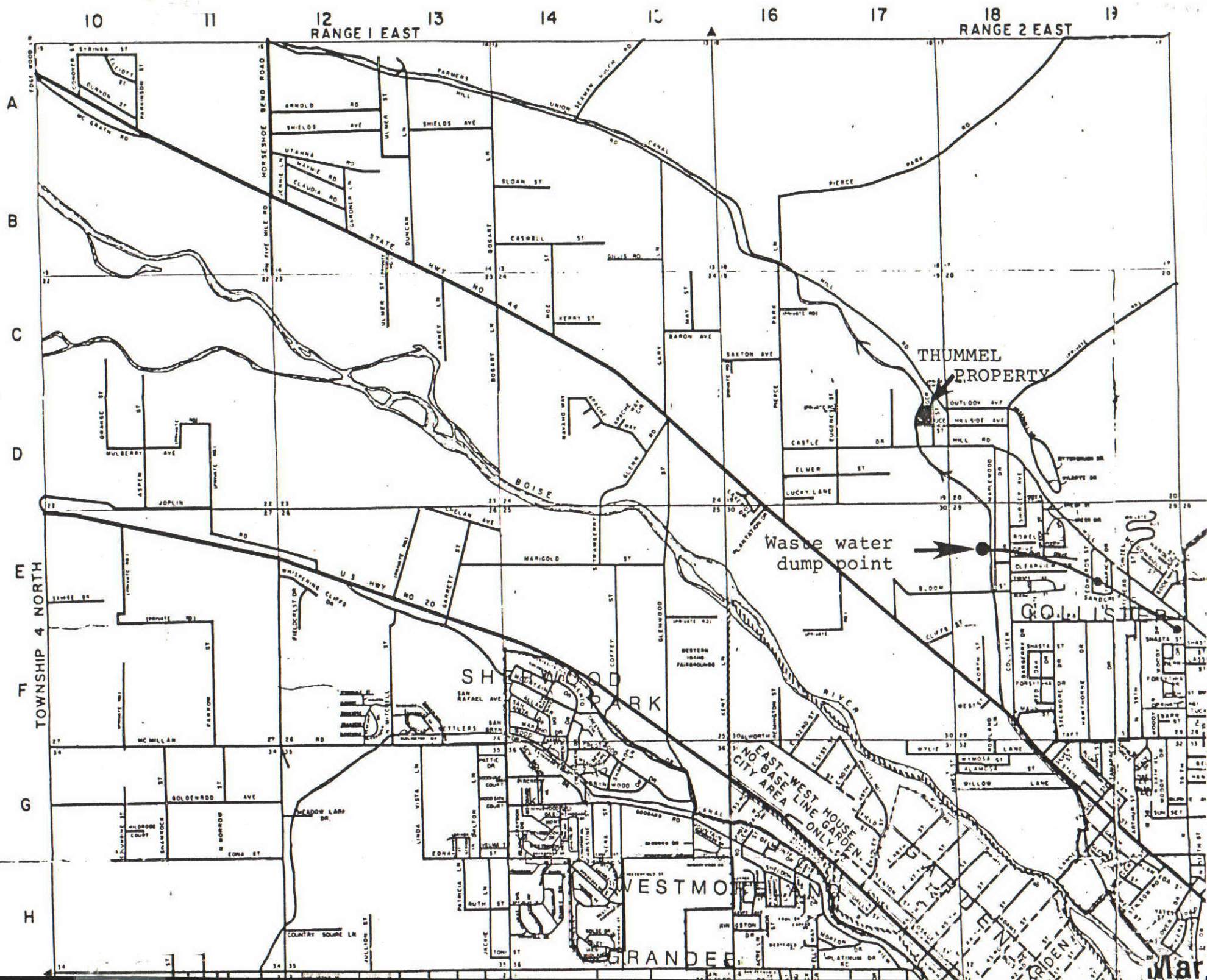


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number



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.

Thummel
(Applicant)

Melise Madarick, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two insertions, beginning with the issue of March 24, 1977, and ending with the issue of March 31, 1977.

Melise Madaieta

Subscribed and sworn to before me this 31st
day of March, 1977.

Dorothy Engoren
Notary Public for Idaho, Residing at Boise, Idaho

OK
4-18-77

Department of Water Resources
Western Regional Office

MICROFILMED

A

B

C

D

E

F

G

H

12 RANGE 1 EAST

13

14

15

16

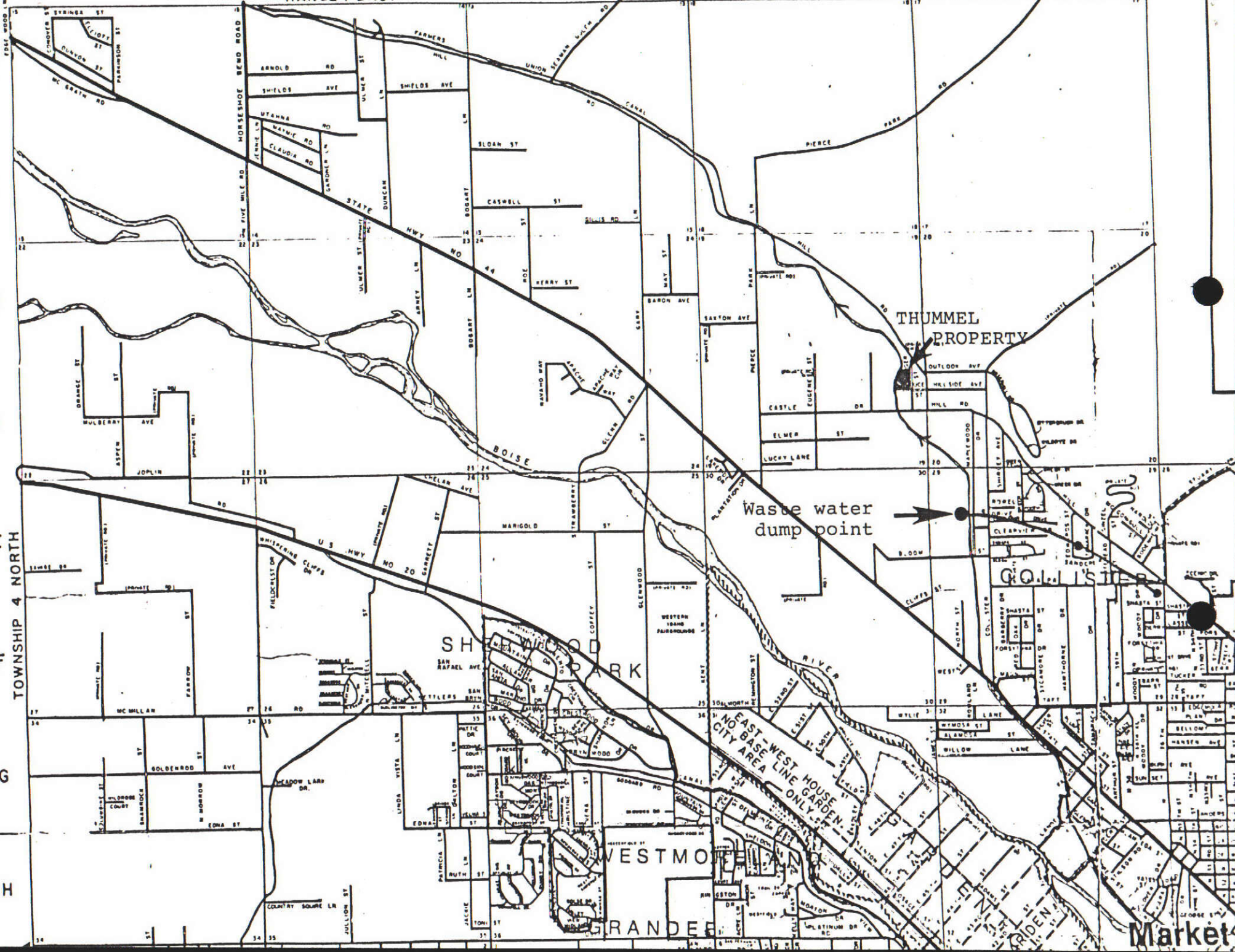
17

18 RANGE 2 EAST

19

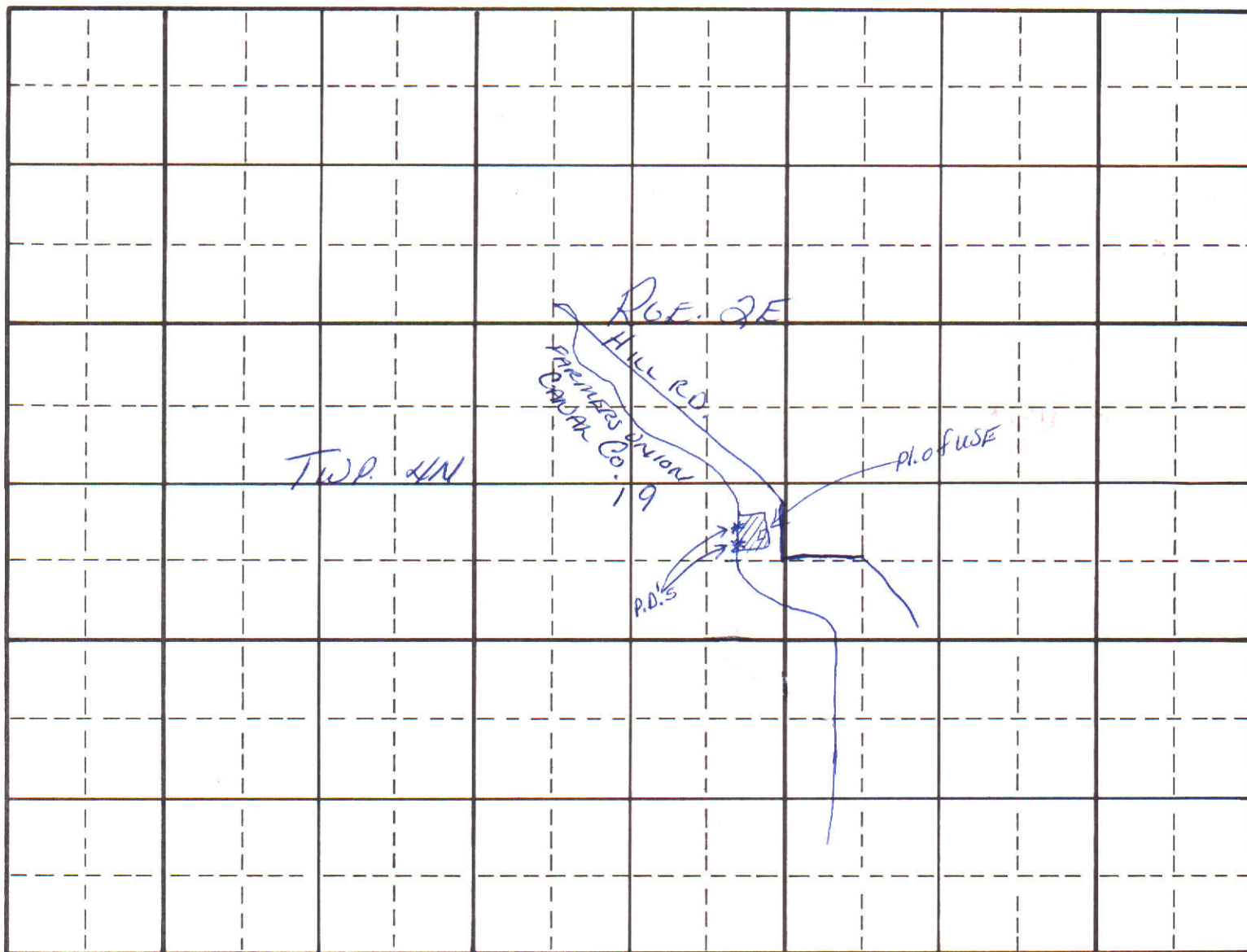
TOWNSHIP 4 NORTH

H



Market

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NESE, S. 19, T. 4N, R. 2E.

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2E	19													4				4

MICROFILMED

Recommended Amendments:

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

MAR 16 1989

Examiner's Signature

Checked by

Approved by

Jan Shurt
6LS
JDM

Date

Date

Date

4/25/85
1/15/86

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08584

Priority: March 11, 1977 Amount: 0.08 CFS 18.0 AFA

This is to certify, that G. F. THUMMEL
5211 HILL RD.

BOISE, ID 83703 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated March 11, 1977, and
has submitted proof to the Department of Water Resources on March 9, 1982, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .190 cfs of water from:

WASTE WATER tributary to BOISE RIVER

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	10/15 to 04/15	0.08 CFS	18.0 AFA

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 19, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 02E 19	NESE 4			4

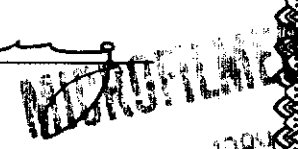
Total number of acres irrigated: 4

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9TH
day of MARCH, 1982.


Director


MAR 16 1982

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08584

RECEIVED

JAN 18 1989

Date of Priority: March 11, 1977

Comes now G. F. THUMMEL
5211 HILL RD.
BOISE, ID 83703

APPROVED

Department of Water Resources

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-08584, and requests that the permit be changed as follows:

Source: WASTE WATER tributary to BOISE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	10/15 to 04/15	0.08 CFS	18.0 AFA

LOCATION OF POINT OF DIVERSION(S): NESE, Sec. 19, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 02E 19	NESE 4			4

Total number of acres irrigated: 4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise Idaho, this 13 day of January, 19 89.


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-08584

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by SC Date 1/20/89 C005223

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-08584 with the following;

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 9TH day of March, 1989.

Ronny Young
(Director)

Identification No. _____

Application No. 63-8584

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant G. F. Thummel Phone: 336-3963
post office address 5211 Hill Road, Boise, ID

2. Source of water supply subterranean waste water which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 4N
Range 2E B.M. ADA County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:
Amount .1 for irrigation and fruit tree protection purpose from 10/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:
a. .1 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Farmers Union Canal Co to my
regular diversion point where I will lift it out by pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ existing system

8. Description of proposed uses:

a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19 Township 4N
Range 2E B.M. _____
(2) Amount of power to be generated: _____ hp 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: At any time the temperature
rises above 40° during February and March, the fruit trees will
be sprinkled to delay bud swelling and blooming, thus preventing
loss by freezing.

RECEIVED
JAN 14 1964
IDAHO DEPT. OF WATER RESOURCES

[illegible]

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. 5 shares of
Boise Valley Irrigation District water which is used 4/15 to 10/15

9. a. Who owns the property at the point of diversion Farmers Union Canal Co. (as a means of disposal of waste water)

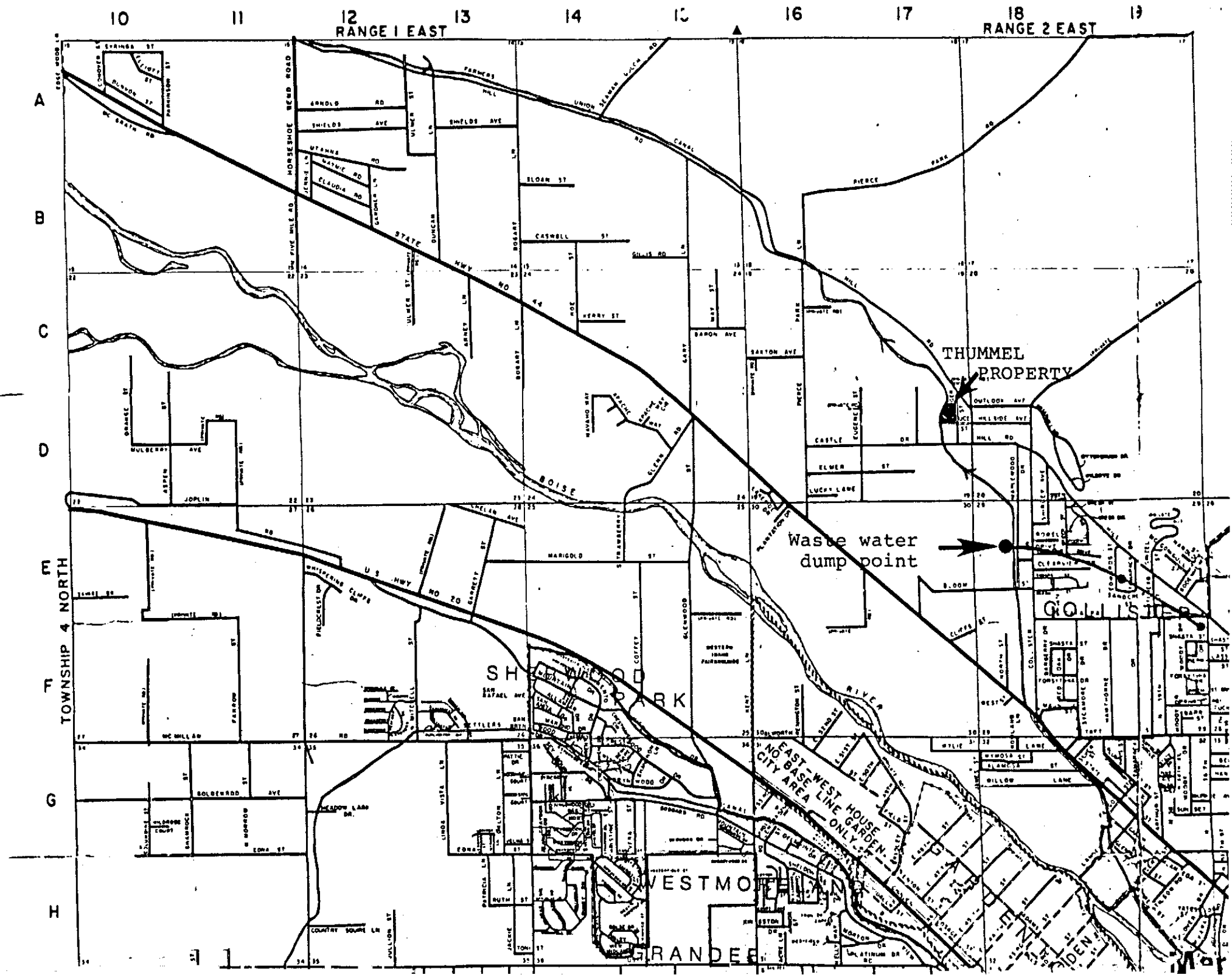
b. Who owns the land to be irrigated or place of use applicant

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

Permission from Farmers Union Canal Co. has been requested to carry this water to my property during off-season months. See copy of request attached.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number



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) *[Signature]*

Proposed Priority 3/11/77

Received by Lee Date 3-11-77 Time 9:55a

Preliminary check by JH Fee \$10.00 72-9

Receipted by Lf Date 3/4/77 #7019

Publication prepared by LF Date 3-17-77

Published in Idaho Statesman

Publication dates March 24 & 31

Publication approved JF Date 4-18-77

Priority reduced to JF Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH

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. 63-8584, 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 May 1, 19 82.

c. Other: The issuance of this permit in no way grants a right-of-way or easement across the land of another person.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 31 day of May, 19 77.

[Signature]
Deputy Director

Melise Madarieta, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two insertions, beginning with the issue of March 24, 1977, and ending with the issue of March 31, 1977.

Melina Madaieta

Subscribed and sworn to before me this 31st
day of March, 1977.

Dorothy Enggren

Notary Public for Idaho, Residing at Boise, Idaho

OK
4-18-77

SECRET

March 10, 1977

Farmers Union Canal Co.
c/o Harry Vogt, Secretary
Route 1
Eagle, ID 83616

Dear Mr. Vogt:

I live at 5211 Hill Road on 16 lots of Seamans Third Subdivision. These lots lie between Hill Road and the Farmers Union Canal and have five shares of Boise Valley Irrigation District water with Farmers Union Canal carrying rights.

It is my intention to put my four plus acres into strawberries on an interim basis and, at the same time, reestablish it as an orchard. My problem is a need for early water, commencing around March 1 for strawberry transplanting and on for sprinkling the fruit trees in February and March whenever the temperature rises above 40° in order to delay bud swelling and blooming.

At present, the waste water from the Edwards and Milstead nursery hot water wells is being dumped across the canal into a field ditch at Maplewood and Castlebar Drive in the NW¼NW¼ of Section 29, Township 4 North, Range 2 East (the Patterson family partnership farm). This property has recently been sold for subdivision, work on which will commence this summer.

I desire to file on 0.1 cfs of this waste water, which generally flows at about 0.5 to 0.7 cfs. In order to do so, I need proof of a delivery means, and that brings in the Farmers Union Canal.

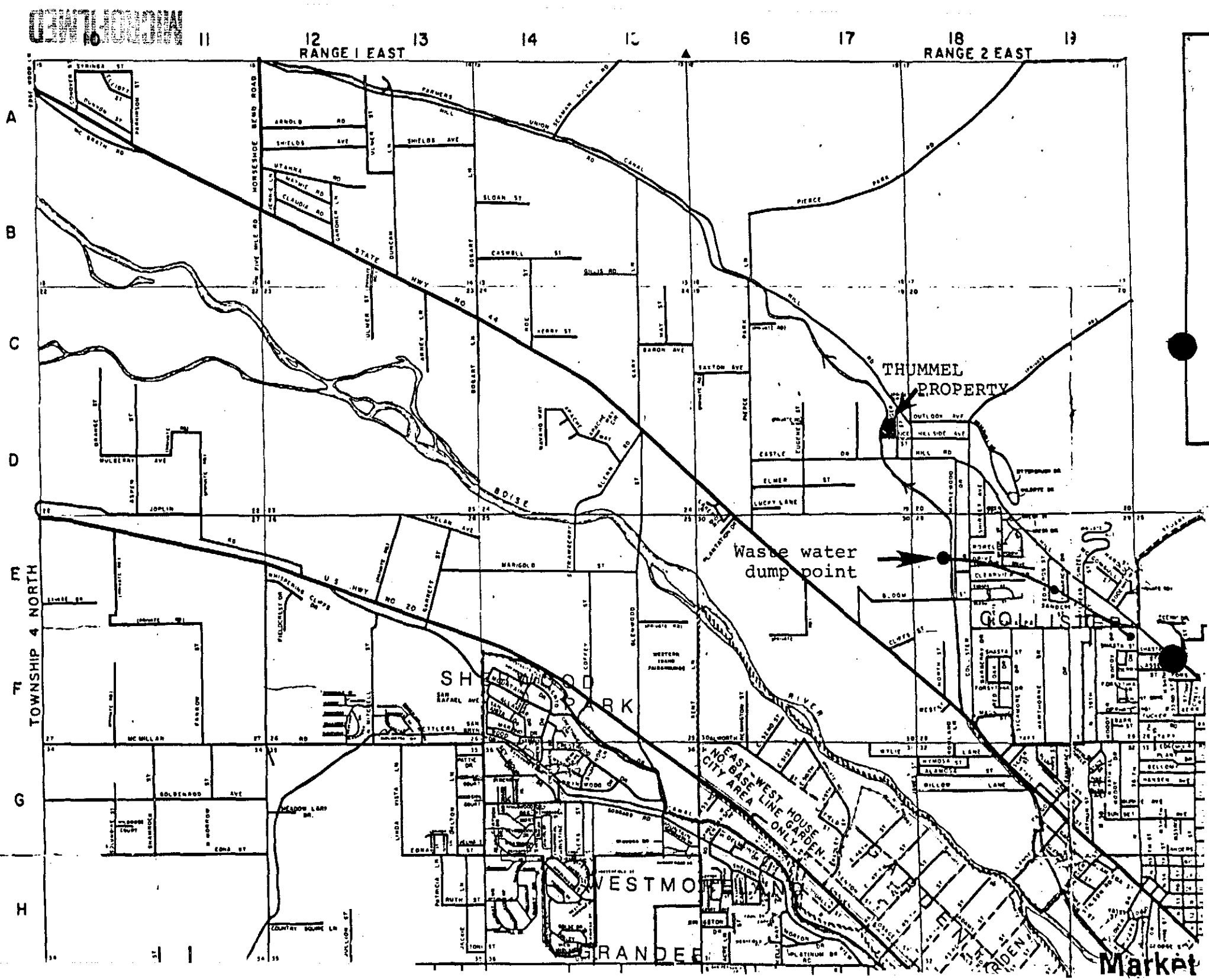
During the non-irrigating season, this water is already diverted into your canal as a means of disposal. I would like to ask your permission for continuing this practice and allowing me to lift it out by pump at the normal diversion point on my property line.

Since I will file for beneficial use during the period October 15 to April 15 (the present non-irrigating season), an additional carrying charge above the \$12.50 I already pay would probably be appropriate.

I have enclosed a map for orientation. Your timely response would be greatly appreciated.

Sincerely,

Gerald F. Thummel
5211 Hill Road
Boise, ID 83702



May 19, 1992

G. F. THUMMEL
5211 HILL RD.
BOISE ID 83703

RE: Water Right No. 63-08584

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

March 13, 1989

G. F. THUMMEL
5211 HILL RD.
BOISE, ID 83703

RE: PERMIT NO. 63-08584

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

January 10, 1989

G. F. THUMMEL
5211 HILL RD.
BOISE, ID 83703

RE: PERMIT NO. 63-08584

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

JAN 11 1989

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

THUMMEL, G. F.
NW NW, 29, 4N, 2E.
IRR. - 0.1 - SAC.

JAN 20 1986

63-8584
Permit No.

CONTACT WITH PERMIT HOLDER

DATE	INITIALS	Department of Water Resources	REMARKS
------	----------	-------------------------------	---------

☐ Appointment letter mailed:

☐ Telephone call made

(List Telephone No. used)

☒ Appointment scheduled for:

(Date, time, location)

8/84 J
Hick Rd.

EXAMINATION

Date 8/84 Accompanied by MR. THUMMEL Total ^{G.A.C.} measured 0.19 cfs
Source WASTEWATER Tributary to BOISE R. Supp. annubar measurement sheet used?

If source is surface water, estimate total flow of source

Methods of measurement _____ **Meets permit requirements?**

Measurement calculations:

$$\frac{2HP \times 8.8 \times 8.8}{10' + (60 \div .433)} = \frac{14.08}{148.7} = 0.0948 \text{ cfs} \times 2 = 0.19 \text{ cfs} \text{ (ACTUALLY 0.0948 cfs) (PUMPS)}$$
[illegible]

System Description 2- 3" PIPELINES IN FARMERS UNION CANAL W/SCREEN SYSTEMS
TO FRUIT TREES, GARDEN & PASTURE. TWO PUMPS - ONE FOR FRUIT
TREES, ETC. CLOSE TO CANAL & ONE TO PUMP FURTHER TO PASTURE
BY HOME. ALL SPRINKLER IRRIGATION.

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

RECOMMENDED AMOUNTS

USE

FERTILIZATION - 4 ACRES
& FRUIT TREE PROTECTION
(FREEZING)

Irrigation requirement = 4.5 AFA/Acre

Q (cfs)

V (afa)

FROM

TO

0.0804

18.0 g/a

10/15

4/15

PROFILE

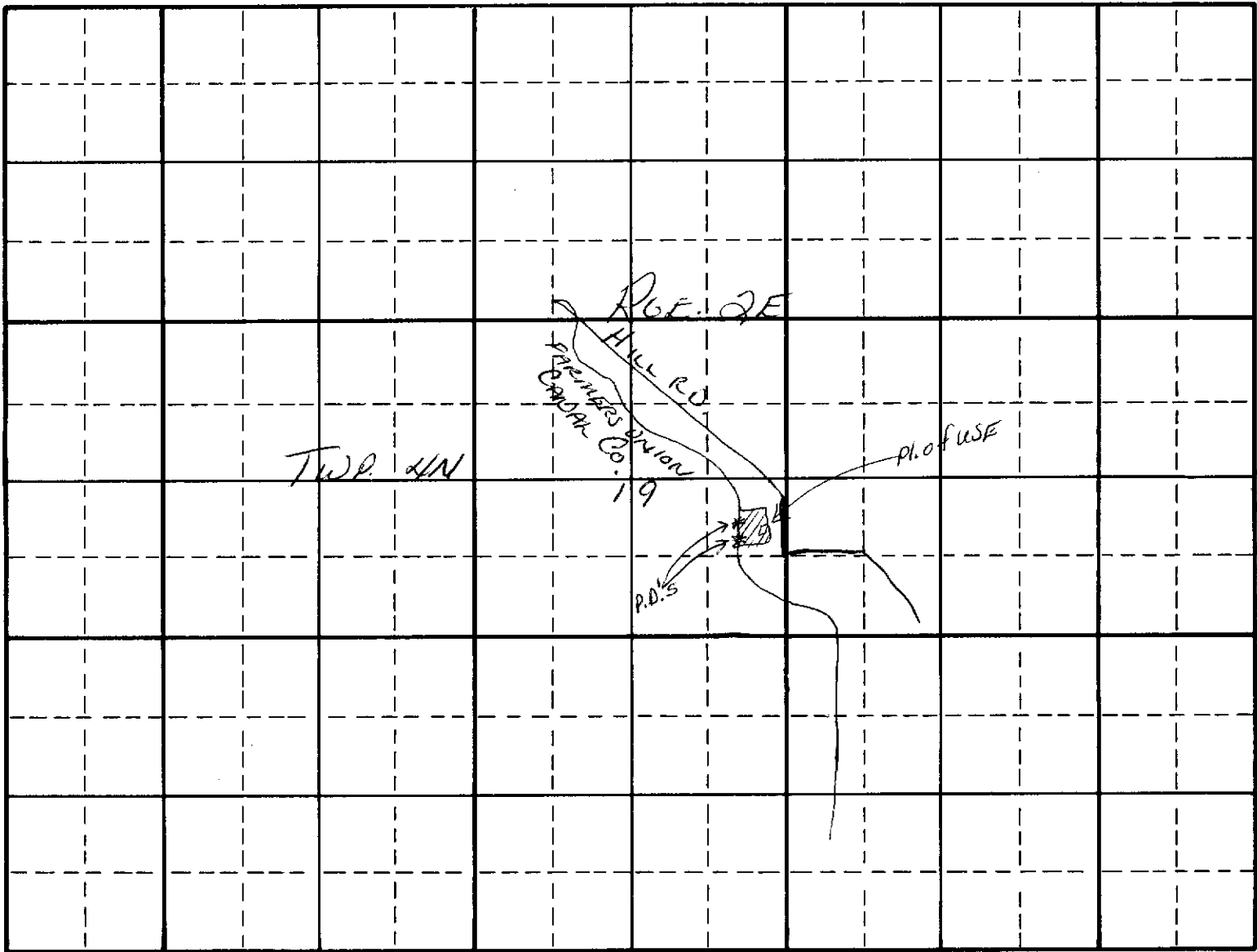
MAR 16 1969

Total

0.08 c/s 18.0 a/a

Remarks AGREEMENT IS THAT FLORIST CO. PUTS WASTE WATER INTO CANAL & THIS IS WHAT MR. THUMMEI HAS FILED FOR. HE HAS ONLY ACTUALLY USED THE WASTEWATER SINCE 1977. (DROUGHT & R. FILLING). THE PTS. OF DIVERSION ARE ACTUALLY RIGHT OUT OF THE CANAL WHERE IT RUNS BEHIND HIS PROPERTY & NOT WHERE THE WASTE-WATER IS DUMPED INTO THE FARMERS UNION CANAL CO. → USES SAME PUMPING SYSTEM FOR IRRIG. DIST. RTS FOR IRRIGATION.

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NE SE, S. 19, T. 4N, R. 2E.

Place(s) of Use

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2E	19													4				4

Recommended Amendments:

- ☒ Change P.D. as reflected above
 ☐ Change P.U. as reflected above
- ☐ Add P.D. as reflected above
 ☐ Add P.U. as reflected above
- ☐ None
 ☐ Other

MAR 16 1989

Examiner's Signature Jan Shurt
 Date 11/25/85

Checked by 6LS
 Date 1/15/86

Approved by JDM 11/29/88
 Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

A. Kenneth Dunn

Director

(Office at the corner of
Franklin and Cole Roads)

(208) 334-2190

RE:

Dear

We acknowledge receipt of your statement submitted as proof as beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

If this time and date is not convenient for you, please contact this office as soon as possible.

☐ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense

Judy Pense
Secretary

RECEIVED

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 of Permit No. 63-8584.

Name(s) of Permit Holder: G. F. THUMMEL

Post Office Address: 5211 Hill Rd, Boise, Id

Tel. No. 83703

Source of Water: Subterranean waste water from isolated nursery

Extent of Use:

☐ Domestic	(number of households) <u>dumped into</u>
☐ Stockwater	(number and type of stock) <u>farmers</u>
☒ Irrigation <u>5 acres</u>	(acres) <u>Union Canal</u>
☐ 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.

March 6, 1983
D 12

G. F. Thummel
Signature of Permit Holder

G. F. THOMAS
5211 Hill Rd
Boise, Idh 83703



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



USA 18c



for purple mountain majesties

RECEIVED

MAR 9 1982

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
138338

THUMMEL, G. F.
5211 HILL RD.
BOISE, ID 83701

FEBRUARY 28, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-8584 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
FEB 29 1982
DEPT. OF WATER RESOURCES
BOISE, IDAHO

IDENT. NO. 63-8584

WATER RIGHT
DATA ENTRY LOG

[illegible]

June 6, 1977

Re: Permit No. 63-8584

G. F. Thumme
5211 Hill Road
Boise, ID 83702

Dear Mr. Thumme:

Enclosed is a copy of your approved Application for Permit No. 63-8584. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

CONVERSATION MEMORANDUM

DATE May 3, 1977FILE 65-8584NAME OF PARTY HARRY A. VOGTEMPLOYEE L. GLEN SAXTON *LS*

RE: On April 25, 1977, I talked with Mr. Harry A. Vogt of the Farmer's Union Canal Co. with regard to the above referenced application and the company's letter dated March 31, 1977.

Mr. Vogt stated he has had several conversations with the applicant subsequent to the March 31, 1977 letter and that the company's only concern was that they didn't want a commitment to deliver water when the ditch might be scheduled for repair. Vogt also stated that the company did not object to the applicant's use of whatever water that might be available in the ditch during the non-irrigation season if said use did not interfere with maintenance.

MICROFILMED

April 1, 1977

RECEIVED
APR 5 1977

Farmers Union Canal Company
c/o Harry A. Vogt, Secretary
Route 1
Eagle, ID 83616

Department of Water Resources
Western Regional Office

Dear Mr. Vogt:

Thank you for consideration of my letter dated March 10, 1977 in which I requested permission to use the Farmers Union Canal to deliver subterranean waste water from the Maplewood-Castle Bar Drive area to my property at 5211 Hill Road.

I was disappointed with the denial decision, but fully understand the company's position that, if granted, they would be committing themselves to delivery during a period when they may not want water in the canal because of the need for repairs, cleaning, etc.

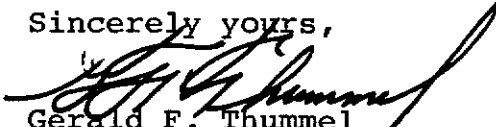
In lieu of my original request, which would have committed the company to a delivery, would they consider delivery on a non-guaranteed and interruptable basis? In other words, as long as the waste water is flowing past my property, I would accept it as a delivery and pay for that service accordingly. If there is none in the ditch, I would have no claim for its delivery.

During the past three years, it has always been available at the times I would need it; and it probably will be available in the future. However, I do not want to take it without a right to do so and paying for its delivery if appropriate.

If the company would prefer not to become involved in any way, but by the same token would raise no objections to my lifting it if it is there, I will function on that basis. It is just that I do not want to be infringing on another's rights or enjoying a service without paying for it if payment is appropriate. That is why I filed for the waste water rights for non-season use and asked your permission to let me lift it from the canal.

Under no circumstance will I hold the Farmer's Union Canal Company responsible for guaranteeing delivery. If it happens to be there, I would like to use it.

Sincerely yours,


Gerald F. Thummel

5211 Hill Road
Boise, ID 83702

(over)

Dear Mr. Vagt

a phone call from the Water Resources Board (Mr. Saxton) this morning stated you denied delivery and therefore they would have to refuse my application unless something could be worked out. They said any agreement for delivery on an interrupted or non-assured basis would be sufficient to warrant approval since that is purely a private matter between you and me.

I would appreciate your reconsideration on this basis. A notice to Mr. Saxton of the Water Resources Board on your decision would likewise be appreciated.

Thank you.
J. H. Hummel

FARMERS UNION DITCH CO., Ltd.

Route #1, Eagle, Idaho 83616

March 31, 1977

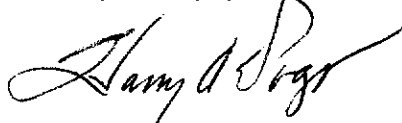
Re: Application for Permit No. 63-8584
(G. F. Thummel)

State of Idaho
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Gentlemen:

The Board of Directors of the Farmers Union Ditch Co., Ltd. at their meeting on March 21, 1977 denied Mr. Thummel's request to carry water to his property during off-season months. During the non-irrigation season the Directors wish to normally keep the canal open for maintenance and repair work. Water in the canal during off-season, even though a small amount, is a nuisance to the Ditch Co.

Very truly yours,



Harry A. Vogt
Secretary

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
☐ Papers Sent

(1) JH 3-11-77

In form to receipt

(2) _____

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management
☒ Farmers Union Canal Co.
☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(3) _____

(4) JH 3-11-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) JH OC

Affidavit of Publication received(date) 4-18-77

(12) _____

Final date for protests

Protests received: ? yes ☒ no ☐
protest resolved w/o hearing

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

☒ R/W Clause

See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By

JH

Date

4-28-77

Supplemental

March 22, 1977

Re: Application for Permit No. 63-8584
(G. F. Thumme)

Mr. Harry Vogt
Farmers' Union Canal Co.
Route 1
Eagle, ID 83616

Gentlemen:

Enclosed is a copy of the above referenced application for permit which may be of interest to your company. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the application, please contact this office.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 22, 1977

G. F. Thummel
5211 Hill Road
Boise, ID 83702

Dear Mr. Thummel:

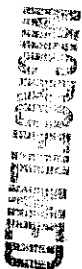
Enclosed is your Receipt No. 7019 in the amount of \$ 10.00
for Application for Permit No. 63-8584 which was received in
this office on March 11, 1977.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 18, 1977

Re: Notice of Claim to a Water Right No. 63-4434 - Vance A. or Corinne E. Cope
63-4433 - Clyde J. &/or Olga Smith
Notice of Application for Water Permit No. 63-8584 - G. F. Thummel

Idaho Statesman
Box 40
Boise, ID 83707

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before April 11, 1977.

Sincerely,

Bill submitted

4-18-77

Y

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that G. F. THUMMEL
5211 Hill Road, Boise, ID
has on March 11, 1977 submitted Application No. 63-8584
for a permit to appropriate 0.1 cubic feet per second ~~acres feet~~
~~per second~~ of water from subterranean waste water
by means of Farmers Union Canal Co., to diversion point, pump
within the NW1/4 Sec 29 T4N-R2E B.M., Ada County

to be used from Oct 15 to Apr 15
for irrigation and fruit tree protection
within the NW1/4 Sec 19 T4N-R2E B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Idaho Depart-
ment of Water Resources, Statehouse, Boise, Idaho, 83720, on or before
April 11, 1977.

R. KEITH HIGGINSON
Director

Published in the Idaho Statesman, Boise, ID
March 24, 1977 and March 31, 1977