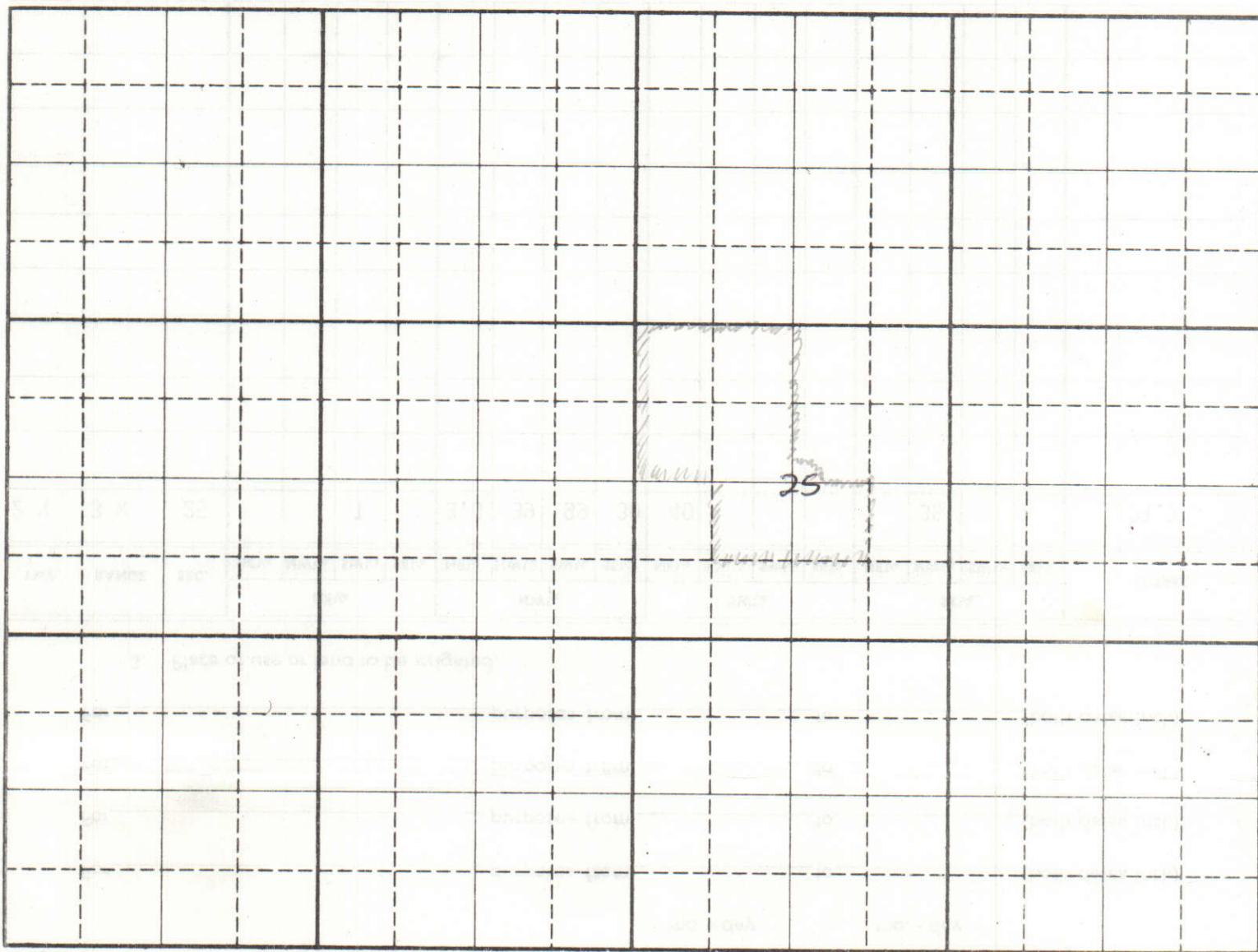


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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 30 day of November, 19 71.

Donald J. Reed Representative
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, Director

Dept. of Water Admin.

~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 33464/63-3582.

Witness my hand this 20th day of January, 19 72

R. Keith Higgins
Director

~~State Reclamation Engineer~~

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
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 twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 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:

May 27; June 3, 1971

Verla Harker

Subscribed and sworn to before me this

3rd day of June, 19 71

Adam D. Kuo

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

63 3582

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Naito Brothers, Route 4, Nampa, Idaho, have received an approved Permit No. G-33464/63-3582 issued by the Idaho Department of Water Administration authorizing the diversion of 3.9 cubic feet per second of water from a ground water source. The priority to be established under this permit is February 3, 1967, and the permit was approved February 7, 1967.

Water is to be diverted by well and pump from a point within the SE 1/4 NW 1/4, Sec. 25, T. 2N, R. 3W, B.M., Canyon County, to be used for irrigation and domestic purposes in the NW 1/4, E 1/2 SW 1/4, Sec. 25, T. 2N, R. 3W, B.M.

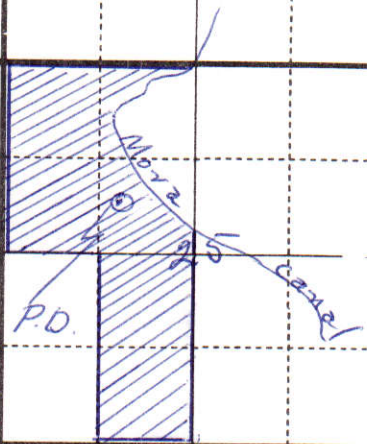
Proof of the application of the water to beneficial use was submitted to the Department on May 7, 1971. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director
May 27, June 3, 1971

NAME OF APPLICANT Naito Brothers

Form No. 0

3W



2N

APPROVED
FEB 8 1967
33464
STATE RECLAMATION ENGINEER

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33464



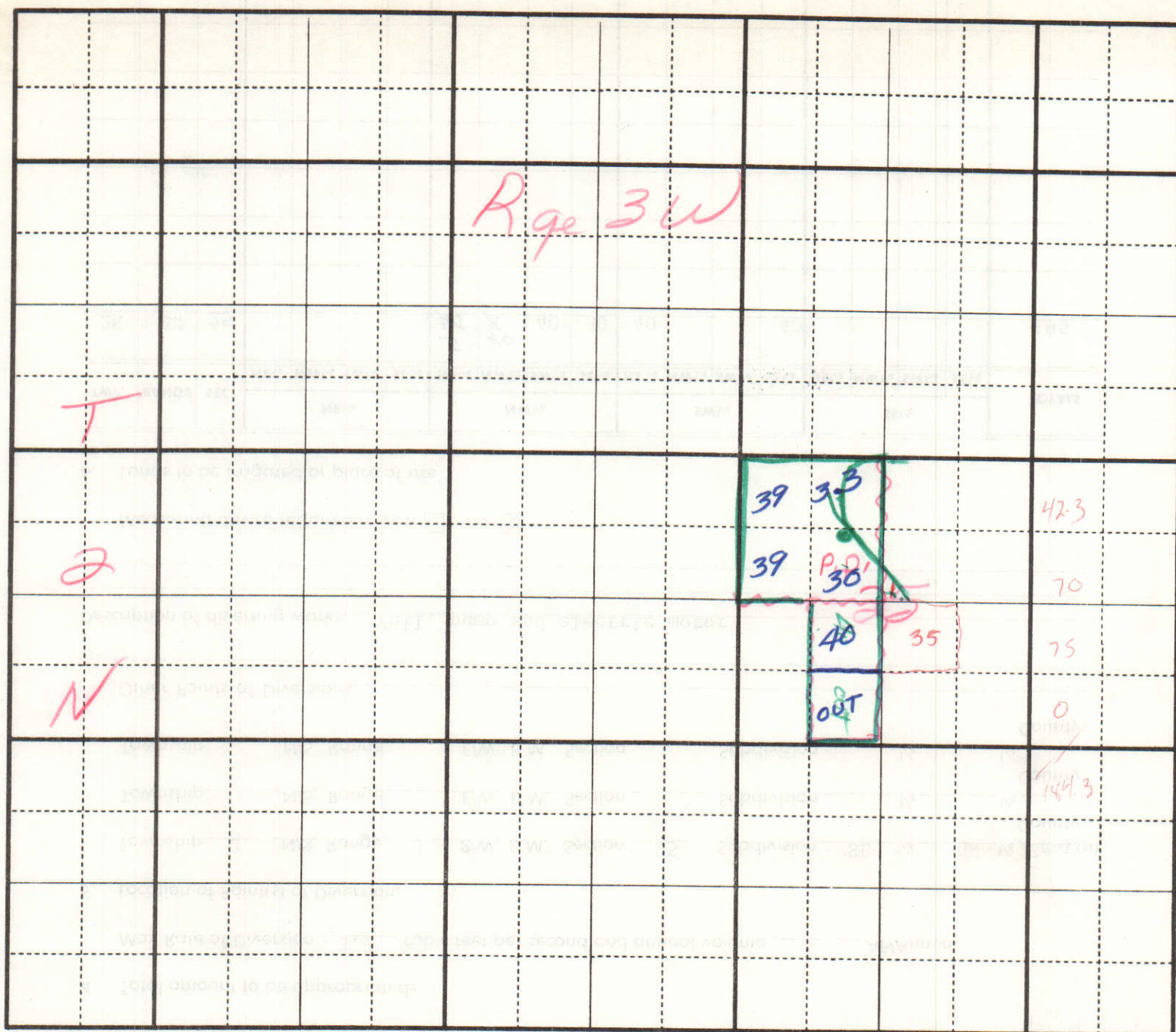
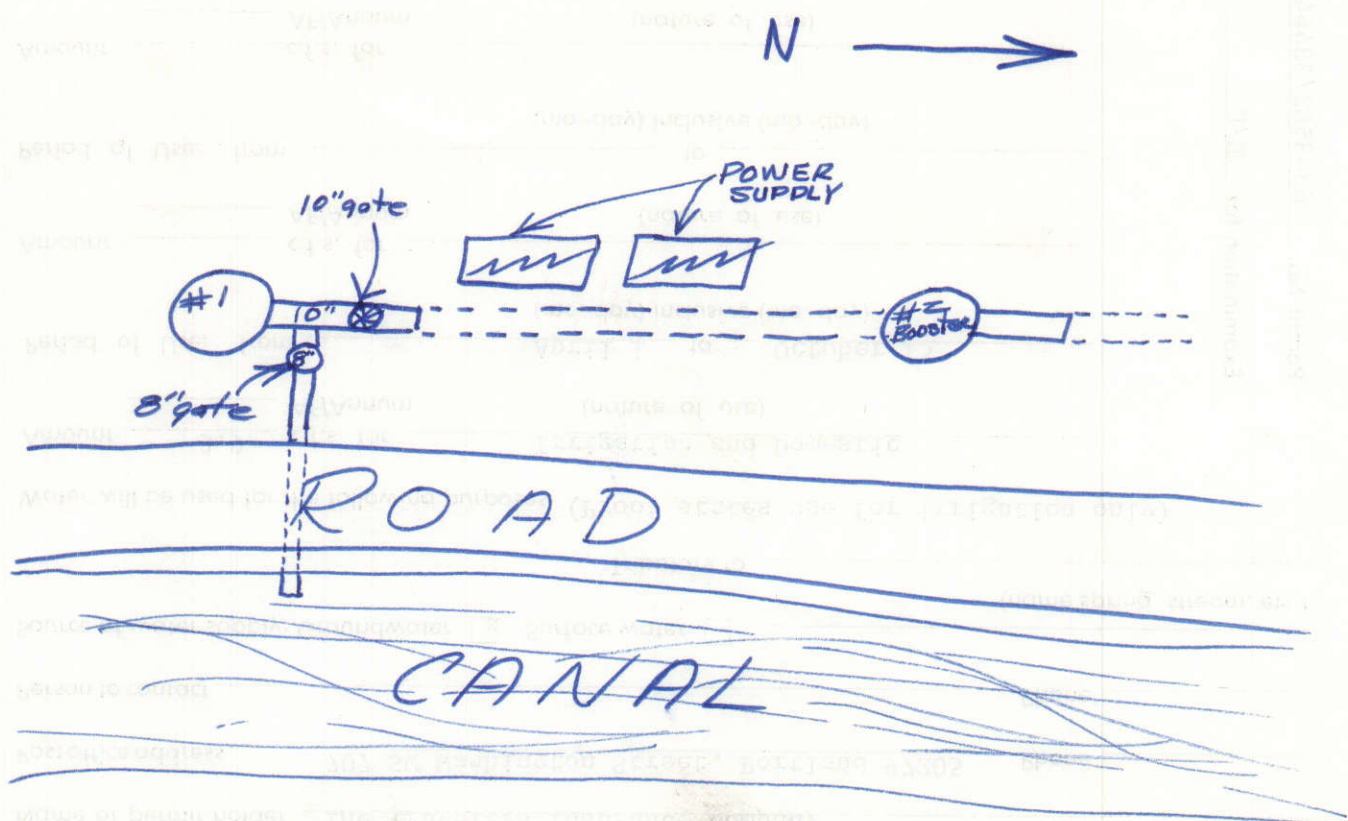


Diagram of System



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33464/63-3582 Priority February 3, 1967 Amount 3.69 cfs

THIS IS TO CERTIFY, that The Travelers Insurance Company
of Portland, Oregon, has complied with the terms and conditions of Permit
No. 33464/63-3582 issued pursuant to Application for Permit dated February 3, 1967
and has submitted proof to the Department of Water Administration on May 7, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 4.63 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:

Amount 3.69 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.69 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 NW 1/4 Sec. 25, Twp. 2 N, Rge. 3 W, B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 842.9 acre feet per year or
4.5 acre feet per acre.

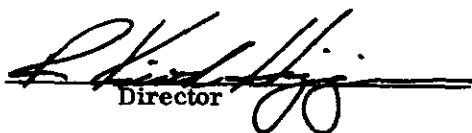
Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
2 N	3 W	25			1		3	39	39	30	40					35			187.3

Total number of acres irrigated 187.3

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

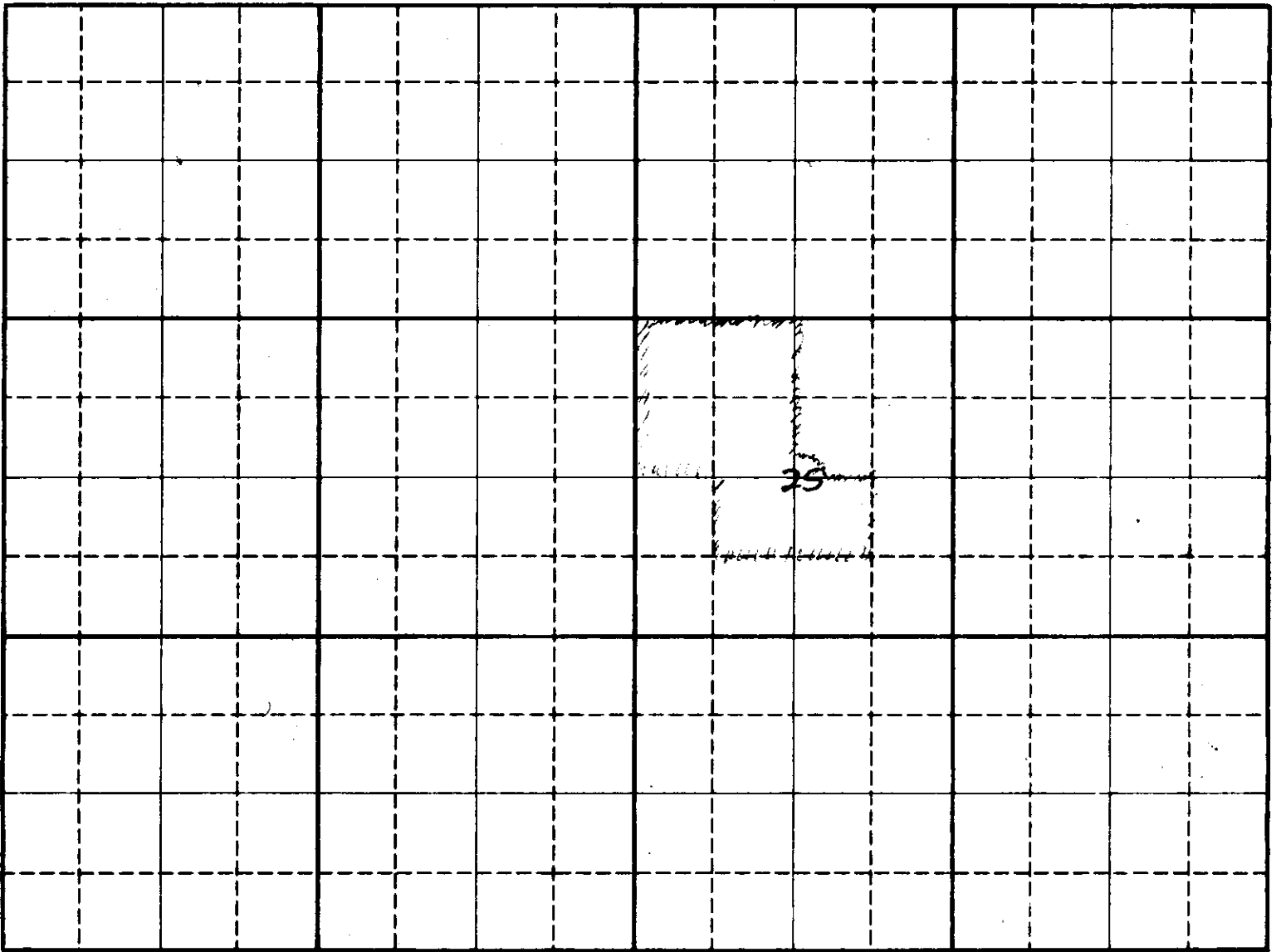
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1 day of
February, 19 72.


Director

63 3582

63 3582

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

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 30 day of November, 19 71.

Donald J. Reed Representative
(signature)

ACTION OF STATE RECLAMATION ENGINEER

Dept. of Water Admin.

I, R. KEITH HIGGINSON, Director

~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 33464/63-3582.

Witness my hand this 20th day of January, 19 72

R. Keith Higgins
Director ~~State Reclamation Engineer~~

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

Naito Brothers aka
I, H. Naito & Sons, hereby assign to The Travelers Insurance Co.
(an informal family partnership) Name
of 707 S.W. Washington Street, Portland, Oregon 97205 Mortgage Loan Dept.
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 63-3582
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 9th day of July, 19 71.

Himi Naito

H Naito

Hiroshi Naito

Himi Naito
Permit Holder

Byron S. Naito
Wife of Permit Holder

State of Idaho)
County of CANYON) ss.

On this 9th day of July, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Edna J. Hendry
Notary Public residing at
Caldwell, Idaho

My commission expires June 21, 1974

63 3582

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
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 twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 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:

May 27; June 3, 1971

Verla Harker

Subscribed and sworn to before me this

3rd day of June, 1971

Robert J. Kiser

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

Identification No. _____

Permit No. 63-3582

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAY 7 1971

Department of Water Administration

1. a) Name of Permit Holder Naito Brothers
b) Post Office Address Route # 4, Nampa, Idaho
2. Permit Number 63-3582
3. Date of Priority that you are prepared to establish March 3, 1967
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 25
Township 2 N, Range 3 W, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 3.9 for irrigation purposes from April 1 to Oct. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.9 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimated
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well, pump and electric motor
b) Describe the type and size of measuring device which you have installed at your point of diversion: none
c) Give well drillers name and address and date the well was completed B. & M. Equipment Co., Caldwell, Idaho

Ham typed 9-22-71
myl

63 3582

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	3W	25					40	5	40	30	40			40					195

Total number of acres irrigated 195

10. Remarks: _____

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

May 7, 1971 [Signature]
(Date) (Signature)

State of Idaho)
County of Ada) ss.

On this 7th day of May, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Boise, Idaho

My commission expires Jan 19, 1971

ASSIGNED TO:

The Travelers Insurance Company
707 S. W. Washington Street
Portland, Oregon 97205

33464
63-3582

APPLICATION FOR PERMIT
To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41692
Permit No. G- 33464
District No.

1. Name of Applicant: Naito Brothers
Postoffice address: Route #4, Nampa County: Canyon State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 3.9 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25
Twp. 2 N , Rge. 3 W , B.M., County of Canyon
5. Water is to be used for: irrigation and domestic
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25 , Twp. 2 N
Rge. 3 W , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: domestic, house
8. Estimated cost of works: \$ 12,000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 195
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 3.9 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-33464/63-3582)

in the name of Naito Brothers)
)
)
)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33464 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 23rd day of October, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

63-3582
33464

Address all communications to:

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41692

Permit No. G 27004

Water District No. _____

RECEIVED
FEB 3 1967
3:45 P.M.
Department of Reclamation

1. Name of applicant: Naito Brothers
Post office address Route #4 Nampa County Canyon State Idaho
2. Quantity of water claimed: 2.9 C.F.S.
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25
Twp. 2 N., Rge. 3 W., B.M., County of Canyon
5. Water is to be used for: Irrigation & Domestic
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25
Twp. 2 N., Rge. 3 W., B.M.
 - (b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M.
7. Kind of Works: Domestic, house
8. Estimated cost of works: \$ 12,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: _____
 - (b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____
 - (d) Names and addresses of directors: _____

33464

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$_____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 195

(a) _____ (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 3.9 (cubic feet per second, inches or gallons per minute) is for new lands.

33464

Remarks:

Land lies Westerly from Moxa Canal.

APPROVED
APPROVED

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.

[Signature]
Applicant

By _____, Agent

APPROVED

33464

Dec

Approval of State Reclamation Engineer

The number of this permit is G 33464

Recorded in Book 117 Page 33464 Approved FEB 7 1967

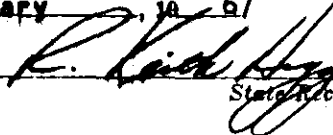
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before August 7, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 7, 1972

Witness my hand this 7th day of February, 19 67


State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON SAMUELSON, Governor of the State of Idaho,

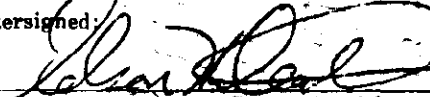
and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 7th day of February, 19 67

Countersigned:

STATE OF IDAHO

By


Secretary of State

By


Governor.

No. G 33464

PERMIT

Date of first receipt at office of State
Reclamation Engineer

February 3, 1967 3:45 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.75

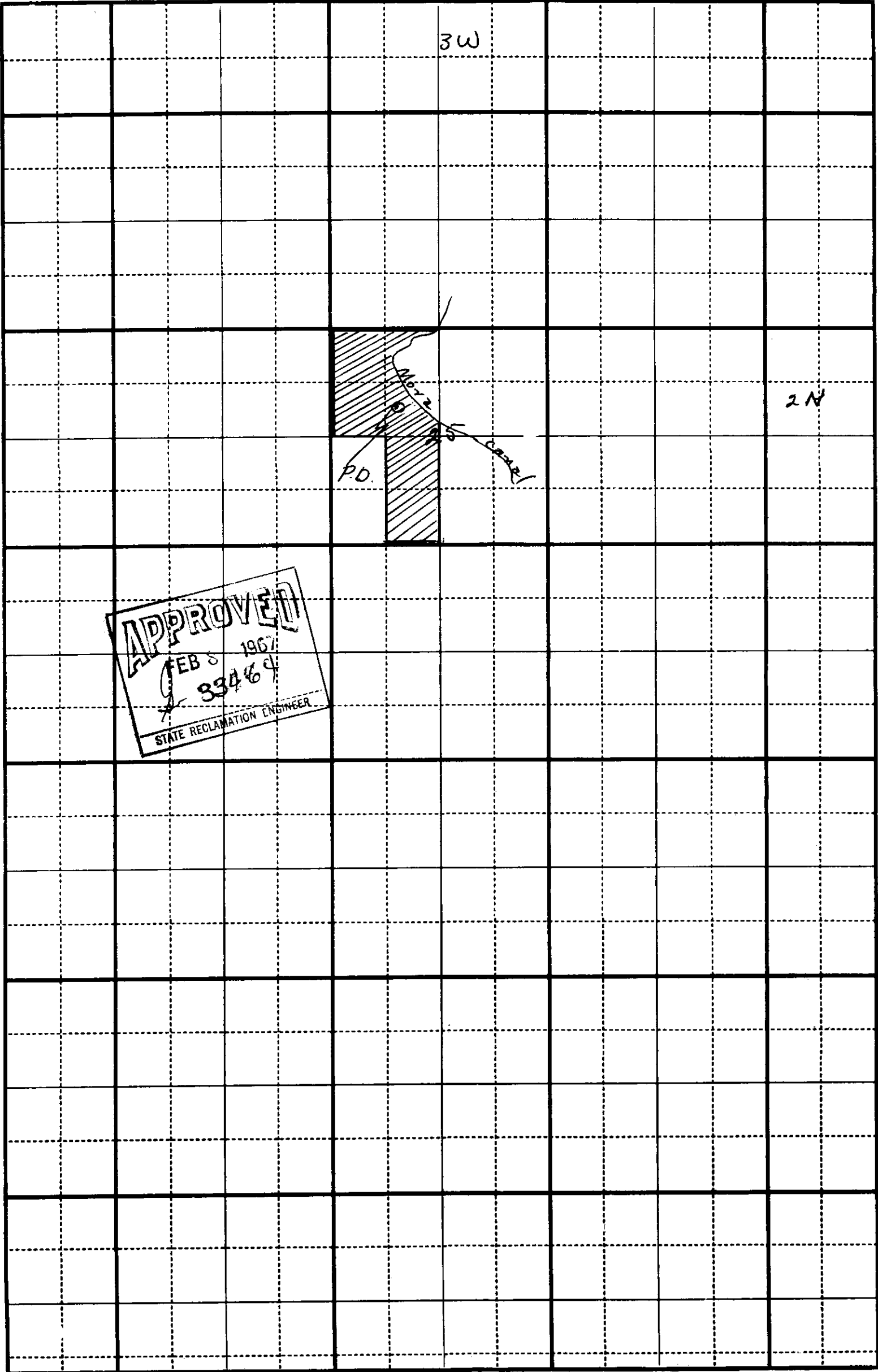
FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

33464





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

July 14, 1997

Don Brandt
Brandt Farm Management Service
203 11th Avenue South
Nampa, ID 83705-5082

RE: LICENSE NO. 63-11176B IN THE NAME OF BRANDT AGENCY, INC.

Dear Mr. Brandt:

Jim Johnson of this office recently referred water right license file no. 63-11176 to me for review and determination of a potential resolution to the objection you have raised concerning the above referenced license issued by the department on May 4, 1996.

From my review of the file including the field examination information, correspondence and prior license file 63-03582, the department is willing to issue an amended license for 63-11176B changing Condition of Approval No. 6. to read as follows:

This right uses the same well as Right 63-03582 and 63-11176A and when combined with Rights 63-03582 and 63-11176A shall not exceed a diversion rate of 3.69 cfs.

The 3.69 cfs is the rate of diversion licensed on prior water right no. 63-03582.

Please let me know if this change to the license will alleviate the concern you have expressed. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region
Jim Johnson

BRANDT FARM MANAGEMENT SERVICE

EXPERIENCED :: SUCCESSFUL :: COMPLETE

203 ELEVENTH AVENUE SOUTH
NAMPA, IDAHO 83651

RECEIVED

JUN 03 1996

Department of Water Resources *muir*

5/30/96

Shelley Keen
State of Idaho
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Shelley,

This letter is to officially protest the licenses involved on our farm in
Sec 25, T.2N, R3W., B.M., namely:

63-03582, 63-11176A, & 63-11176B

As we discussed when I came to your office, the license #63-11176A
is not to have any water from our well. We will contact the Shaffers about this
but will work to ensure that the 0.2 cfs on their land comes from a new point of
diversion, we are left intact w/3.35 cfs on our land.

We will also contact Layne pump to establish whether the 3.35 cfs is
indeed the current production or whether this diminution is due to lower water
table, worn bowls, etc.

We will get back with you when we have data to support any figures which
may differ from your field exam.

Sincerely,



Don Brandt
DB/jk

JUN 28 1996

MEMORANDUM

DATE: May 31, 1996

TO: File 63-11176B

FROM: Shelley W. Keen ^{SWK}

RE: Meeting with Don Brandt of Brandt Agency, Inc.

Yesterday morning Don Brandt, to whom License 63-11176B was recently issued, met with me to discuss some concerns he has about the license. Mr. Brandt is specifically concerned about the diversion capacity of 3.35 cfs reported by the field examiner and also about condition no. 6, which limits the use of right 63-11176B to 3.35 cfs when used in combination with rights 63-03582 and 63-11176A.

Diversion Capacity

Mr. Brandt pointed out that right 63-03582 is diverted from the same well as 63-11176B and that the diversion capacity reported by the field examiner for 63-03582 in 1971 was 4.63 cfs, which is substantially more than 3.35 cfs. Mr. Brandt said he expected his license for right 63-11176B to reflect at least the 4.63 cfs capacity.

I explained to Mr. Brandt that water rights are based on the actual diversion and use of water and that the examiner for 63-11176B determined the diversion capacity of the current system to be 3.35 cfs. The examiner noted the earlier measurement of 4.63 cfs and stated that it is apparently explained by the fact that a booster pump used in 1971 is no longer used. I also told Mr. Brandt that I am willing to review any evidence he can provide to show that the examiner's findings are substantially in error. I reminded Mr. Brandt that I cannot not take into account changes made to his diversion system after the examination.

Condition No. 6

Mr. Brandt is also unhappy with condition no. 6, which limits the use of right 63-11176B to 3.35 cfs when used in combination with rights 63-03582 and 63-11176A. Mr. Brandt feels that his ability to divert from his well should in no way be related to the activities occurring under right 63-11176A, which was issued to another party. The facts are that Mr. Brandt's well

JUN 28 1996

is the current point of diversion for right 63-11176A, it was the point of diversion for 63-11176A when proof of beneficial use was submitted, and it was the point of diversion for 63-11176A when the field examination occurred. Mr. Brandt has an agreement with the owners of right 63-11176A to give them access to his well.

I explained to Mr. Brandt that licenses 63-11176A and 63-11176B were based upon the diversion and distribution systems actually in place during the field examination. I told him that the owners of right 63-11176A could file an application for transfer to change their point of diversion. But, I also reminded him that the total diversion rate established in condition no. 6 could not be enlarged through the transfer process. Separating right 63-11176A from the system would mean that the combined total diversion rate for the remaining two rights, 63-03582 and 63-11176B, would be reduced by whatever rate stays with 63-11176A.

Conclusion of the Meeting

Before he left, Mr. Brandt indicated that he would seek additional information regarding the diversion capacity of the system and that he would contact an attorney to discuss his displeasure with the shared well situation which resulted in condition no. 6 being placed on license 63-11176B.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 23, 1996

DON BRANDT
BRANDT FARM MANAGEMENT SERVICE
203 ELEVENTH AVENUE SOUTH
NAMPA ID 83651

RE: Water Right No. 63-11176B

Dear Don:

Thank you for writing me with your questions about Water Right License 63-11176B, which was issued to you earlier this month. I have reviewed your water right files and have prepared the following response.

Water right licenses are based upon actual water use as confirmed by field examination and related information collected by IDWR. License 63-11176B is based primarily on the information collected during a field examination conducted by IDWR personnel on September 14, 1995. The examination for License 63-11176A, which was issued to Terry and Laura Shaffer, was conducted on the same day.

The examiner reported that a single well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 2 North, Range 3 West, is the point of diversion for water being delivered to the place of use for rights 63-11176A, 63-11176B, and 63-03582. The examiner also reported that while the diversion capacity for the well was 4.63 cfs in 1971, the current capacity, based on the pump and motor in place now, is 3.35 cfs. The discrepancy is apparently explained by the fact that in 1971 the diversion system included a 150 horsepower booster pump that is not in place now.

In addition, the notice of claim you filed in the Snake River Basin Adjudication for right 63-03582 indicates that the right is now appurtenant to only 167 acres rather than to 187 acres as licensed. Without justification based on conveyance losses or soil types, water rights for irrigation in Idaho are limited to .02 cfs per acre. For 167 acres, .02 cfs per acre would result in a right totaling 3.34 cfs. Therefore, none of the three rights would individually exceed the current system capacity of 3.35 cfs. The condition limiting the three to a combined total of 3.35 cfs is based on the fact that 3.35 cfs is what has actually been diverted and used during the development period for 63-11176A and 63-11176B.

JUN 28 1996

Don Brandt
May 23, 1996
Page 2

I hope this answers your questions about your water rights. If you have additional questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley Walter Keen
Water Rights Supervisor

SWK

c: Snake River Basin Adjudication, Western Region

JUN 28 1996

February 3, 1972

Re: Permit No. 33464/63-3582

The Travelers Insurance Company
707 S.W. Washington Street
Portland, Oregon 97205

Attn: Mortgage Loan Dept. (193872)

Gentlemen:

Enclosed herewith is the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

63 3582

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 20, 1972

The Travelers Insurance Company
707 S.W. Washington St.
Portland, Oregon 97205

Attn: Mortgage Loan Dept.
(193872)

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33464/63-3582 and has found the following:

Quantity of water diverted: 4.63 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 3.69 cfs

The maximum quantity diverted shall not exceed 842.9 acre feet per season.

Beneficial use: Irrigation of 187.3 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (1), NW $\frac{1}{4}$ (111.3), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (40), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (35), Sec. 25, Twp. 2 N, Rge. 3 W, B. M.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 2 N, Rge. 3 W, B. M.

The priority date established is: February 3, 1967

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Enclosed please find a copy of the approved application for amendment in connection with this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of amendment

63 3582

25



DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder The Travelers Insurance Company

Post office address 707 SW Washington Street, Portland 97205 Phone

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes: (Proof states use for irrigation only)

Amount 3.9 c.f.s. for Irrigation and Domestic
AF/Annum (nature of use)

Period of Use: from April 1 to October 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum _____ (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 63-3582/33464

Examination for B/U

4. Total amount to be appropriated:

Max Rate of Diversion 3.9 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2 N/S, Range 3 E/W, B.M., Section 25, Subdivision SE 1/4 NW 1/4, Canyon
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____

Other Points of Diversions: _____

Description of diverting works: Well, pump and electric motor

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

195

63 3582

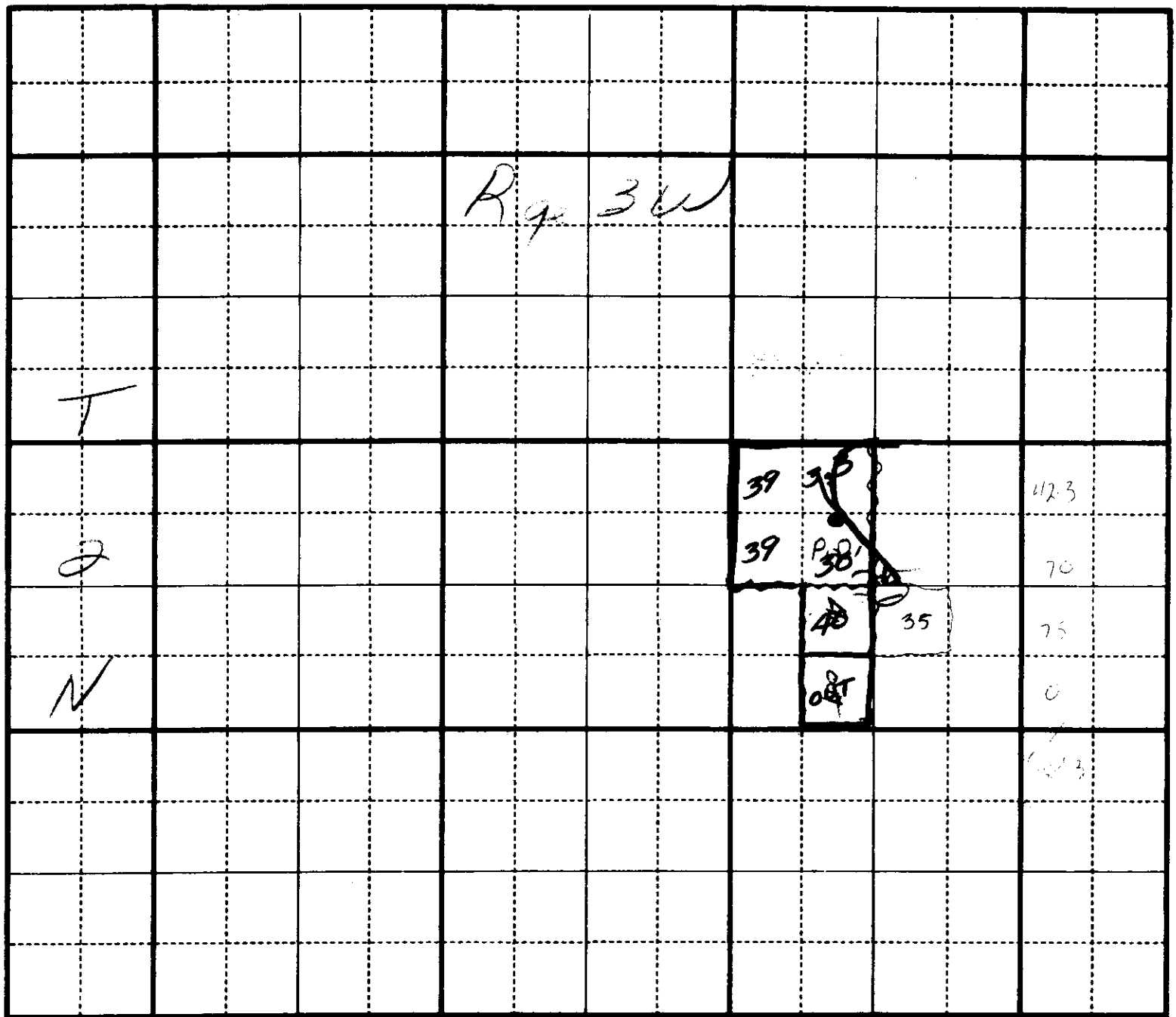
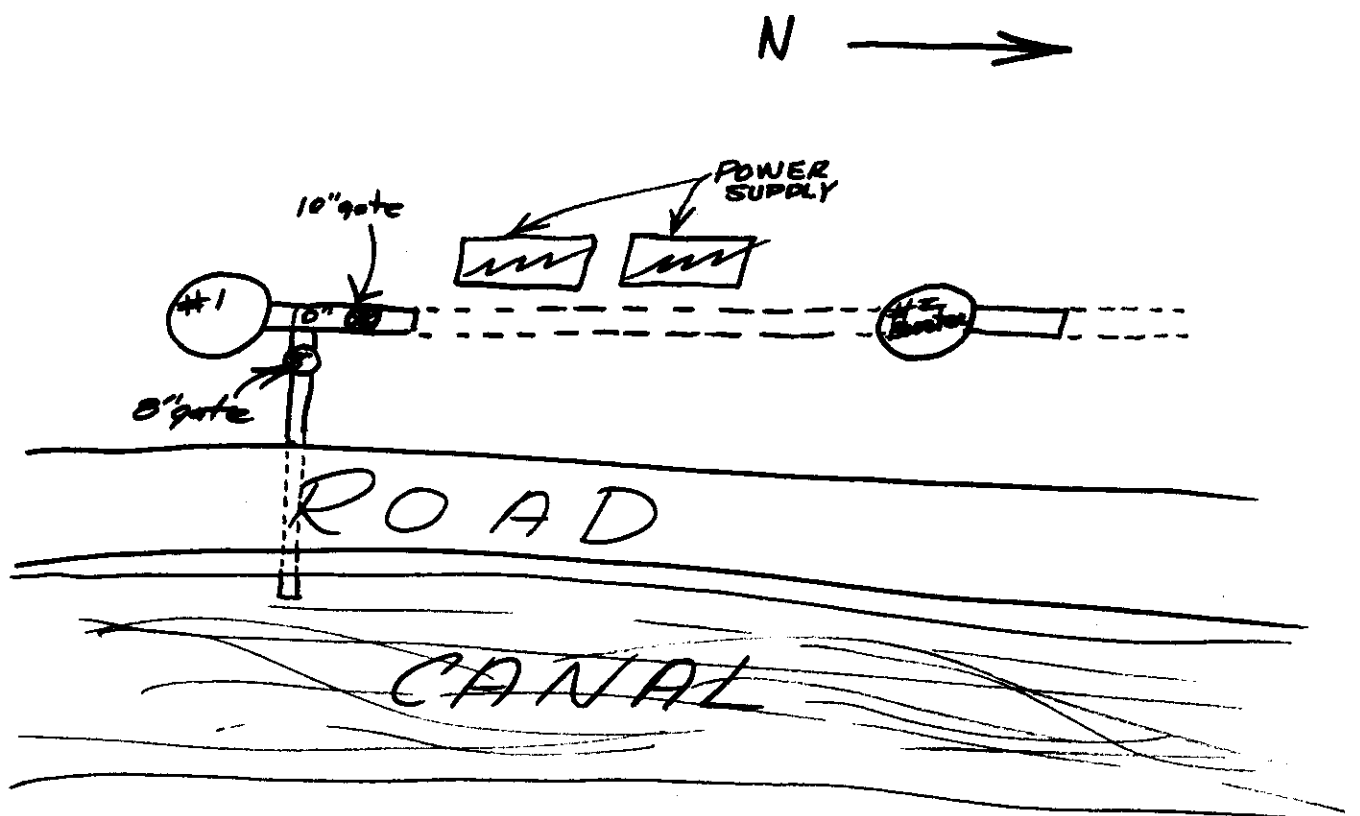


Diagram of System



DATE OF EXAM Sept. 30, 1971

ACREAGE
Found 151.3 154.3
Recommended 151.3

Irrigation Requirement 4.5 Ac Ft/Ac

USE 3.69
Irrigation Q = 3.03 c.f.s. V = 680.85 AF/Ann. from March 15 to Nov 15 (245)
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 4.63 cfs Method of measurement Spurling

Total Q recommended 3.03 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 680.85 AF/ANN - 4.5 X 151.3

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

Spurling - (1000 gal. in 30 sec)

4.45 gpo correction 1.04

4.45 X 1.04 = (4.63 cfs)

SYSTEM DESCRIPTION:

#1 U.S. Motors pump motor - 200 H.P. - 60 cycle - 3 phase - 440 Volts - 1800 RPM - SER# 1406308
Layne & Bowler Verti-Line pump - Model 12 FHM - SER# D17060 - 10" discharge north for 4' through
10" gate valve then on north 15' to booster pump - an 8" pipe runs east from discharge
(between pump and other 10" gate) and into canal for pump sand out first.
#2 BOOSTER - U.S. Motors pump motor - 150 H.P. - 60 cycle - 3 phase - 440 Volts - 1800 RPM
SER# 1408243. Layne & Bowler Verti-Line pump. Model 14 RL - SER# D17059 - 10" discharge
north to buried mainline.

REMARKS:

Examiner's Signature Rex L. Chapman Date 9-30-71

Checked by _____ Date _____

Approved by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 14, 1971

Re: Permits No. 63-3490, 63-3582, 63-3593

The Travelers Insurance Company
707 S.W. Washington St.
Portland, Oregon 97205

Gentlemen:

We acknowledge receipt of the affidavits of publication submitted in connection with the above referenced permits.

Before licenses can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may arrange to have someone show him the systems.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Naito Brothers
Route 4
Nampa, Idaho 83651

63 3582

Sept. 1, 1971

RECEIVED

SEP 8 1971

Department of Water Administration

RE: Permit No. G-32755/63-3490

" G-33464/63-3582

" " G-33534/63-3593

MR. McEldersley:

Thank you for reminding us to send you the
affidavits of publication. Due to our
oversight, the affidavits were in our files
and only remained to be forwarded to you.
Thank you for your patience.

Very Truly Yours:

Noite Bros. by Mrs. Maite Maite

63 3582

September 9, 1971

Re: Permit Nos. 63-3490
63-3582
63-3593

The Travelers Insurance Company
707 S. W. Washington Street
Portland, Oregon 97205

Gentlemen:

We have recorded the three assignments and you are now the owners of Permit Nos.
63-3490, 63-3582 and 63-3593.

We are enclosing a copy of each of these permits for your reference.

Please note the conditions and limitations of approval on page two of the permits.

If we may be of any further assistance in this or any other matter, please do not
hesitate to contact this office.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CS

Enclosures

68-3777

August 25, 1971

Re: Permit No. G-32755/63-3490

" " G-33464/63-3582

" " G-33534/63-3593

Kaito Brothers
Route #4
Nampa, Idaho 83651

Gentlemen:

As of this date, we have not yet received the affidavits of publication to be submitted in connection with the above referenced permits. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain these affidavits as soon as possible from the Idaho Free Press, Nampa, Idaho and submit it promptly to the Department. Please be advised that licenses will not be issued until we are in receipt of these affidavits.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

63 2500

STATE OF IDAHO -
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 12, 1971

Re: Permits No. G-32755/63-3490
G-33464/63-3582 - Naito Brothers
G-33534/63-3593

Mr. J. H. Sackett, Mgr.
Farm Loan Division
THE TRAVELERS
707 S. W. Washington St.
Portland, Oregon 97205

Dear Mr. Sackett:

We are in receipt of the assignments submitted in connection with the above referenced permits. We have been advised by our legal counsel that the assignments are inadequate in that the permits are in the name of Naito Brothers not H. Naito & Sons. Therefore, we are returning the assignments and additional blank assignment forms for your use in correcting this situation.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enc: Original assignments (3)
Blank forms (3)

63 3582

THE TRAVELERS

THE TRAVELERS INSURANCE COMPANY

MORTGAGE LOAN DEPARTMENT
J. H. SACKETT, MANAGER, FARM DIVISION



PORTLAND OREGON OFFICE
707 S.W. Washington Street
PORTLAND, OREGON 97205
Telephone: 224-5770

July 20, 1971

State of Idaho
Department of Water Administration
Annex 2, Statehouse
Boise, Idaho 83707

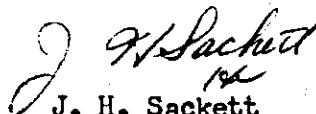
Re: Our Loan No. 193872
H. Naito and Sons
Route 4
Nampa, Idaho 83651

Gentlemen:

Enclosed are Assignments which we hold in connection with our real estate loan on the property served by the permits indicated. We hope to have the permits developed into licenses at the earliest possible date.

Would you please file these Assignments so that the permits may not be transferred.

Yours truly,


J. H. Sackett
Manager
Farm Loan Division

JHS:tap
Enclosure

cc: MLR Reed

63 3582

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higgins
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 19, 1971

Re: Permits No. G-32755/63-3490
G-33464/63-3582
G-33534/63-3593

Naito Brothers
Route 4
Nampa, Idaho 83651

Gentlemen:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits. Enclosed you will find an Order of Reinstatement in connection with Permit G-32755/63-3490; please note that the priority has been advanced under this permit.

Legal notices for these permits are to be published in the Idaho Free Press at Nampa, Idaho, on May 27 and June 3, 1971, at your expense. You will be required to submit affidavits of publication to the Department; the affidavits may be obtained from the above mentioned newspaper upon payment of the bills for publication.

If you have any questions or if we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

63 3502

May 19, 1971

Re: Permits No. G-32755/63-3490
G-33464/63-3582
G-33534/63-3593

Idaho Free Press
Box 88
Nampa, Idaho 83651
Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Watto Brothers, Route 4,
Nampa, Idaho, 83651, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:DR
Enc: Legal notices (3)

63 3582

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Naito Brothers, Route 4, Nampa, Idaho,
have ~~has~~ received an approved Permit No.
G-33464/63-3582 issued by the Idaho Department of Water Administration author-
izing the diversion ~~average~~ of 3.9 cubic feet per second ~~maximum~~
~~per second~~ of water from a ground water source

The priority to be established under this permit is February 3, 1967,
and the permit was approved February 7, 1967

Water is to be diverted by well and pump
from a point within the SE 1/4, Sec. 25, T. 2N, R. 3W, B.M., Canyon County,

to be used for irrigation and domestic purposes
in the NW 1/4, E 1/2 SW 1/4, Sec. 25, T. 2N, R. 3W, B.M.

Proof of the application of the water to beneficial use was ~~submitted~~
submitted to the Department on ~~March 1, 1971~~ May 7, 1971. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Administration, Statehouse, Boise,
Idaho, 83707, within ten (10) days of the last date of publication of this
notice ~~as published in the Idaho Free Press, Nampa, Idaho, on May 27 and June 3, 1971~~
~~or by certified mail to the Department of Water Administration, Boise, Idaho, within ten (10) days of the last date of publication of this notice~~

R. KEITH HIGGINSON

Director

Published in the Idaho Free Press, Nampa, Idaho,
on May 27 and June 3, 1971

Permit No. _____

Director:

You are hereby authorized to have the above notice published at my expense
in the Idaho Free Press of _____;
published in the county in which the works are situated.

[Signature]
(Signature)

[Signature]
(Address)

G3 3582

(Date)

October 30, 1970

Re: Permit No. G-33464 (new no. 63-3582)

Naito Brothers
Route #4
Nampa, Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: order
advertising package

63-3582
33464

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Naito Brothers, Route #4, Nampa, Idaho
have has received an approved Permit No.
G-33464/63-3582 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 3.9 cubic feet per second ~~acre/feet~~
~~per/annum~~ of water from a ground water source.
The priority to be established under this permit is February 3, 1967
and the permit was approved February 7, 1967.

Water is to be diverted by well
from a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 2 N, R. 3 W, B. M., Canyon
County
to be used for irrigation and domestic purposes
in the NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 25, T. 2 N, R. 3 W, B. M.

Proof of the application of the water to beneficial use is to be sub-
mitted to the Department on or before February 7, 1972. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Idaho Free Press, Nampa, Idaho
on _____.

*Retyped
5-13-71
ds*

63-3582

33464

RECEIVED
APR 20 1967

Department of Reclamation

SHEET NO. 2

Well Owner Naito BrothersWell Driller Russell HarvistonNE¹/₄ NW¹/₄, Sec 31-2N-2WBM, Canyon Co.Well Location Idaho

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
320	330	Sand & blue clay		yes
330	340	Sand & blue clay		yes
340	350	Blue clay - sandy		yes
350	360	Blue sand & blue clay		yes
360	370	Blue sand & blue clay		yes
370	380	Blue sand & blue clay		yes
380	390	Blue sand & blue clay		yes
390	400	Blue sand		yes
400	410	Blue sand & clay		yes
410	420	Blue sand		yes
420	425	Blue clay		yes
425	430	Blue sand		yes
430	435	Blue clay		yes
435	440	Blue clay with yellow clay		yes
440	450	Blue & white sand		yes
450	460	Blue sand - fine		yes
460	470	Blue sandstone		yes
470	480	Blue sandstone		yes
480	490	Blue sandstone		yes
490	500	Blue clay and sand		yes
500	510	Blue ~~clay~~ sand and clay		yes
510	520	Blue sand		yes
520	530	Blue sand		yes
530	540	Blue sand		yes
540	550	Blue clay & sand		yes
550	560	Blue clay		yes
560	570	Blue sand		yes

continued - other side

33404

SHEET NO. 2

Well Owner _____

Well Driller_____

Well Location _____

WELL LOG

[illegible]

33464

RECEIVED

JUN 12 1987

SHEET NO. 2

Department of Reclamation

Well Owner NAITO BROTHERS

Well Driller Russell Harviston

Well Location SE¹ NW¹, Sec 25-2N-3WPM
Canyon County, Idaho

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
340	350	Sand		yes
350	360	Sand		
360	370	Blue sand		
370	380	Blue clay & sand		
380	390	Blue sand		
390	400	Blue sand		
400	410	Blue clay		
410	420	Blue clay & sand		
420	430	Blue sandstone		
430	440	Blue sandstone		
440	450	Blue sandstone		
450	460	Blue sand		
460	470	Blue sand		
470	480	Blue sand		
480	490	Blue sand		
490	500	Blue sand		
500	510	Blue sand		
510	520	Blue sand		
520	530	Blue sand		
530	540	Blue sand		
540	550	Blue sand		
550	560	Blue sand		
560	570	Blue sand		
570	580	Blue shale		
580	590	Blue shale		
590	600	Rock		
600	610	Rock		

33464

ACKNOWLEDGEMENT

Date: 2-3-67

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. _____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed: _____

Applicant

33444

February 21, 1967

Re: Permit No. G-33464

Naite Brothers
Route #4
Nampa, Idaho

Gentlemen:

We enclose Permit No. G-33464 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ We also enclose Departmental Receipt No. G-11299 which was issued covering payment in the amount of \$ 5.75 for the filing fee of the above mentioned permit, ~~was given to you at the time you were~~ in our office.

Very truly yours,

Enc. permit

MRB:ejw

M. RUSSELL BOSCH
Office Manager

33464