

TWP. 5N

RGE. 4W

34

5AC

30
AC

* P.D.

Richard C. Brock
(Applicant)

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

June 3, 10, 1982

Subscribed and sworn to before me this 10th
day of June

19 82

Janet Leach
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

63-9905 ✓ 10

BROCK, RICHARD C.

RT. 2, CALDWELL, Idaho 83605

Source: GROUNDWATER

Date Filed: May 17, 1982

Amount: 0.70 CFS

Diversion Point: SENE Sec 34 T 05N R 04W, CANYON County

Use: IRRIGATION (0.70 CFS) from March 15 to November 15

Place of Use: NENE SENE Sec 34 T 05N R 04W FOR 35 ACRES

Diversion Means: WELL, PUMP & GRAVITY IRR.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before JUNE 21, 1982.

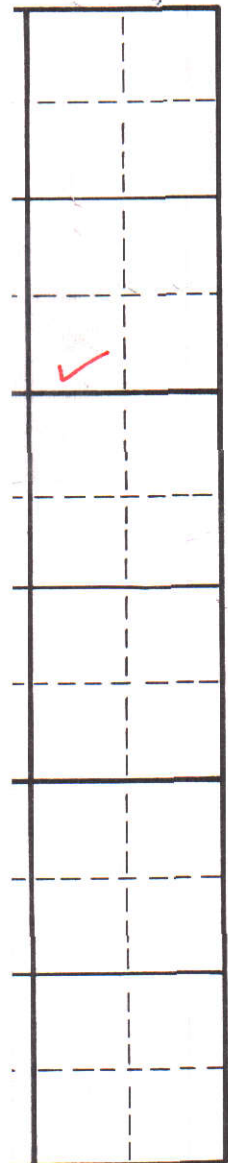
A. KENNETH DUNN
Director

June 3, 10, 1982

RECEIVED
JUN 21 1982

Department of Water Resources
Western Regional Office

RECEIVED

[illegible]

Place(s) of Use ✓ less acreage

Recommended Amendments:

- ☒ None
☐ Other

Date 5/7/83

Date _____

ate 2-29-84

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9905 Priority May 17, 1982 Amount 0.63 cfs

THIS IS TO CERTIFY, that Richard C. Brock
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-9905 issued pursuant to Application for Permit dated May 17, 1982,
and has submitted proof to the Department of Water Resources on May 17, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.63 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>0.63</u> cfs and <u>148.5</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.63 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
148.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34,
Twp 5N, Rge 4W in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4W	34	3			30													33

Total number of acres irrigated 33

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of

MARCH, 19 84.

Acting for the Director

Norm C. Young

176 ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant RICHARD C. BROCK Phone 459-4755
Post office address ROUTE #2, CANNONVILLE, ID 83405
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 5N
Range 4W B.M. CANYON County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.70 for IRRIGATION purposes from MAR 15 to NOV. 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 0.70 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP, GRAVITY
IRRIGATION.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is / years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

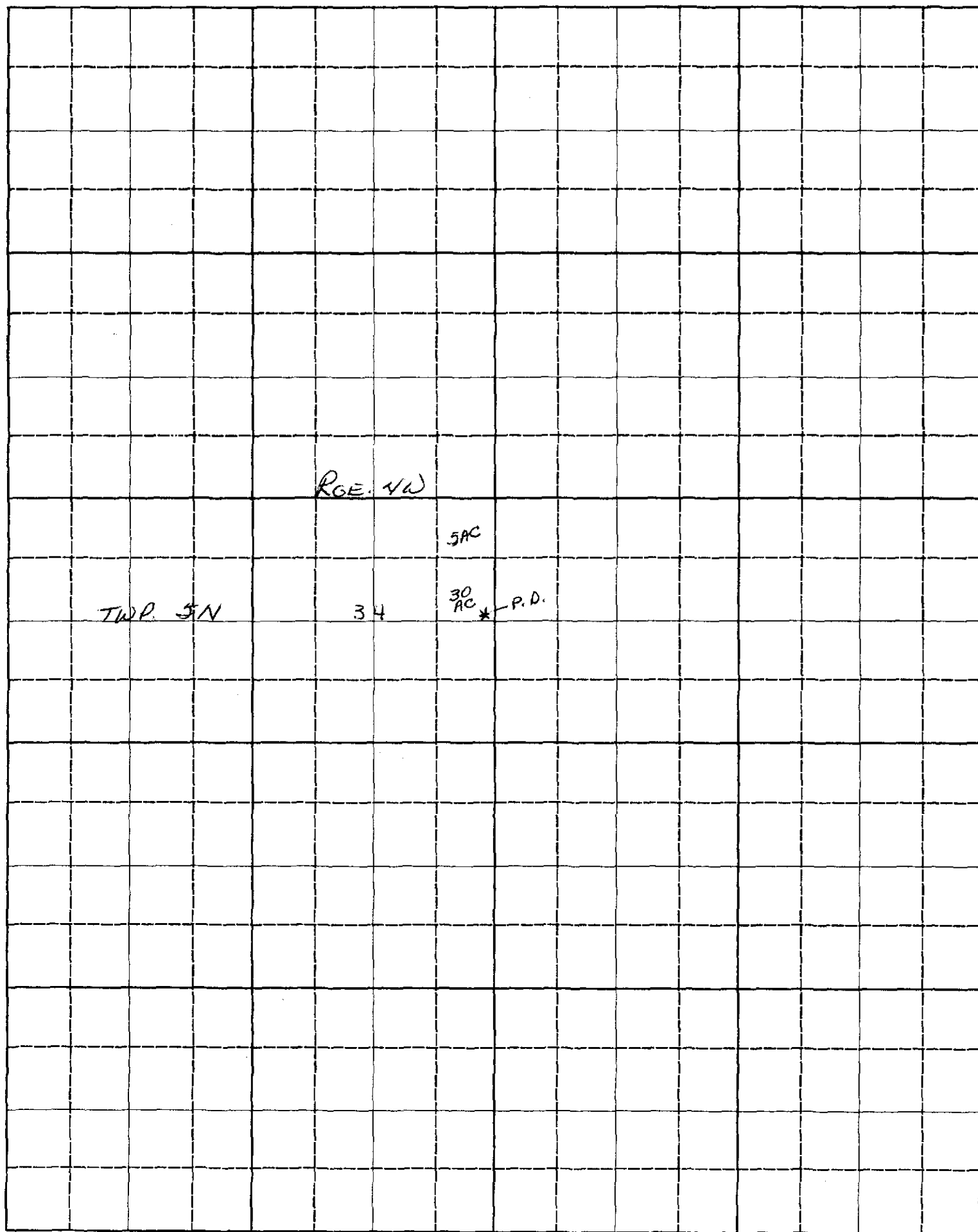
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____



Scale: 2 inches equal 1 mile.

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.

Richard C. Brock
(Applicant)

Proposed Priority 5/17/1982

Received by JP Date 5/18/82 Time 1 P.M. ^{92-192 45.00}
Preliminary check by JP Fee \$ 45.00 ^{attached 2 48.}
Receipted by JP Date 5/18/82 # 22922
Publication prepared by AP Date 5/27/82
Published in Boise Tribune
Publication dates 5/28 & 5/29/82
Publication approved JP Date 6/22/82
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9905, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 83.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 8th day of July, 1982.

A. Glen Saylor
Chief, Operations Bureau

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth

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Subscribed and sworn to before me this 10th
day of June

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Janet Lusk
Notary Public, Residing at Nampa, Idaho

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JULY 12th, 1985

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A. KENNETH DUNN
Director

June 3, 10, 1982

RECEIVED
JUN 21 1982

Department of Water Resources
Western Regional Office

March 29, 1984

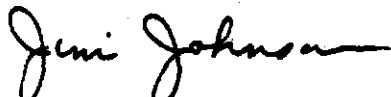
RE: Permit No. 63-9905

Richard C. Brock
Rt. 2, Box 656
Caldwell, ID 83605

Dear Mr. Brock:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

100



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 9, 1984

RE: Permit No. 63-9905

Richard C. Brock
Rt. 2, Box 656
Caldwell, ID 83605

Dear Mr. Brock:

A representative of this Department has made an examination of the works covered by your Permit No. 63-9905, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.63 cfs Source: groundwater

The maximum quantity diverted shall not exceed 148.5 acre feet per year.

Point(s) of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 5N, Rge 4W

Beneficial Use: Irrigation of 33 acres within SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, Twp 5N, Rge 4W

Priority date established: May 17, 1982

Conditions (if any): This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

63-9905
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	N/A		
☐ Telephone call made: (List Telephone No. used)	5/3/82	jc	MR. BROCK PHONED REQUESTING EXAM.
☐ Appointment scheduled for: (Date, time, location)	5/6/82	jc	MR. BROCK'S HOME.

EXAMINATION

Date 5/6/82 Accompanied by Dick Brock Total Q measured 0.63 cfs
If source is surface water, estimate total flow of source
Methods of measurement RECTANGULAR WEIR Meets Permit requirements? YES

Measurement calculations:
2' RECT. WEIR MEASURED 0.21' ON STAFF GAGE AT CREST.
0.21' FOR A 2' WEIR (RECTANGULAR CONTRACTED) = 0.632 cfs
SEE BULLETIN #552 "WATER MEASUREMENT"
33 ac x 4.5 acft/ac = 148.5 ac ft/ann.

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	40	See below		AMARILLO	CAST IRON	WEIR	GOOD	
		↓	↓					

System Description Diesel tractor driven pump thru 6" pipe to open discharge into cement ditch w/ gravity irrigation via siphon tubes.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =	Q (cfs)	V (afa)	FROM	TO
Irrigation	4.5 ✓ AFA/Acre	0.63 cfs ✓	149	4/15	11/15
			148.5	3/15	
				245 days	
			148.5		
		Total 0.63 cfs ✓	149		

Remarks In conducting the exam I found that Mr. Brock's original permit expired & therefore he needed to complete a new app. He has done so & when the app is approved I will submit the plat card obtained along with the rough draft license.

Date 2-29-84

Overlap Review for 63-9905

per permit: lapsed permit 63-8797. ✓
(lapsed 1978)

per micro-fische 2/29/84:

p/d - none

p/u - 63-2079 Boise River - Farmer's Coop
Ditch - recommend R16(4.5) ok

kay

Jan
2-8-84

MICROFILMED

October 26, 1982

Richard C. Brock
Rt. 2
Caldwell, ID 83605

Dear Mr. Brock:

Re: Permit No. 63-9905

This office acknowledges receipt of the postcard as the Statement of Beneficial Use.

It is the Department's understanding that a field examination has been conducted by one of our regional representatives. Based on his recommendations, a water right license will be issued.

If you have further questions concerning your permit, please feel free to contact me.

Sincerely,

RITA I. FLECK
Sr. Secretary

cc: Region

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below. Permit No. 63-9905

Name(s) of Permit Holder: RICHARD C. BROCK

Post Office Address: RT 2 Box 656
CADWELL, ID 83605 Tel. No. 459-4755

Source of Water: _____

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☒ Irrigation	<u>35</u>	(acres)
☐ Other	_____	

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

5/16/82
 Date

Richard C. Brock
 Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MAY 17 1982

Department of Water Resources

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LEIGHTON, RENO T.
2012 CRYSTAL WAY
BOISE, ID 83706

AUGUST 03, 1982

RE: PERMIT NO. 63-9905

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

THE EXERCISE OF THIS PERMIT MAY ALSO BE AFFECTED BY THE SUPREME COURT'S REVIEW OF THE CASE OF IDAHO POWER COMPANY VS. STATE OF IDAHO, ET AL., ADA COUNTY CIVIL NO. 62237, CURRENTLY BEING APPEALED TO THE SUPREME COURT OF IDAHO. SINCE THE USE OF WATER UNDER YOUR PERMIT MAY AFFECT THE FLOWS IN THE SNAKE RIVER BETWEEN MILNER DAM AND HELLS CANYON THE FINAL DECISION IN THIS CASE MAY DETERMINE TO WHAT EXTENT THE EXERCISE OF YOUR PERMIT IS SUBJECT TO WATER RIGHTS OF IDAHO POWER. WHILE THE SUPREME COURT IS REVIEWING THIS CASE IDAHO POWER COMPANY HAS NOT FILED A SPECIFIC PROTEST TO YOUR PERMIT. HOWEVER, THE DEPARTMENT OF WATER RESOURCES HAS BEEN ADVISED THAT THE POWER COMPANY IS NOT WAIVING ANY OF ITS RIGHTS TO CONTEST OR LIMIT THE EXERCISE OF YOUR PERMIT OR SUBSEQUENT LICENSE.

RE: PERMIT 63-9905

PAGE 01
AUGUST 03, 1982

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Grover
CHECK:

APPLICATION NUMBER: 63-9925

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 7/21/82
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5/17/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 4588/2.0.22
☒ Publication dates and paper, recorded on application. 1/28/82
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
5/17/82 Date of priority recommended.
☒ Special conditions of approval or cover letter. I.P. GW letter

By: DBS
STATE OFFICE REVIEW: SLW/L1, L03, L05

Date: 6/22/82

☐ See attached sheet for more information.
By: Tracy

Date: 6/29/82

RECEIVED
JUN 28 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

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lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

IDENT. NO. 63-9995

WATER RIGHT
DATA ENTRY LOG

[illegible]

5/27/82

USE NO. 03-9905

INTER-DEPARTMENT MEMO — 1

FROM

Jan J.

TO

Jim Johnson

SUBJECT

Field Exam for Richard Brock

DATE

5/24/82

I was called by Mr. Brock who wanted an exam done on his system as I was to be in the same area that day. I measured the water, etc. & found his permit had lapsed. I completed an app. for him & had him submit it with the prog card. Would you inform me when the app. is approved so I can complete the R. D. license. Thank Jan

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

MAY 27, 1982

Idaho Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Gentlemen:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 21, 1982.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

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A. KENNETH DUNN

Director

Published 6/3 & 6/10/82.

63-9905-

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