and all other rights shall not exceed 0.02 cfs for each acre of land.

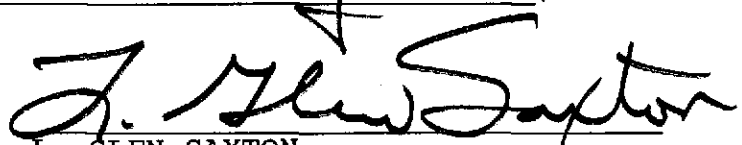
6. This use is subject to all prior water rights.

7. The place of use authorized is only that shown on the permit. Permit holder shall prevent use of this water on land for which it is not authorized.

8. This reinstatement does not authorize the construction of new wells or the deepening of existing wells.

9. Failure to comply with the above conditions and limitations of permit use voids this reinstatement.

Dated this 27th day of July, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 09 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11758

Proposed Priority: April 6, 1992 Maximum Diversion Rate: 2.94 CFS

This is to certify, that DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 11/15	2.94 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 24, Township 02N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	01W	13	NESW 35	NWSW 40	SWSW 35	110
		24	NESE 37			37

Total number of acres irrigated: 147

CONDITIONS/REMARKS:

1. This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
3. This right to divert groundwater is void if the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
5. The permit holder must employ reasonably efficient methods of water application to conserve the water of the State of Idaho.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. This right is subject to all prior rights.

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AUG 09 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

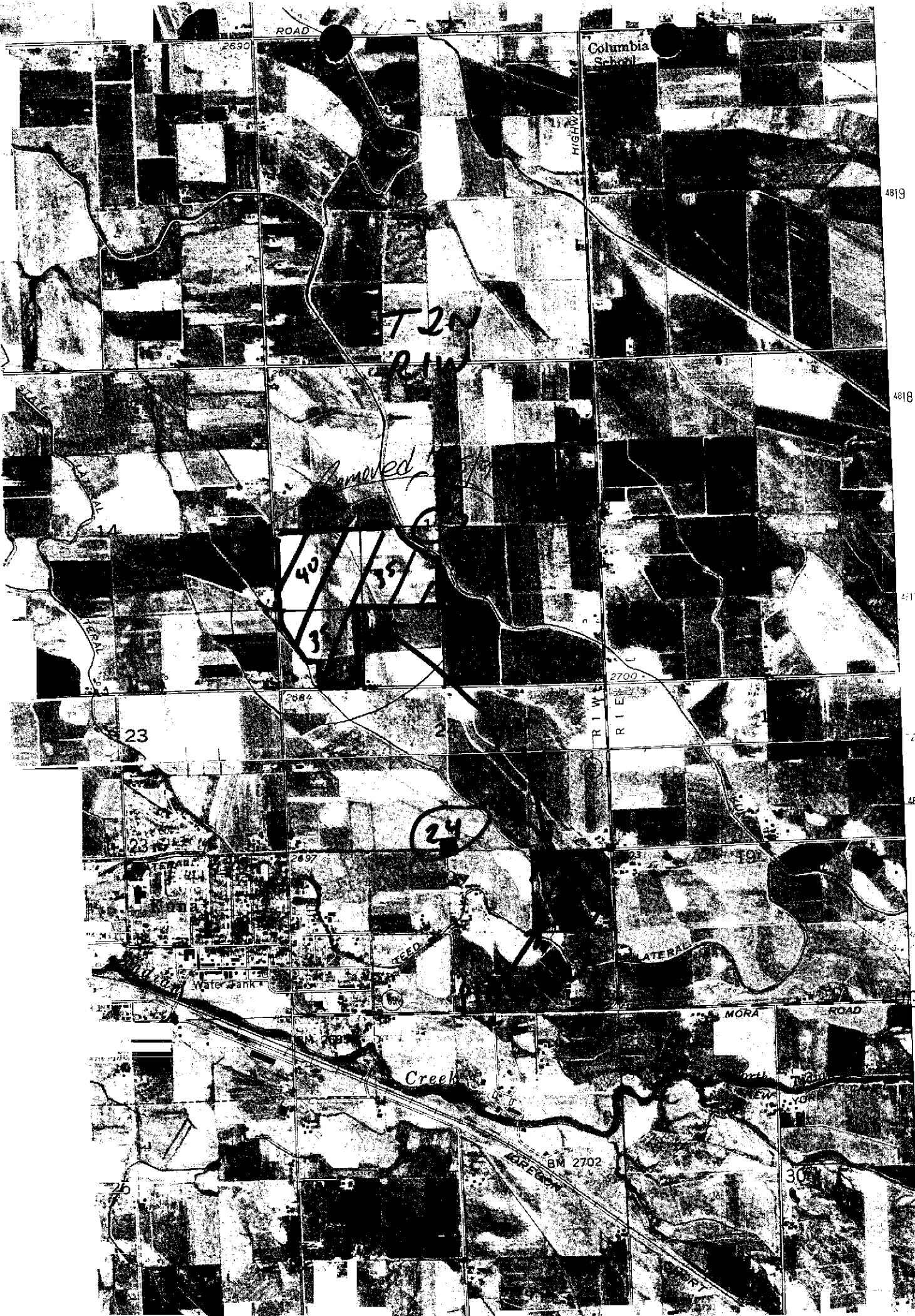
NO. 63-11758

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

26th day of May, 1992

R. Keith Higginson
for R. Keith Higginson, Director

AUG 09 1994



4819

4818

4817 230mN

43 30

4816

9 1994

63-11758

No govt
lots

660 000
FEET

LEGAL ADVERTISING INVOICE

Amount Due

Account Number 47628		Identification NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates April 16, 23, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 1945

NOTICE OF APPLICATION
FOR WATER RIGHT

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

63-11731

J F L P
4675 N TENMILE RD
MERIDIAN, ID 83642
Source: WASTE WATER
Diversion Pt: NENWSW Sec 26 T 04N R 01W in ADA County
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 3/23/1992
In: ADA COUNTY
T04N R01W S26 NWSW SWSW
S27 NESE NWSE SWSE SESE
240.0 ACRES TOTAL

63-11732

HILL, ANGUS
1925 NORTH MERIDIAN RD
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: SESE Sec 13 T 02N R 01W in ADA County.
Use: IRRIGATION (3.120 CFS)
STOCKWATER (.330 CFS)
Total Diversion: (3.450 CFS)
Date Filed: 3/23/1992
In: ADA County
T02N R01W S13 NESE NWSE SWSE SESE
156.0 ACRES TOTAL

63-11733

HILL, ANGUS
1925 NORTH MERIDIAN RD
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: SWSE Sec 12 T 02N R 01W in ADA County.
SESE Sec 12 T 02N R 01W in ADA County.
Use: IRRIGATION (3.120 CFS)
Total Diversion: (3.120 CFS)
Date Filed: 3/23/1992
In: ADA County
T02N R01W S12 NESE NWSE SWSE SESE
156.0 ACRES TOTAL

63-11742

TRIAD TRUST, MACK
TRIAD TRUST, MARIA E
3170 CATALINA LANE
BOISE, ID 83705
Source: GROUNDWATER
Diversion Pt: NESE Sec 18 T 03N R 02E in ADA County
Use: DOMESTIC (.440 CFS)
Total Diversion: (.440 CFS)
Date Filed: 3/25/1992
In: ADA County
T03N R02E S18 NESE
156.0 ACRES TOTAL

63-11751

THOMAS, RONALD G
THOMAS, JAMIE A
2600 E OVERLAND
MERIDIAN, ID 83642
Source: GROUNDWATER
Diversion Pt: SWSE Sec 17 T 03N R 01E in ADA County
Use: IRRIGATION (.640 CFS)
DOMESTIC (.800 CFS)
Total Diversion: (1.440 CFS)
Date Filed: 4/3/1992
In: ADA COUNTY
T03N R01E S17 SWSE
32.0 ACRES TOTAL

63-11755

JOHNSON, DON W
3895 W LAKE HAZEL RD
MERIDIAN, ID 83642
Source: GROUNDWATER
Diversion Pt: SWNE Sec 3 T 02N R 01W in ADA County.
Use: IRRIGATION (3.480 CFS)
Total Diversion: (3.480 CFS)
Date Filed: 4/6/1992
In: ADA County
T02N R01W S03 Lot 1(NENE) Lot 2(NWNE) Lot 3(NENW) SWNE SENE
174.0 ACRES TOTAL

63-11758

YAMAMATO, DUANE
PO BOX 64
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: NESE Sec 25 T 02N R 01W in ADA County.
Use: IRRIGATION (2.940 CFS)
Total Diversion: (2.940 CFS)
Date Filed: 4/6/1992
In: ADA County
T02N R01W S13 NESW NWSW SWSW
S24 NESE
147.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before May 4, 1992.
R. Keith Higginson, Director
Pub. April 16, 23, 1992

_____, being duly
that she is the Principal Clerk of The
wspaper printed and published at Boise,
and having a general circulation therein
has been continuously and uninterruptedly
ring a period of twelve consecutive
lication of the notice, a copy of which is
otice was published in The Idaho
h Section 60-108, Idaho Code as
TWO

onsecutive daily ☐ single ☐ odd skip

the issue of APRIL 16, 19 92

f APRIL 23, 19 92

Ken Mark

ss.

ay of APRIL in the year of
a, a Notary Public, personally appeared
_____, known or identified to
name subscribed to the within instrument,
sworn, declared that the statements therein
to me that she executed the same.

Boise
Public for Idaho
at BOISE, ID
mission expires: 11-22-93

Should be Section 24.
However, ① Section 24 is identified
in the place of use, ② name is
clearly provided, and ③ Section 25
is the neighboring section.
Thus, consider this error to be
non-fatal. Ddr 5/4/92

RECEIVED
AUG 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 30, 2003

DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064

RE: License No. 63-11758 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

100-200000
DEC 31 2003

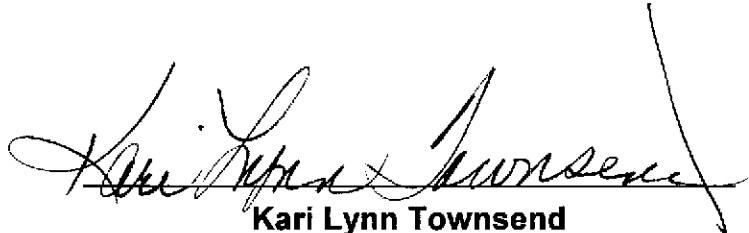
CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-11758

**DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064**



**Kari Lynn Townsend
Secretary**

**MAILED
FEB 10 2004**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILM
FEB 7 0 2004

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Keen, Shelley

From: Rauhut, Manuel
Sent: Thursday, October 23, 2003 8:16 AM
To: Keen, Shelley
Subject: Navarro Place

Shelley

Last tuesday I went to the well on Navarro Place; the necessary adjustments were made. I also contacted Mr Duane Yamamoto and he has started on the adjustment process, but wants to meet with Rob to make sure he knows what to do. Rob might meet with him tomorrow. We'll email you once everything is fixed.

Manuel

original message

Rob,

My notes say it's time to check on the well repairs for Duane Yamamoto (63-11758) and Navarro Place (63-12158). We last talked about them back in July. Have you had any luck pursuing the well construction problems? Should I go ahead and prepare the water right licenses?

Shelley,

Manuel: I have met with Mr. Yamamoto regarding Repair of his well. He has initiated the repairs last time Manuel checked and it is probably OK. to proceed with processing W.R. + license. I don't have any major concerns with the well at this point.

[Signature] 12-30-03

MICROFILMED
FEB 10 2004

Keen, Shelley

To: Whitney, Rob
Subject: Well Repairs

Rob,

I have been holding up the licensing of two permits because the wells need to be repaired. One is for Duane Yamamoto at NESE S24, T2N, R1W (63-11758). The other is for Four T's Inc. at SWNW S12, T3N, R1W (63-12158). Can you let me know if there's been any progress on those well repairs?

Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

MICROFILMED
FEB 10 2004

Keen, Shelley

From: Young, Norm
Sent: Friday, December 20, 2002 12:47 PM
To: Keen, Shelley
Cc: Nelson, Dan
Subject: RE: Pictures of Yamamoto Well

Shelley: Mr. Yamamoto met with me yesterday relative to the issue of whether the water right is his to transfer or is it now appurtenant to the lots of the subdivision put in since proof was filed in 1998. He now owns only one of the 7 (?) 5 acre lots in the permitted 37 acre place of use. He asked that we delay licensing to give him time to discuss the issue with his attorney. Norm

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

From: Keen, Shelley
Sent: Friday, December 20, 2002 11:02 AM
To: Young, Norm
Subject: FW: Pictures of Yamamoto Well

Norm,

A couple of weeks ago you asked us to see if we could issue a license for Duane Yamamoto's supplemental well. I am forwarding some photos Dan Nelson took of the well head. It looks like the well isn't sealed properly. Dan and Rob Whitney recommend holding up the license as leverage to get the well fixed. Is this how you want to proceed?

Shelley

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

From: Nelson, Dan
Sent: Friday, December 20, 2002 10:56 AM
To: Keen, Shelley
Subject: Pictures of Yamamoto Well

Hello Shelley,

Rob Whitney requested that I send you the photos of the Yamamoto well so you can show them to Norm.
They are attached to this email.

Dan Nelson
Western Region

MAIL ROOM

FEB 10 2003 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-11758

Exam Date: 11/25/2002

1. Current Owner: DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064
(208)922-5514
2. Accompanied by: Duane Yamamoto
Phone No: Same as Above.
Address: Same as Above
Relationship to Permit Holder: Owner

3. **SOURCE**

GROUND WATER

TRIBUTARY

N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: **Boise Kuna Irrigation District Water**
2. Other water rights with the same point of diversion: **NONE**

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER

NE1/4SE1/4

Sec. 24, Twp 02N, Rge 01W, B.M.

ADA County

Method of Determination:

2.

PLACE OF USE: IRRIGATION

TwpRgeSec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N01W24													33.1				33.1

Total Acres: 33.1

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FEB 10 2004

Method of Determination:

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between

components. Indicate weir size/pipe as applicable.

- YES Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required).

Scale must be 1:24,000 or greater.

- YES Aerial Photo Attached (required for irrigation of 10+ acres).

- YES Photo of Diversion and System Attached

4.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D WELL	US MOTORS	110	1181543	LAYNE PUMP	11 BEH 2 STAGE

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
THEORETICAL	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements:

The pump was not operational at the time of field exam. The pump is gear drive motor and the diesel motor has been removed. It looks like it has not been used for a few years. The applicant supplied a pump curve and a theoretical was performed based on the pump curve. Both calculations show the pump exceeded the amount that could be licensed by more than double the maximum allowable.

MICHAEL

FEB 10 2004

E. FLOW CALCULATIONS

Attached

yes Additional Computation Sheets

Measured Method:

Theoretical calculation → 1.52 cfs
 Pump Curve → 1080 gpm → 2.41 cfs
 Permit allows → 0.74 cfs
 Maximum Rate per acre → 0.66 cfs (0.02 cfs/acre X 33.1 acres = 0.66 cfs)

PLEASE NOTE: Even though the pump capacity is much greater, the maximum allowable diversion rate is limited by maximum rate per acre. Therefore, this permit should be licensed for 0.66 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 33.1 \times 4.5 = 149 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.66 \times 260 \times 1.9835 = 334.5 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 149 \text{ afa}$$

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS:

The water for this water right is diverted from a well located in NESE S24 T2N R1W. The water from the well is diverted into a mainline that runs due west to open discharge in a cement ditch. The water in the ditch can run northwest to irrigate all the fields in the middle of the 40-acre tract. The water can also be diverted into a pipeline that goes across the lateral and back into a ditch to irrigate the field in the southwest corner of the 40-acre tract. The mainline also diverts into a ditch that travels east and then north to irrigate the fields in the northeast portion of the 40-acre tract. All of the irrigation is gravity flow, and no sprinkler system is utilized.

Cindy Hodges visited the pump in 1994, and she discovered that the well was not properly constructed. The casing has a space that is open and is level with the ground surface. This situation could easily cause contamination to the ground water. I informed the owner that he needs to correct this situation and the he should contact the Western Region Well Specialist Rob Whitney. I also contact Mr. Whitney and informed him of this situation. This license should not be issued until the well has been fixed and properly constructed.

Proof was filed on this permit in 1998 and around that time period the land was subdivided. Numerous homes have already been constructed on the site. When determining the acres, I originally used the 2000 aerial photo, which showed that 4 homes were constructed on the property. This practice limited the place of use to 30.8 acres. However, the applicant supplied a 1998 aerial photo that showed the none of the homes were built at the time that proof of beneficial use was filed. Therefore, I recommended the 33.1 acres that were being irrigated at the time proof was filed.

MICHAEL

882 - 0 2394

This water right was filed as a supplemental drought relieve well for the Boise Kuna Irrigation District. The well is still used as a supplemental well and does not seem to have been used in the last few years. The Boise Kuna Irrigation District water is the only overlapping water rights for the place of use. There are no overlapping rights for the point of diversion. Overlap should not be a problem when licensing this right, as long as the right is licensed as a supplemental right.

RECOMMENDATIONS:

I recommend that this permit be licensed for 0.66 cfs and 149 afa. This permit should have the condition that states that this license when combined with Boise Kuna Irrigation District water is limited to 0.66 cfs and 149 afa. Licensing of this permit should be held until the owner of the well makes the needed repairs to the well to ensure that contamination of the aquifer does not occur.

Have conditions of permit approval been met? ☒ Yes ☐ No

PLEASE NOTE: Measurement and reporting can easily be accomplished on this system with an hour meter on the diesel motor using the time clock method if needed. However, with the advent of the subdivision, a new method may be needed in the near future if the system changes drastically.

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.660 CFS	149.00 AF
<u>Totals:</u>		0.660 CFS	149.00 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

H. AUTHENTICATION

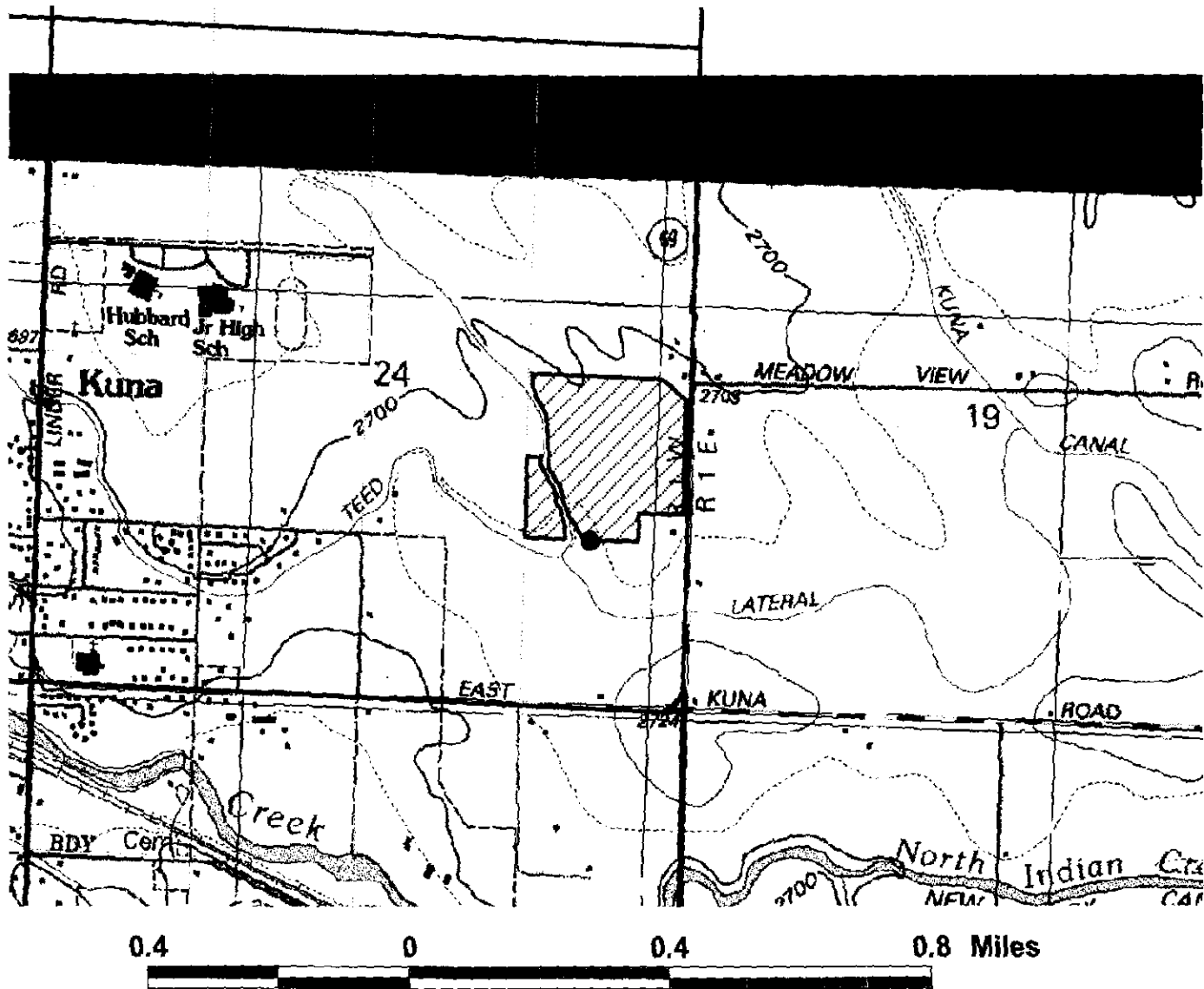
DANIEL A. NELSON – SENIOR AGENT

Field Examiner's Name Daniel A. Nelson Date 12-10-02

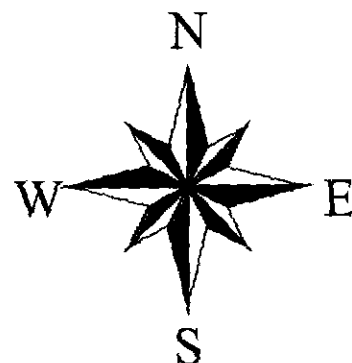
Reviewer _____ Date _____

Microfilm
FEB 16 2003

LICENSING EXAM FOR 63-14758
BY DAN NELSON
USGS QUADRANGLE MAP Y7
33.1 ACRES IRRIGATED
NESE S24 T2N R1W



- Point of Diversion
- ▨ Place of Use
- ▭ Section Line
- ▭ 1/4 1/4 Lines



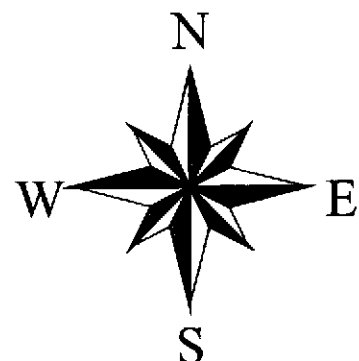
MICHAEL J. NELSON
FEB 15 2004

**LICENSING EXAM FOR 63-11758
BY DAN NELSON
33.1 ACRES 1994 AERIAL PHOTO
NESE S24 T2N R1W**



0.1 0 0.1 0.2 Miles

- Point of Diversion
- ▨ Place of Use
- ▭ Section Line
- 1/4 1/4 Lines



MICHAEL J. NELSON
FEB 10 2013

TO DONALD NELSON
FROM DUANE YAMAMOTO
DEC 13, 02

1998

#2716

T 1895

T 2228

Same
Note

6/18/98

T 1435

July 10, 1890

NESE

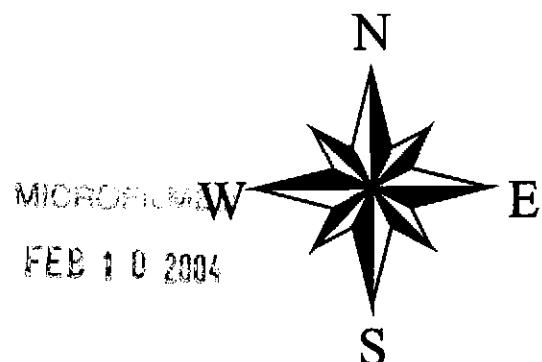
**LICENSING EXAM FOR 63-11758
BY DAN NELSON
SYSTEM DIAGRAM 1994 AERIAL PHOTO
NESE S24 T2N R1W**



0.1 0 0.1 0.2 Miles

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 0.1, 0, 0.1, and 0.2, followed by the word "Miles".

- Point of diversion.shp
- ▲ Ditches and pipelines.shp
- ▨ Place of use.shp
- Disolv1.shp
- T02n01w.shp



**LICENSING EXAM FOR 63-11758
BY DAN NELSON
33.1 ACRES 2000 AERIAL PHOTO
NESE S24 T2N R1W**

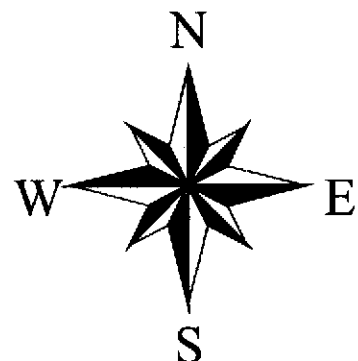


0.1 0 0.1 0.2 Miles

A horizontal scale bar with alternating black and white segments, used to indicate distance in miles.

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

MICROFILMED
FEB 10 2006



GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-11758

DATE: 12-10-02

BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS *Impute*.

HP = Total ~~Brake~~ Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to puijping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

Q = $\frac{(8.8) \times (46 \text{ HP}) \times (0.70)}{[(140) + (20 \times 2.31)]}$ = 1.52 CFS.

LIFT FROM:

Measurement ()

Owner (L)

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: The Applicant supplied a pump curve for the well that shows 16 Brake HP is the maximum the pump can handle per stage. This pump has 2-stages so the total Brake HP is 32. To determine the Impute HP I divided the ~~32~~ Brake HP by the efficiency of .70 to attain the 46 HP used in the equation $(32/.70 = 46)$. The pump company stated the pump was set at 140 FT. I used this number plus 20 PSI for the lift. These are exaggerated numbers ~~and~~ even with the exaggerated numbers the capacity of the well is way over the allowed amount from the permit.

MICHAEL J. WILSON

FEB 10 2004



P.O. Box 1005

Nampa, Idaho 83651

208-466-7376

FAX 208 466 5078

FAX COVER SHEET

DATE: 11-22-02

TO: Don Nelson

NO. PAGES: 2

FROM: Byron

RE: Duane Yamamoto

12" Well - 164' 10" liner w/ screens
255' Deep
105' static

Pump Set 140' x 8" x 2" x 1 3/16"

2 stages 11 BEH - 55 B19

Design 1080 GPM @ 120' TDH

Information from Duane's file
dated 7-6-92

Byron

Date **April 1994**

Supersedes **All previous catalog materials**

Section **2110** Page **141**

CURVE data



No. Stages	Eff. Change	MATERIAL	Eff. Change
1	-4	IMP. - C.I.	-2
2	-2	IMP. - NI-R	-1
3	-1	BOWL - BRZ.	-1
4	0	BOWL - NI-R.	-1

11 BEH

1770

R.P.M.

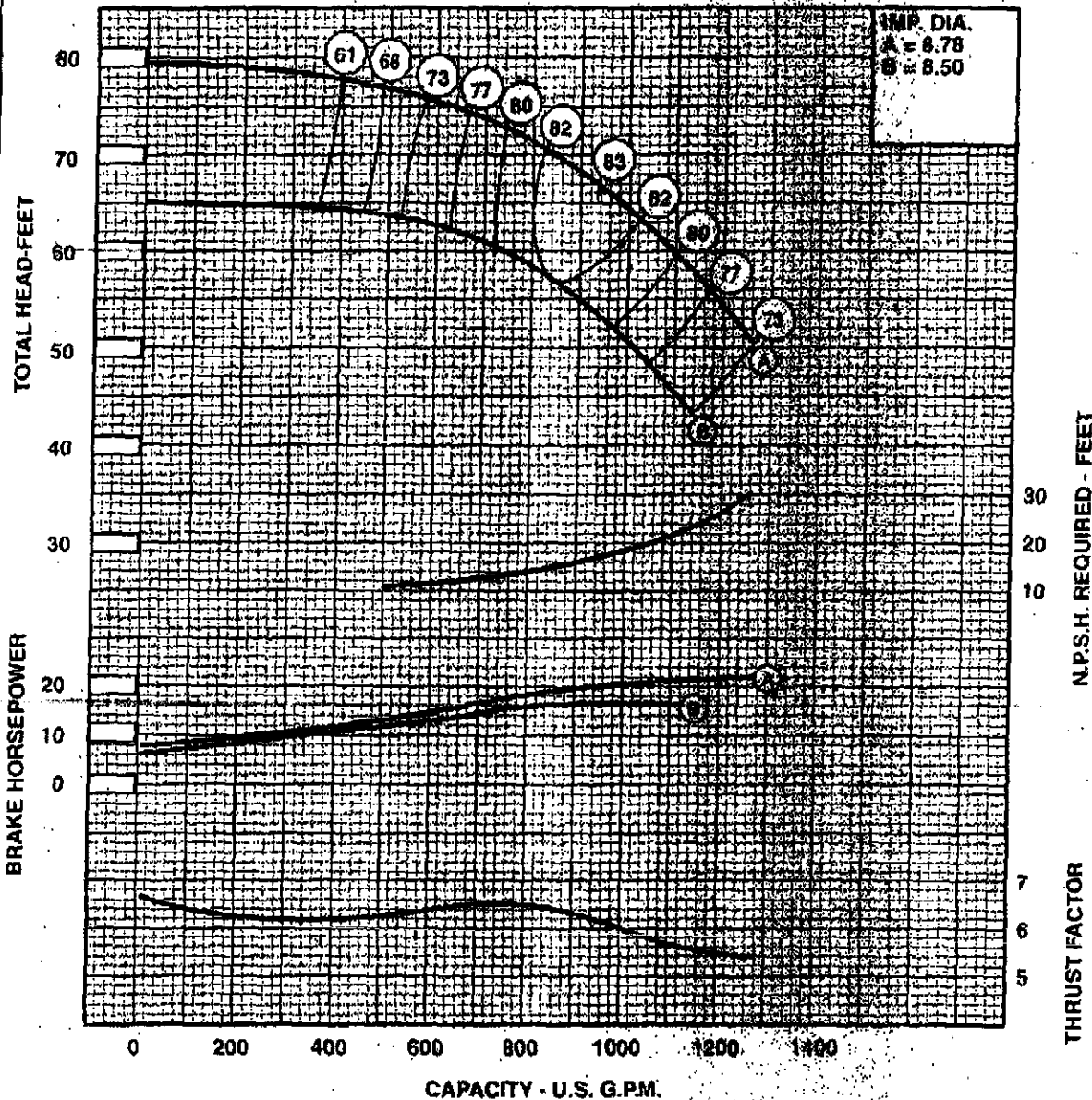
SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY REDUCED FOR 4 OR MORE STAGES. HORSEPOWER SHOWN FOR ONE STAGE BASED ON 4 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

60 FT Head / Stage
120 FT Total Head

16 BHP / Stage
32 Total BHP

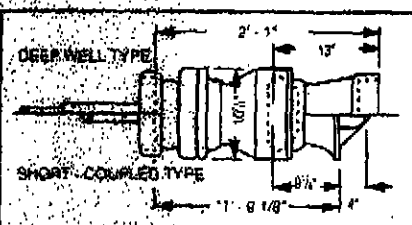
ONE STAGE () STAGES

PUMP PERFORMANCE



Imp # 55B19

EYE AREA - SQ. IN.	= 13.11	IMPELLER WT. - LBS.	= 12.7
WT. PER IMPELLER LB.-FT. ³	= 0.74	ONE STAGE WT. - LBS.	= 166
MAX. SPHERE SIZE	= --	ADD'L STAGE WT. - LBS.	= 74
MAX. NO. STD. STAGES	= 10	IMPELLER NUMBER	= --
MAX. OPERATING - P.S.I.	= 430	DISCH. - IN.	= 8
STD. LATERAL - IN.	= 0.56	SUCTION - IN.	= 8
STD. SHAFT DIA. - IN.	= 1.500	MAX. LATERAL - IN.	= --
MAX. SHAFT DIA. - IN.	= --	BOWL CONN. FLANGED - COLLET	= --
MIN. SUBMERGENCE - IN.	= 25	ADD 3/4" PER ADDITIONAL STAGE	= --



Curves reflect typical performance, refer to factory for certification

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name DUANE YAMAMOTOAddress P.O. BOX 64 KUNA, ID 83634Drilling Permit No. 63-92-W-296Water Right Permit No. 63-11758

7. WATER LEVEL

Static water level 105 feet below land surface.Flowing? ☐ Yes ☒ No

G.P.M. flow

Artesian closed-in pressure

p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ PlugTemperature °F. Quality

Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 8.)

8. WELL TEST DATA

☒ Pump ☐ Baller ☐ Air ☐ Other

Discharge G.P.M. Pumping Level Hours Pumped

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED

- ☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
250	Inches 12	Inches 2	feet 200
250	Inches 10	Inches 174	feet 204
250	Inches 10	Inches 265	feet 273

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☒ Yes ☐ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ GunSize of perforation? inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☒ Yes ☐ NoManufacturer HOUSTON Type STAINLESS STEEL

Top Packer or Headpipe

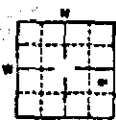
Bottom of Tailpipe

Diameter 10" Slot size - Set from 204 feet to 265 feetDiameter Slot size Set from feet to feetGravel packed? ☐ Yes ☒ No ☐ Size of gravel Placed from feet to feetSurface seal depth 145 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Pudding clay ☐ Sealing procedure used: ☐ Slurry pit☐ Temp. surface casing ☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded☐ Solvent Weld ☐ Cemented between strata

Describe access port

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name Lot No. Block No. County ADA

NE 1/4 SE 1/4 Sec. 24, T. 2 N S. 2 E W 1/4

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name BILL DOTY DRILLINGCO., INC. Firm No. 42Address 106 CALLOWAY Date 7-9-9283605Signed by Drilling Supervisor and (Operator)

(If different than the Drilling Supervisor)

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/9/2002

FILE NUMBER 63-11758



This is a photo of the well and well pump. It is a gear drive pump and did not have the diesel motor attached during the field exam.



This is a photo of the pump sitting on the casing. This situation has been reported to Western Region Well Specialist, Rob Whitney. This situation should be corrected before a license is issued. I informed Mr. Yamamoto that allowing the casing to be open at Ground level is unacceptable and that he should fix this situation as soon as possible to avoid possible contamination to the ground water. I also told Mr. Yamamoto that he should contact Mr. Whitney for instruction.

MICROFILMED

FEB 10 2004

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/10/2002

FILE NUMBER 63-111758



These are photos of the field from the well. Please note that this property is currently being subdivided and a portion of the subdivision was under construction in 2000, which is the only aerial photo available since proof was filed in 1998.

Microfilm
FEB 16 2006

SHAPE CREATED IN WORKFLOW
BY DAN NELSON
12/16/2002

FEB 10 2004

FIELD NOTES

PERMIT NUMBER 63-11758

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

MICROFILMED
APR 10 2003

Nelson, Dan

From: Lester, Steve
Sent: Monday, December 09, 2002 3:38 PM
To: Young, Norm
Cc: Nelson, Dan
Subject: RE: Yamamoto Permit 63-11758

Norm: Thanks for a speedy reply. We were thinking the same thing, including permit holder's chance to show if he retained control of the water when he sold the land. Dan will get back in touch with Mr. Yamamoto to move things along.

Hey, another field exam done - that's good!

Steve

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

From: Young, Norm
Sent: Monday, December 09, 2002 1:16 PM
To: Lester, Steve
Subject: RE: Yamamoto Permit 63-11758

Steve: Yes, proceed with licensing. Our usual approach is to license in accordance with the development that occurred under the permit and then process a transfer to allow a change in the use to occur. Licensing amendments normally address only differences in the development that occurred during the permit period that do not match the permit parameters. An amendment would not be appropriate in this instance if the change in use has not occurred. I assume that licensing the pu as permitted will make the license appurtenant to the subdivision, so whether or not the right vested on these lands when the proof was filed will be moot. But in any case, the permitholder should have the opportunity to show (document) that he retained the right to move the water from the part of the place of use he sold.
Norm

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

From: Lester, Steve
Sent: Monday, December 09, 2002 11:03 AM
To: Young, Norm
Cc: Spackman, Gary; Nelson, Dan
Subject: Yamamoto Permit 63-11758

Norm:

Per your instructions, Dan Nelson recently conducted the field exam of this "moratorium well" permit. Apparently Mr. Yamamoto wants to move the permit to separate land & drill a new well at the new P/U.

Dan found part of the permit P/U had been sold to a developer who subdivided part of the purchased property. Some homes have already been built on a portion of the permit P/U through those transactions. Dan understood Yamamoto wants to move the entire permit, not just the part described by the current P/U still under his ownership.

Gary recalled a court case that determined the filing of proof of b.u. vested a water right, attaching the right to the property (Glaser Land & Livestock Inc. vs. Skeem & Zions Leasing Corp., 4-9-86; Gary got the reference from Phil Rassier). We do not know when Yamamoto sold part of his P/U or if he did or did not convey part of the permit/right in the deal. We know an assignment splitting the permit was not filed. So we don't know if the other owners have ownership of part of the permit/right or not.

It looks unlikely that we can simply amend the entire permit to a new P/U and issue a drilling permit after approval of the amendment. Even if we could, I imagine other owners involved in the current P/U would need to give consent unless Yamamoto amended only a portion of the permit. Still, it seems too late to complete an amendment under the permit banner.

The record suggests we should license the permit and Yamamoto should file a transfer to change at least part of the license, if not the whole thing. Removing the entire license from the P/U would require consent of the other owners, of course.

MICHAEL
DEC 10 2002

Western assumes we should proceed with licensing & transfer unless you indicate otherwise. We could expedite licensing/transfer if you give us the word. Please let me know what you think so Dan can relay the appropriate steps to Mr. Yamamoto.

Thank you.

Steve

MITCHELL

10/10/2008

DAW

11/27

Yamamoto Exam

JA

CASE law & proof filing attaches permit
to property

however right/permit removal from property, other
owner(s) will need to be aware of this
& be able to comment

best is to complete exam, license & transfer.

BEFORE proceed -

1) Gary will provide case law reference

2) I'll provide Norm a training just in
case y. calls Norm again.

Then can finish up exam & Expedite a
transfer Appl (but we won't prepare the
" ")

Let's visit before you do anything

WUOL

FEB 10 2004

Yamamoto

Well

well
Pain

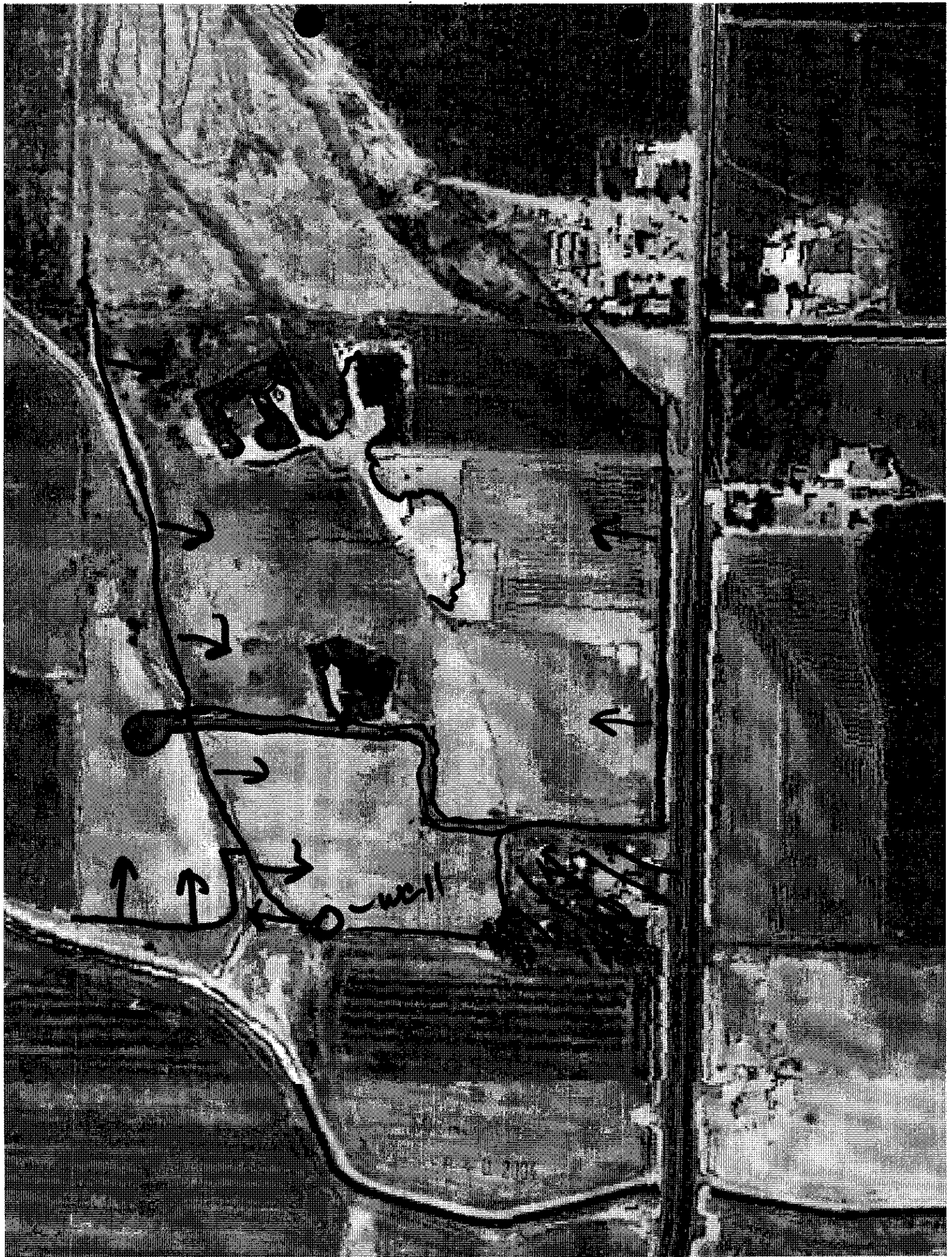
US - Motor

HF 110

1760 RPM

1700 RPM

1181543 SA
1181543 SA



POD SEARCH FOR T2N R1W S24 NESE							
<u>Basin</u>	<u>Sequence</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Source Table</u>	<u>Source Table</u>
63	11758	4/6/1992	0.74	GROUND WATER	IRRIGATION	YAMAMOTO, DUANE (Current)	wrWaterPermit

POU SEARCH FOR T2N R1W S24 NESE							
<u>Basin</u>	<u>Sequence</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Source Table</u>	<u>Source Table</u>
63	2388	8/18/1924	300	BOISE RIVER	IRRIGATION	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrAdjudicationClaim
63	2388	8/18/1924	300	BOISE RIVER	IRRIGATION	US DEPT OF INTERIOR (Current)	wrWaterRight
63	11758	4/6/1992	0.74	GROUND WATER	IRRIGATION	YAMAMOTO, DUANE (Current)	wrWaterPermit

12/13/02
TO DANIEL NELSON
FROM DUANE YAMAMOTO

MINO LANDING SUBDIVISION HOMEOWNERS & IRRIGATION ASSOCIATION

A. Architectural Control Committee

- (1) A committee consisting of a minimum of 3 members to be elected by a 75% vote of the 7 property owners. Term limits will also be decided by a 75% vote of the property owners.
- (2) This committee will be responsible for approval of all construction inside the subdivision.
 - a. This includes homes, outbuildings, fences, etc. and will be based on the CC&R's for this subdivision.
 - b. A 75% vote of the property owners is required to over-ride the decision of the elected committee or change the CC&R's or the Homeowners Association or the Irrigation Association.

B. Irrigation

- (1) The homeowners and irrigation association will elect a two person committee to collect and pay irrigation fees and to organize and oversee the water rotations and order water for the subdivision.
- (2) The spring irrigation fees will be collected from each property owner on or before March 15 of each year. This money will be paid to the Irrigation District by April 1 of each year.
- (3) The fall irrigation fees will be collected and paid within 30 days of receiving the statement from the Irrigation District.
- (4) All cost of irrigation and distribution of water to the property owners will be shared equally.
- (5) If a property owner fails to pay their irrigation fee the other property owners will have all available legal resources to obtain the fee plus cost.
- (6) The irrigation distribution system was originally installed by the developer at no cost to the lot owners. The cost to maintain this system will be equally shared by all property owners.

- C/ Due to the fact that no lot owner can order irrigation water until the entire bill is paid in full there is going to be a one year water fee held in reserve on each lot. That fee is estimated to be \$150.00. It will be collected at closing and put in a interest bearing account at Farmers & Merchants Bank Meridian which will be controlled by the association.

[Handwritten signature]

DEC 16 2002

MINO LANDING SUBDIVISION

The undersigned, being the owners of the property hereby adopt the following protective covenants in their entirety to apply to the real property contained in a subdivision known as MINO LANDING SUBDIVISION, Ada County, Idaho.

The said Mino Landing Subdivision is divided into residential areas of 5 acres or larger. The following covenants shall run with the land and be in force and effect for twenty five years from the date of recording hereof and after which time such covenants shall be automatically extended for successive periods of ten years, unless sooner terminated by seventy-five percent of the land owners in the subdivision and duly recorded with Ada County. They are as follows, to wit:

(1) The total floor area of the main structure of each single story residence shall be not less than 1800 square feet, excluding the garage. A two story residence shall be not less than 1400 square feet of ground floor area. Dwellings shall be constructed of good quality material and workmanship. No residence shall be in excess of two stories above ground level. A garage shall be provided with each residence for a minimum of two vehicles.

(2) No building shall be located on any lot nearer than (50) fifty feet from the front lot line and (50) fifty feet from the back lot line and not nearer than (50) fifty feet to and side lot line. No barn, loafing shed, or other building shall be placed within (50) fifty feet of any established residence, nor nearer than (100) one hundred feet from any lot line. Lot 1 and Lot 6 side setback is 63 feet on north side as per plat.

(3) No resident building shall be moved onto any lot in this subdivision. No non-resident building shall be moved onto the above premises, unless the quality, style and type thereof is approved by the majority of owners within said subdivision.

(4) No shack, tent, mobile home, or basement only, shall be used within this subdivision for living quarters. It is permissible to use a temporary structure as living quarters, for a period not to exceed (6) six months, during construction of the permanent residence.

(5) Nothing of an offensive, dangerous, odorous, or noisy kind shall be conducted or carried on, nor shall anything be done or permitted in said subdivision which may be or become an annoyance or nuisance to the other property owners in said subdivision (this does not limit any farming in the normal accepted manner). Weeds shall be removed and not allowed to spread. The buildings and grounds will be kept in a reasonable state of repair, cleanliness and neatness.

(6) No animals shall be kept for commercial purposes (including dog kennels). All animals kept on these premises shall be properly fed and cared for and shall be adequately fenced so as not to annoy or trespass upon the property of others. Numbers of animals shall be kept as to not cause unsightliness, excessive noise, offensive odors, or dangerous conditions. In any case the number will not exceed 15 animals (not including dogs and cats). Dogs shall not be allowed to run loose. Maximum number of swine not to exceed 2.

(7) No business shall be conducted on the property that cannot be conducted within the residence of the owner, except the limited raising of livestock within the restrictions herein.

DEC 13 2002

(8) All outbuildings shall be constructed of good quality building material, completely finished and painted on the outside and the character shall be in harmony with the other buildings on said property.

(9) Easements for installation and maintenance of utilities, irrigation, and drainage are reserved as plated. Within these easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of water through drainage channels in the easements. The easements area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible. All utilities will be placed underground.

(10) The grantors are under no obligation to deliver domestic water or to furnish rights-of-ways in connection with the delivery of domestic water to any lot or building site in this subdivision. Domestic water for use in any building erected upon a building site shall be supplied by the Grantee and originated from a well to be drilled and or excavated by the Grantee at his expense. Such wells shall be located at a minimum distance of 100 feet from the individual sewerage disposal facilities and shall comply in all respects with regulations and health standards.

(11) All bathrooms, sinks, and toilet facilities shall be located inside the dwelling house and shall be connected by underground pipe with a private septic tank, placed at a depth and make of a type construction approved by the Ada County and the State of Idaho health authorities. Drainage from septic shall be kept within the building limits of each lot. Approval of all sewage disposal systems installed shall be obtained from the Central District Health Department and the Grantor shall have no obligation for construction of any sewer or provide any connection thereto.

(12) No lot included within the subdivision shall be used or maintained as a dumping ground for waste material. No junk, machinery, trailers, trucks, appliances, or unsightly material of any sort or nature, or junk automobiles shall be kept on any of the lots.

(13) Enforcement against any person or persons violating or attempting to violate any covenant herein shall be the responsibility of all the property owners. In the event of a judgment against any person for such violation, the Court may award injunction against further violation, require such compliance as the Court deems necessary, award such damages, reasonable counsel fees and relief as may be deemed just and equitable.

(14) All lots will be served by underground utilities, electrical and telephone lines, and no above-surface distribution lines or poles shall be installed. The service shall be in the road or easement right-of-way as plated. Each Grantee agrees, at his sole expense, to pay connection charges as established by applicable utilities entity for underground service facilities as the condition precedent to connection thereto. Grantor shall not be liable for the cost thereof, but may recover funds advanced, if any to obtain initial installation. Grantor shall not be responsible for the cost of installation of yard lights or mailboxes. No television or radio antennae shall be erected in the front of any residence and not be placed in such a way as to be unsightly.

(15) The Private roads of said subdivision shall be used as the sole access for ingress and egress of the subdivision. Property owners of the lots shall share and share equally in the maintenance and necessary repairs of the private road to provide an

acceptable means of access to each lot. The Grantor or its successors have no responsibility for ongoing costs incurred for the private road. A private road agreement shall be signed by all owners of lots at the closing of each lot.

(16) Irrigation water is supplied from the Boise-Kuna Irrigation District and is administered by the Home Owners Irrigation association. The owner of each lot is a member of this association and has a vote in the administration and distribution of irrigation water as set forth in "MINO LANDING HOME OWNERS IRRIGATION ASSOCIATION".

(17) Invalidity of any one of these covenants shall in no way affect any of the other provisions which shall remain in full force and effect.

(18) The approval of building plans shall be obtained from the Architectural Control Committee prior to commencing construction.

(19) No building or structure shall be placed on said property so as to obstruct the windows, light, or view as far as reasonable of any adjoining property owner.

(20) All fences and walls shall not exceed six (6) feet in height.

(21) The front yard of each lot and the side yard of any lot which is adjacent to a street must be landscaped by installing sod or seeding within thirty days of substantial completion, or occupancy, whichever shall first accrue, or as soon thereafter as the weather permits. All remaining portions of the yard area of each lot must be completed by installing sod or seeding within six months of occupancy.

(22) Developer retains the right to use signs to advertise the subdivision and/or lots or his representative.

(23) The owner of each lot has one vote per lot owned.

IN WITNESS WHEREOF, We the undersigned, owners of the property in MINO LANDING SUBDIVISION, have hereunto place our hands this 13 day of November, 1998.

Duane Yamamoto
Duane Yamamoto

Judy Yamamoto
Judy Yamamoto

Keen, Shelley ^{SJK}

To: Lester, Steve
Subject: Field Exam for 63-11758

Steve,

Norm just asked for a field exam to be done ASAP on 63-11758 for Duane Yamamoto. A wintertime exam is probably okay because this is one of the supplemental M-Permits, so there is no measurement to be done. I'll put it on call-up for 30 days. Please let me know if it'll be tough to fit it in.

Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

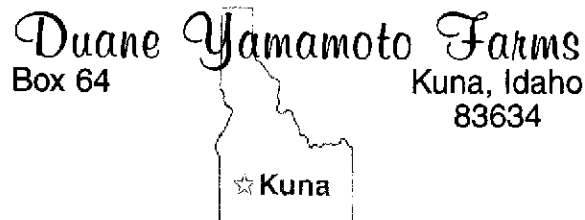
MICROFILMED
FEB 10 2004

TO: Shelley Keen
FROM: Norm *Norm*
RE: 63-11758 (Yamamoto)
DATE: November 18, 2002

Thanks for pulling this file for me. I called Mr. Yamamoto and advised him that the permit was still in force, that he had filed proof and that we needed to do a field exam before the license could be issued.

He requested prompt issuance of the license because the land/water right is part of a subdivision project and real estate transaction. He said that the diesel pump has been removed but the pump is in place.

Perhaps this is one that we could try to do an exam on this winter, since an actual measurement of discharge cannot be done.



Cell. (208) 869-4813 Res. (208) 922-5514
Fax (208) 922-4862

MICROFILMED
FEB 10 2004

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 03-11758 Reviewed by [Signature] Date 3-20-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

_____ Surface water source
✓ Ground water source
yes Drilling permit required?
NO Copy in the file? Drilling Permit No. 03-92-W-0296-000
200- Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
0 Amount Submitted
NO Correct?

yes Required?
agreement Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Request \$100.00 Lic. exam fee / forgot to include
* Fee paid at ^{W.} Region 3-13-98 - WD23527 - Proof acceptable.

DATA ENTRY

New Address [Signature] Proof Made 3-13-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 5, 1998

Duane Yamamoto
PO Box 64
Kuna ID 83634-0064

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11758

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUN 09 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 30, 1998

Duane Yamamoto
PO Box 64
Kuna ID 83634-0064

RE: Permit No. 63-11758

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. Before the department can accept the proof, it must be accompanied by the appropriate license examination fee. You indicate on the proof statement that you enclosed the \$100.00 fee, however, it was not included with the proof statement.

Please return the copy of the proof statement along with the \$100.00 license examination fee within **30 days** of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR- Western Region

MICROFILMED

JUN 09 1998

January 31, 1998

DUANE YAMAMOTO
PO BOX 64
KUNA ID 836340064

PROOF DUE NOTICE

RE: PERMIT NO. 63-11758

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

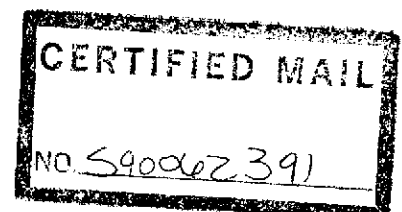
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JUN 09 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-11758

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

JUN 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-11758

DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 09 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

12/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 63-11758 Name: Yamamoto Date: 12/17/97 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN: 92-M Well - No/Yes: _____ Mar / _____ GWMA / Trust / Non-trust
PROTESTED: WD - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof
>1 year

(P16)
- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

WMD
>0.24 cfs/5 acres
Supplemental use
≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)
- No MD
- 01M (report when notified)
- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- No MD

DRILLING PERMIT:

Existing well

Included w/permit

No drilling permit?

irr. in WD

- NA (pre 7/1/87; ✓ WDO3)
- Permit No. 63 - 92 - W - 0296 - 000, FW
- 046-46B-P23 (post 7/1/87)
- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

- *WB9
- R04 (WD # _____)-01J-P08 (MD)
- 01H-P01 (LD & MD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)
- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)
- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

- *W22 -P04, NA
- 007 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stock

Storage (✓3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 071-070
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- 054(req)-081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- P84 in 20/30/40/50/60/70/80 (87) basin
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

- 004 (PD/PU)
- 066 068 074 069
- 0. Water Zone

BENEFICIAL USE DUE:

COMMENTS:

4/21/1998

- follows format for other permitted 'M permits'

MEMORANDUM

Date: May 20, 1997

To: Glen

From: Jim Johnson

Subject: Application for permit 63-11758

=====

Shelley is seeking clarification on approving applications in Basin 63. I have not heard any news which indicate that they will proceed with approving new applications. Therefore, in general, we would not approve applications for now.

This application should be approved in my opinion because water was used in 1992 and reinstated in 1994. The permit would have been approved had it not been protested. Do you think this is a defensible reason to approve the application?

Jim —

I suppose
this app is
approvable,
however I
think there
is no reason
to approve
it now since
there should
be a full
surface water
supply.

[Signature]

5-29

RE-ADVERTISING FOR SUPPLEMENTAL
IRRIGATION RIGHT (MORATORIUM BACKLOG)

APPLICATION NO. 63-11758

RECEIVED

MAR 24 1997

FINAL REGIONAL PROCESSING REVIEW

Department of Water Resources

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Published on October 19 & October 26, 1995
☐ ☒ Publication dates and paper recorded on application:
☐ ☐ Protests received. Final date for protest 11-6-95
☐ ☒ Protest dates, resolution of protest recorded on application:
☐ ☒ Recommendations attached:
☒ ☐ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District #
☐ ☐ Special conditions of approval or cover letter: 046, 046B,
066, 067, 065

☐ ☐ See below for additional information.

Recommended Date or Priority 4/6/92

Recommended by: Bangs Date 3/19/97

STATE OFFICE REVIEW

☐ ☐ See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JE DATE: 4/7/92 APPLICATION: 63-11758

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
N P/D
N P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☐ ☐ Diversion within interim protected river area
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED:

☒ ☐ Additional information on reverse side:

RECEIVED
MAY 8 1992

PROCESSING

APPLICATION NO. 63-11758

YES NO

☒ ☐
☐ ☒
☐ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest May 4, 1992

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

26A (Allow 2 yrs), 46

☒ See below for additional information

Recommended Date or Priority 4/6/1992

Recommended by: DM

Date 5/6/1992

STATE OFFICE REVIEW

 See below for additional information. By Date

ADDITIONAL INFORMATION

Overlap

Plm Irrig Dist. water for same area.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 7, 1997

EFFIE SCHULTSMEIER
1030 W HUBBARD RD
MERIDIAN ID 83642

Re: Application for Permit No. 63-11758 in the Name of Duane Yamamoto

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right.

The Department now will continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Applicant

MAR 06 1997

W I T H D R A W A L

I hereby withdraw my protest of
Application For Water Right to Appropriate the Public
Water of the State of Idaho, No. 63-11758. (Duane Yamamoto)

Signed 

this 1 day of March 1997.

Eppie Schuttknecht
Protestant

ATTEST:

January 9, 1997

JS STEVE,

I just talked to Effie Schultzmeier and she is withdrawing her protest of Duane Yamamoto's water right application. It was scheduled for a conference 1-20-97. I sent her a withdrawal form to sign. I also called Duane Yamamoto and told him and I cancelled the conference room at the S.O. I couldn't find the application though. Maybe you have some idea where it is.

Thanks,

Sue

*Will be ready for final staff
review once protest withdrawn*

MICROFILMED

JUN 6 9 1999

P 363 550 612

US Postal Service

Receipt for Certified Mail

EFFIE SCHULTSMEIER

1030 W HUBBARD RD

MERIDIAN ID 83642

Postage	\$ 3.00
Certified Fee	\$ 0.25
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.25
Postmark or Date	

PS Form 3800, April 1995

stick postage stamps to article to cover **First-Class postage, certified mail fee, and charges for any selected optional services** (*See front*).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

P 363 549 646

US Postal Service

Receipt for Certified Mail

DUANE YAMAMATO

PO BOX 64

KUNA ID 83634

Postage	\$ 2.52
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier *(no extra charge)*.
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

4a. Article Number

P 363 549 646

4b. Service Type

- | | |
|---|------------------------------------|
| ☐ Registered | ☐ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

12-19-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

DEC 20 1998

**WATER RESOURCES
WESTERN REGION**

Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES

**2735 AIRPORT WAY
BOISE, IDAHO 83706**

MICROFILMED

JUN 09 1998

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EFFIE SCHULTSMEIER
1030 W HUBBARD RD
MERIDIAN ID 83642

4a. Article Number

P 363 550 612

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

122691

5. Received By: (Print Name)

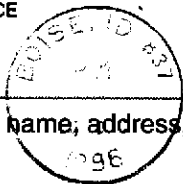
Effie Schultsmeier

6. Signature: (Addressee or Agent)

X Effie Schultsmeier

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

DEC 27 1996

**WATER RESOURCES
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706**

UNDELIVERED

JUN 09 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

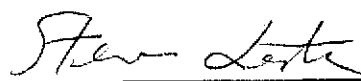
IN THE MATTER OF APPLICATION	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NO. 63-11758 IN THE	)	
	)	
NAME OF DUANE YAMAMATO.	)	
_____	)	

On April 6, 1992, Duane Yamamoto filed with the Department of Water Resources (Department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Effie Schultsmeier.

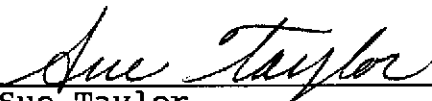
The Department has set the matter of protest for a conference to be held on Friday, January 10, 1997, at 10:00 a.m., at the Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 17th day of December, 1996.


STEVE LESTER
Deputy Western Regional Office
RECEIVED
JUN 09 1996

I hereby certify that on the 18th day of December, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary/Office Coordinator

Certified Mail

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

EFFIE SCHULTSMEIER
1030 W HUBBARD RD
MERIDIAN ID 83642

NOTED
JUN 19 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

RECEIVED
JUN 18 1988

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MACT 2-11-1983
JUL 10 1983

CONVERSATION MEMORANDUM

DATE 12/4/95FILE 63-11758NAME OF PARTY Effie Schultsman 384-3357EMPLOYEE Steve LattaRE: Protest Remains:① wants to continue protest.② Re: 11/5 letter from IDWA acknowledging
orig. protest:All other signatories want to be id. as
protesters, not just lev.Can all participate as protesters or just lev?Options: Send letter to Regiona) Explain how all are party to this &
will participate via G.S. - or -b) all others pay \$25 & request that
group filing be ~~not~~ treated as several
(1 per \$25 paid) protests - a lack of
clarity in the process that the citizens
could not be expected to know about.

MICROFILMED

JUN 09 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 21, 1995

EFFIE SCHULTSMEIER
1030 W HUBBARD RD
MERIDIAN ID 83642

Re: Application for Amendment of Application No. 63-11758 in the
Name of Duane Yamamoto

Dear Protestant:

Enclosed is a copy of the proposed amendment to the above-referenced application for permit. Please review this and let us know within two weeks whether or not you wish to continue with your protest.

If you have any questions please call this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

Encl.

NOT RECORDED

JUN 09 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 6, 1995

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

Re: Application for Permit No. 63-11758

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

NOV 12 1995

JUN 09 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 5, 1995

PHILIP E. BATT
GOVERNOR

EFFIE SCHULTSMEIER
1030 W HUBBARD RD
MERIDIAN ID 83642

KARL J. DREHER
DIRECTOR

Re: Application for Permit No. 63-11758 in the Name of Duane Yamamoto

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

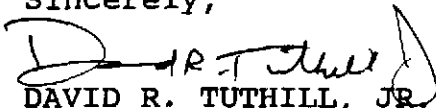
Even though there were several names on the protest received there was only one fee of \$25.00. Therefore, we recognize Effie Schultsmeier as the protestant and will direct our correspondence to you.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,


DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

NOV 10 1995
JUN 09 1998

October 25, 1995

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

We the undersigned protest water right filing 63-11758, Duane Yamamoto, for an irrigation well in T. 2 N., R. 1 W. Section 24. As you are well aware we are concerned that the ground water in this area is being depleted and it is causing a financial burden to all domestic well users when high volume irrigation wells are allowed to be drilled in the same aquifer as our domestic wells. The lands to be irrigated have sufficient irrigation water from the existing irrigation company.

Enclosed with this protest is the \$25.00 protest fee.

Kim Schultsmeier 1030 W. Hubbard Rd. Meridian Idaho 83642
Effe Schultsmeier 1030 W. Hubbard Rd Meridian ID 83642
Connie Morrison 1640 W. Hubbard Rd Kuna, Id 83634
Hedy L. Payne 1285 W. HUBBARD RD. MERIDIAN, ID 83642
Janet Little 3152 S. Linder Rd. Kuna Id 83604
Verna McQuaid 1530 N. Hubbard Rd Meridian 83642
My B. DeMule 1105 W. Hubbard Rd Meridian 83642
Dorcas B Post 1420 W Hubbard Rd Meridian Id 83642
Melvin Post 1420 W Hubbard Rd Meridian Id 83642
Donald Smith 170 W. Hubbard Kuna, ID. 83634

RECEIVED

JUN 5 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-1

SCHOOL DISTRICT NO 2
911 MERIDIAN ST
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NENW Sec 33 T04N R01E in ADA County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 2/26/1992
In: ADA County

T04N R01E S33 NENW
7.0 ACRES TOTAL

Water bearing zone to be appropriated is 66 to 76 feet.

63-11758

YAMAMATO, DUANE
PO BOX 64
KUNA, ID 83634

Source: GROUNDWATER
Diversion Pt: NESE Sec 24 T02N R01W in ADA County.
Use: IRRIGATION (2.940 CFS)
Total Diversion: (2.940 CFS)

Date Filed: 4/6/1992
In: ADA County

T02N R01W S13 NESW NWSW SWSW
S24 NESE
147.0 ACRES TOTAL

Water bearing zone to be appropriated is 125 to 160 feet.

63-11825

SCHOOL DISTRICT NO 2
911 MERIDIAN ST
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NENW Sec 12 T03N R01W in ADA County.
Use: IRRIGATION (0.360 CFS)
Total Diversion: (0.360 CFS)

Date Filed: 5/13/1992
In: ADA County

T03N R01W S12 NENW
18.0 ACRES TOTAL

Water bearing zone to be appropriated is 88 to 98 feet.

63-12046

STATE OF IDAHO
DIV OF PUBLIC WORKS
502 N 4TH ST
BOISE, ID 83702

Source: GROUNDWATER
Diversion Pt: LOT 2(NWSW) Sec 28 T03N R03E in ADA County.
LOT 2(SWSW) Sec 28 T03N R03E in ADA County.
Use: DOMESTIC (0.110 CFS)
FIRE PROTECTION STORAGE (1.50 AF)
DIVERSION TO STORAGE (0.110 CFS)
IRRIGATION (0.090 CFS)
AESTHETIC STORAGE (0.110 CFS) (1.50 AF)
AESTHETIC STORAGE
Total Diversion: (0.110 CFS)

Date Filed: 7/27/1993
In: ADA County

T03N R03E S28 SWSW
3.0 ACRES TOTAL

Water bearing zone to be appropriated is 73 to 84 feet.

63-12164

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NWSE Sec 23 T03N R01W in ADA County.
Use: IRRIGATION (0.090 CFS)
IRRIGATION STORAGE (1.70 AF)
IRRIGATION FROM STORAGE (1.70 AF)
DIVERSION TO STORAGE (0.090 CFS)
Total Diversion: (0.090 CFS)

Date Filed: 12/16/1994
In: ADA County

T03N R01W S23 NWSE
3.0 ACRES TOTAL

Water bearing zone to be appropriated is 154 to 160 feet.

63-12165

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NWSE Sec 23 T03N R01W in ADA County.
Use: IRRIGATION (0.130 CFS)
IRRIGATION STORAGE (1.70 AF)
IRRIGATION FROM STORAGE (1.70 AF)
DIVERSION TO STORAGE (0.130 CFS)
Total Diversion: (0.130 CFS)

Date Filed: 12/16/1994
In: ADA County

T03N R01W S23 NWSE
7.0 ACRES TOTAL

Water bearing zone to be appropriated is 154 to 160 feet.

63-12182

MC CORMICK, KATHLEEN M
HC 33 BOX 1077
BOISE, ID 83706

Source: GROUNDWATER
Diversion Pt: SWSW Sec 20 T03N R04E in ADA County.
Use: IRRIGATION (0.090 CFS)
Total Diversion: (0.090 CFS)

Date Filed: 2/28/1995
In: ADA County

T03N R04E S20 SWSW
4.5 ACRES TOTAL

Water bearing zone to be appropriated is 70 to 150 feet.

63-12194

LOWE, REGINA A
LOWE, THOMAS A
12160 W NEW HOPE RD
STAR, ID 83669-5126

Source: GROUNDWATER
Diversion Pt: LOT 3(NENW) Sec 6 T04N R01W in ADA County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 4/5/1995
In: ADA County

T04N R01W S06 Lot 3(NENW)
10.0 ACRES TOTAL

Water bearing zone to be appropriated is 200 to 300 feet.

63-12204

O KEEFE, NANCY
O KEEFE, CLAIR
4900 N MEANDER PL
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: NWSW Sec 29 T05N R01E in ADA County.
Use: IRRIGATION (0.120 CFS)
Total Diversion: (0.120 CFS)

Date Filed: 4/26/1995
In: ADA County

T05N R01E S29 NWSW
4.0 ACRES TOTAL

Water bearing zone to be appropriated is 148 to 200 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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 6, 1995. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

RECORDED

JUN 09 1995

63-11758

YAMAMATO, DUANE
PO BOX 64
KUNA, ID 83634

Source: GROUNDWATER

Diversion Pt: NESE Sec 24 T 02N R 01W in ADA County.

Use: IRRIGATION (2.940 CFS)
Total Diversion: (2.940 CFS)

Date Filed: 4/ 6/1992

In: ADA County
T02N R01W S13 NESW NWSW SWSW
S24 NESE

147.0 ACRES TOTAL

Water bearing zone to be appropriated is 125 to 160 feet.

MICROFILMED
JUN 09 1993

RESPONSE FORM

Boise River Basin Moratorium Application

RECEIVED

AUG 21 1995

WATER RESOURCES
WESTERN REGION

Name of Applicant: DUANE YAMAMOTO

Address: P.O. Box 64

KUNA, ID 83634

Water Right No.: 63 - 11758

Do you wish to proceed with development of the
water right as proposed in the application?

K Yes No

(If the response is no, please complete
and return the enclosed withdrawal form.)

If the source of water that you propose to
appropriate is ground water, what aquifer
level do you propose to develop to obtain water?

¹²⁵
125 ft to 160 ft

Signature: Duane Yamamoto

Printed Name: DUANE YAMAMOTO

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

NOTED

JUN 09 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1995

**Distribution: Applicants Whose Water Right Applications Were Held
Without Action Under the Boise River Basin
Moratorium**

Dear Applicant:

As you might be aware, on May 3, 1995 the Director of the Department of Water Resources, Mr. R. Keith Higginson, signed an Amended Moratorium Order which provides for the processing of previously held applications within the Boise River Basin, with certain restrictions. Enclosed for your information is a copy of the Order.

As provided in the Order, this office will resume the processing of these applications in order of priority at a rate of 30 applications per month. Depending on how many applicants wish to proceed with development of their projects, the processing of the 338 presently-held applications could require as much as a year. To enable you to make an estimate as to when your application(s) will be processed, please be advised that 244 of the applications have priority (receipt) dates of 1992; 32 are dated 1993; 37 are dated 1994; and 25 are dated 1995.

As new applications are received, they are sorted into two groups. Those that would not have been held back under the moratorium are processed immediately. To assure fairness in processing, those that would have been held back under the moratorium, such as irrigation applications, are placed at the end of the moratorium processing line.

Note that the Order requires that all applications held under the moratorium will be advertised (or re-advertised if previously advertised), in order to enable neighboring water users to examine the proposed uses in view of water availability information gained during recent drought years. There will be no additional charge to the applicants for this process. For applications that propose use of ground water, the advertisement must include an indication of the depth interval from which the applicant proposes to withdraw water.

Please find enclosed a Profile Report which provides information from our water rights data base describing each of your moratorium-held applications. In addition we have included one response form for each application, which enables you to indicate whether you wish to proceed with processing of your water right application(s).

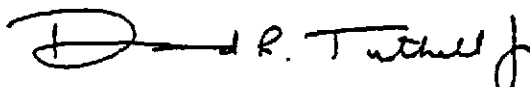
MICROFILMED
JUN 2 1995

May 19, 1995

In case you no longer intend to develop a water use as described on an application, please complete and return the enclosed Withdrawal Form. Because of the time and effort already devoted to researching water availability in the Boise River basin, the Department will not be able to provide refunds of fees for applications that are withdrawn.

If you have questions about this process, or if you need assistance in completing the response form, please feel free to contact this office at (208) 334-2190. Response forms received no later than May 31, 1995, will be used in compiling the applications that will be advertised during June.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures

Amended Moratorium Order
Profile Report(s)
Response Form(s)
Application Withdrawal Form(s)

APPROPRIATE
JUN 8 9 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 27, 1994

DUANE YAMAMOTO
PO BOX 64
KUNA ID 83634-0064

RE: PERMIT NO. M63-11758

REINSTATEMENT OF PERMIT APPROVAL

Dear Reinstated Permit Holder(s):

Enclosed is an reinstatement order authorizing diversion of water under the above referenced permit.

The Department has reinstated your permit for the remainder of the 1994 irrigation season and the reinstatement will expire on November 15, 1994. When your permit expires, you must make the pump and motor inoperable, and you cannot operate the pump without approval from the Department of Water Resources. The Director may reinstate the permit again next year if drought conditions persist.

Please remember water diverted under your reinstated permit is only to be used on the lands identified on your permit. You must obtain the approval of the Department before using your water anywhere else.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If you have any questions please let me know.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED
AUG 09 1994

DROUGHT RELIEF QUESTIONNAIRE

RECEIVED

JUL 26 1994

Department of Water Resources

7/24/94

If you are not interested in having a 1994 temporary permit reinstatement, or if you did not drill a well in 1992, disregard this questionnaire. No response is necessary.

Please answer the questions below. Your answers will help the department assess the need for use of the wells to complete the 1994 irrigation season and the extent of water use that will occur if the department again authorizes use of the wells.

1. Temporary permit identification number. M63-11758
(See cover letter)

2. a) Person responding to this questionnaire

DUANE YAMAMOTO

b) Relationship to applicant? _____

3. Do you expect to use all of your surface water supplies for the land identified on the attached application prior to the end of the 1994 irrigation season? Yes X No _____

4. What is the source of supply? (Name of Canal)

NY WATER DIST. BADLEY CANAL

5. What date do you expect this to occur? Aug 13, 1994

6. List the type of crop, acreage and volume of water in acre feet (AF) needed under the temporary permit to complete the 1994 irrigation season. List only for the lands included in the land list of the attached application for permit.

CROP	ACRES	ACRE FEET
<u>SUGAR BEETS SEC 24</u>	<u>37</u>	<u>55.5</u>
<u>SUGAR BEETS SEC 13</u>	<u>67</u>	<u>100.5</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

This questionnaire needs to be completed and returned to the department by August 1, 1994 in order to be considered as a request to reinstate a temporary permit.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1994

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

RE: Water Right No. M63-11758

Dear Water Right Holder(s):

In 1992, the Department issued you a temporary permit to use groundwater from your well, if you drilled one, to replace depleted storage water supplies. This temporary permit expired on November 15, 1992.

During 1994, since available surface water supplies are again substantially below normal, the department has received a number of requests to re-authorize use of the "1992 drought relief" wells.

The department is willing to consider reinstating the temporary permits for the remainder of 1994 provided you can show that you used water under the 1992 temporary approval and that water will be used only on the lands identified on the temporary permit. Enclosed is a questionnaire which you must complete and return to the department if you want to be considered for reinstatement in 1994.

Also enclosed, for your reference, is a record of your application for permit.

Please be advised that unless the department specifically reinstates the expired permit, you are not authorized to divert and use the water from the well identified on the temporary permit.

If you have any questions, please feel free to contact me at Ph. 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

RECEIVED
JUL 29 1994

March 31, 1994

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634

RE: Water Right No. M63-11758

Dear Water Right Holder(s):

In 1992, the Department of Water Resources issued the above referenced permit allowing the diversion of water for the 1992 irrigation season only. The permit included a condition:

This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.

It now appears that 1994 early season water supply and precipitation conditions are such that short-term use of the wells that were drilled under this authority could be beneficial prior to the start of water delivery through the canal systems in the Boise Valley. We have been advised that most of the canals will not be able to deliver water for another 10 to 14 days.

Therefore, you are hereby notified that the permit is reinstated for temporary use during the period April 1 through April 15, 1994 only. All other conditions of the permit continue to apply. One requirement was that the well be disconnected from the power system at the end of the approved period of use, which under this reinstatement is April 15, 1994.

The existing moratorium in the Boise Valley area is not changed by this temporary reinstatement of the 1992 drought well permit. This temporary reinstatement does not authorize the construction of a new well or alteration of an existing well.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

APR 1 1994
AUS BY [signature]

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name DUANE YAMAMOTO
Address P.O. BOX 64 KUNA, ID 83634
Drilling Permit No. 63-92-W-296
Water Right Permit No. 63-11758

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

[illegible]

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	12 inches	+ 2 feet	200 feet
.250 inches	10 inches	174 feet	204 feet
.250 inches	10 inches	265 feet	273 feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer HOUSTON Type STAINLESS STEEL

Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter 10" Slot size - Set from 204 feet to 265 feet
Diameter Slot size Set from feet to feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel
Placed from feet to feet

Surface seal depth 145 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used:

☐ Temp. surface casing

Method of joining casing:

☐ Solvent Weld

☐ Slurry pit

☒ Overbore to seal depth

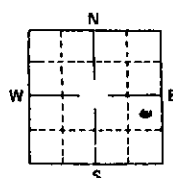
☐ Threaded ☒ Welded

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location **must** agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County ADA

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 T. 2 N S. ☒ 1W E ☐
S ☐ 1W W ☒

7. WATER LEVEL

Static water level 105 feet below land surface.
 Flowing? ☐ Yes ☒ No G.P.M. flow _____
 Artesian closed-in pressure _____ p.s.i.
 Controlled by: ☐ Valve ☐ Cap ☐ Plug
 Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
------------------	---------------	--------------

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
16	0	4	TOP SOIL		X
16	4	16	BASALT		X
16	16	42	FRACTURED ROCK		X
16	42	44	CINDERS		X
16	44	145	FRACTURED ROCK		X
12	145	149	SAND & GRAVEL		X
12	149	273	SAND STONE	X	

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JUL 16 1992

Department of Water Resources

Department of Water Resources
Western Regional Office

AUG 09 1994

10.

Work started 5-22-92 finished 7-3-92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name **BILL DOTY DRILLING CO., INC.** Firm No. **42**

Address 106 CALLOWAY
CALDWELL, ID Date 7-9-92

83605
Signed by Drilling Supervisor 

and
(Operator) John J. [Signature]
(If different than the Drilling Supervisor)

63-11758

RECEIVED
MAY 26 1992

MORATORIUM EXEMPTION QUESTIONNAIRE

Department of Water Resources

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE
COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated with surface water in the past?

yes

- Do you summer fallow any of your irrigated land? If so, how many acres?

No

- List the water right(s) you have used to irrigate the land listed on the application. If you have received water from a canal company or water district, please identify the name of canal or water district.

/

- During the last ten years, how many years has your surface irrigation water been available for the entire irrigation season?

10 YEARS

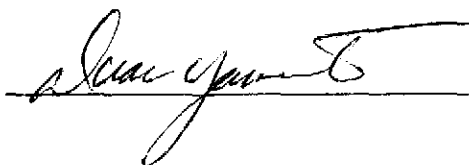
- What crops have you grown in the past ten years?

SUGAR BEETS, HYBRID SEED CORN, BEANS, AND GRAIN

I understand if my proposed diversion of groundwater is approved as a supplemental use, that I can only use my well during periods of drought, when a full supply of water is not available. I also agree that my surface water will be fully used to the extent available, will not be sold or used on other lands, and that a change in use of my surface water may result in revocation of any groundwater right granted pursuant to my application for supplemental water.

Dated this 22 day of MAY, 1992.

(Please sign)



RECEIVED
AUG 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 26, 1992

DUANE YAMAMATO
PO BOX 64
KUNA ID 83634-0064

COPY

RE: PERMIT NO. 63-11758

LETTER OF PERMIT APPROVAL

Dear Permit Holder:

Enclosed is a copy of your approved permit. Your proposed use of water qualifies for a narrow exception to the Snake River Basin Moratorium established by the Director on May 15, 1992. The exception allows the use of groundwater during the drought to protect agricultural uses which normally have an adequate supply of water. Please carefully review the conditions of approval.

The Department has approved your permit for the 1992 irrigation season. Diversion of groundwater is not authorized after the 1992 season, and the permit expires. The Director may reinstate the permit in a subsequent year if drought conditions persist. You will be responsible for requesting reinstatement during future irrigation seasons.

When your permit expires, you must make the pump and motor inoperable, and cannot operate the pump without approval from the Department of Water Resources.

Your permit is for supplemental use only to augment your surface water supply. If the surface water you own is sold, transferred, leased or used on any other land without the approval of the Department of Water Resources, you automatically lose your right to divert groundwater. You must obtain the approval of the Department before using your water anywhere other than where it has traditionally been used.

In addition, you must fully utilize your available surface water to the extent possible. The surface water need not be fully consumed or diverted prior to use of groundwater. You cannot, however, simply divert token quantities of surface water and rely primarily on your groundwater diversion. Surface water must be your primary source of water.

RECORDED

AUG 09 1994

If you want to locate your well closer than 500 feet from an existing well, you must obtain the approval of the Department of Water Resources. We realize that under certain circumstances, it may be impossible to locate the well 500 feet away from another well. You must, however, be cognizant of possible interference resulting from pumping of your well.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If general water levels in the geographical area of your well decline below reasonable levels, the Department may require you to cease diverting from your well.

You must efficiently apply the water to the land and conserve water to the extent possible. Excessive irrigation, delivery systems with substantial losses, and application methods which cause substantial percolation or evaporation are not acceptable.

Sincerely,

JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure

RECEIVED
AUG 09 1994

100

Source: GROUNDWATER

```
Use: IRRIGATION          ( 2.940 CFS)
      Total Diversion: ( 2.940 CFS)
```

In: ADA County
T02N R01W S13 NESW NWSW SWSW
S24 NESE

147.0 ACRES TOTAL

AUG 09 1994