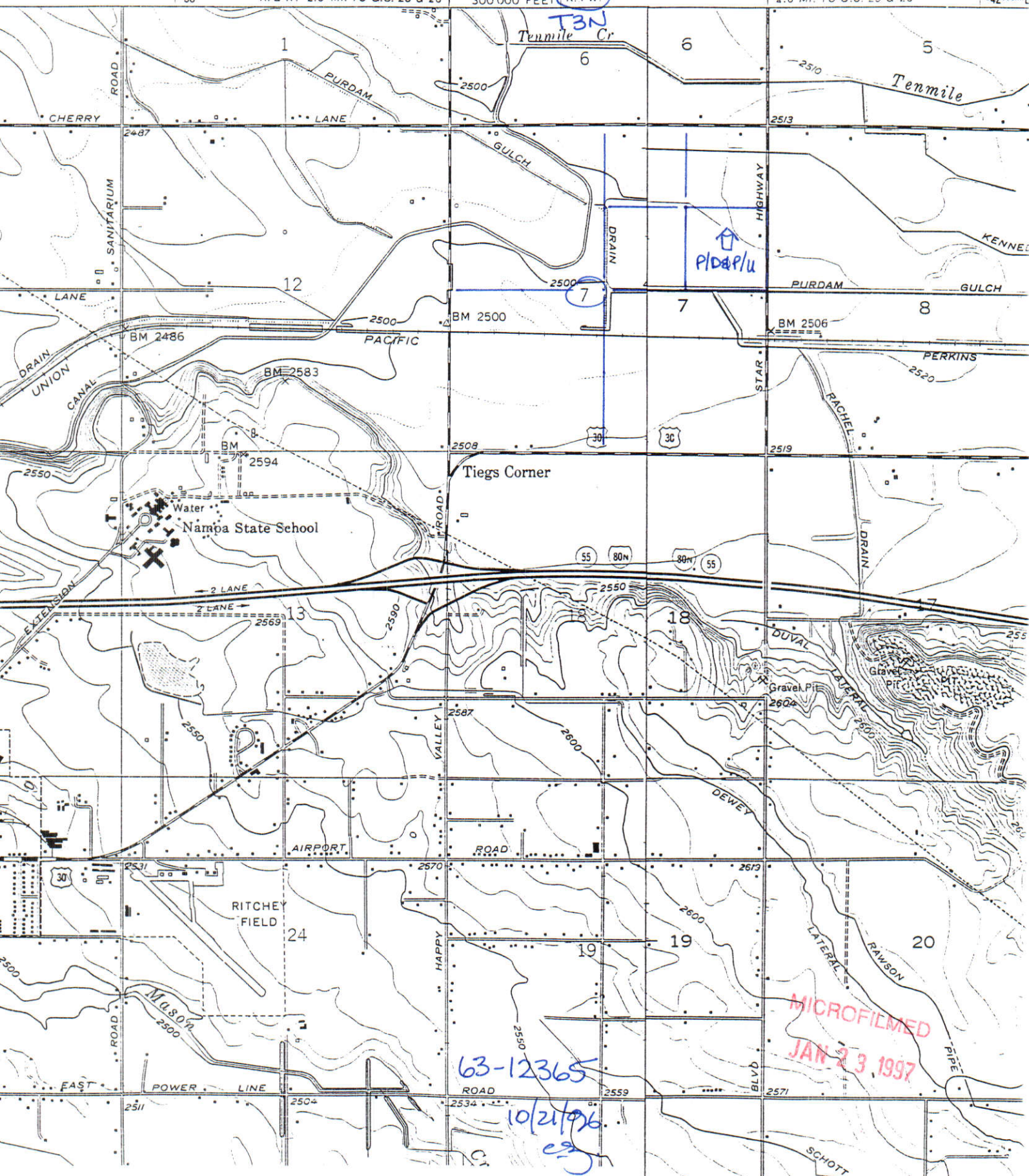


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

542000m. E



10/10/10

MAP 1010A

LOT AREAS

LOT	AREA
1	0.7830
2	0.8237
3	0.8933
4	0.9039
5	0.9076
6	0.9091
7	0.9091
8	0.9091
9	0.9091
10	0.9091
11	0.9091
12	0.9091
13	0.9091
14	0.9091
15	0.9091
16	0.9091
17	0.9091
18	0.9091
19	0.9091
20	0.9091
21	0.9091
22	0.9091
23	0.9091
24	0.9091
25	0.9091
26	0.9091
27	0.9091
28	0.9091
29	0.9091
30	0.9091
31	0.9091
32	0.9091
33	0.9091
34	0.9091
35	0.9091
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37	0.9091
38	0.9091
39	0.9091
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41	0.9091
42	0.9091
43	0.9091
44	0.9091
45	0.9091
46	0.9091
47	0.9091
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49	0.9091
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67	0.9091
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70	0.9091
71	0.9091
72	0.9091
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74	0.9091
75	0.9091
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82	0.9091
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84	0.9091
85	0.9091
86	0.9091
87	0.9091
88	0.9091
89	0.9091
90	0.9091
91	0.9091
92	0.9091
93	0.9091
94	0.9091
95	0.9091
96	0.9091
97	0.9091
98	0.9091
99	0.9091
100	0.9091

CHERRY CREEK ESTATES NO. 3 SUBDIVISION

PLAT SHOWING
IN THE NE 1/4, SECTION 7
T.M. R.W. BL
CANYON COUNTY, IDAHO
1993

Recorded
At the Request of
Wesley M. Porter
File # 11100

RECORDED
JAN 23 1997
CANYON COUNTY RECORDER

SCALE: 1"=100'

LEGEND

- Found Brass Cap Monument
- Set 5/8" Iron Pin with Plastic Cap
- Set 1/2" x 24" Iron Pin
- Set 1/2" x 24" Iron Pin
- Boundary Line
- Utility Easement and Irrigation Easement Line 10' Wide from Lot Line Unless Otherwise Dimensioned

CURVE DATA

CHORD	ARC	ANGLE	CHORD BISE
1	20.00	28.17	10.00
2	20.00	28.17	10.00
3	20.00	28.17	10.00
4	20.00	28.17	10.00
5	20.00	28.17	10.00
6	20.00	28.17	10.00
7	20.00	28.17	10.00
8	20.00	28.17	10.00
9	20.00	28.17	10.00
10	20.00	28.17	10.00
11	20.00	28.17	10.00
12	20.00	28.17	10.00
13	20.00	28.17	10.00
14	20.00	28.17	10.00
15	20.00	28.17	10.00
16	20.00	28.17	10.00
17	20.00	28.17	10.00
18	20.00	28.17	10.00
19	20.00	28.17	10.00
20	20.00	28.17	10.00
21	20.00	28.17	10.00
22	20.00	28.17	10.00
23	20.00	28.17	10.00
24	20.00	28.17	10.00
25	20.00	28.17	10.00
26	20.00	28.17	10.00
27	20.00	28.17	10.00
28	20.00	28.17	10.00
29	20.00	28.17	10.00
30	20.00	28.17	10.00
31	20.00	28.17	10.00
32	20.00	28.17	10.00
33	20.00	28.17	10.00
34	20.00	28.17	10.00
35	20.00	28.17	10.00
36	20.00	28.17	10.00
37	20.00	28.17	10.00
38	20.00	28.17	10.00
39	20.00	28.17	10.00
40	20.00	28.17	10.00
41	20.00	28.17	10.00
42	20.00	28.17	10.00
43	20.00	28.17	10.00
44	20.00	28.17	10.00
45	20.00	28.17	10.00
46	20.00	28.17	10.00
47	20.00	28.17	10.00
48	20.00	28.17	10.00
49	20.00	28.17	10.00
50	20.00	28.17	10.00
51	20.00	28.17	10.00
52	20.00	28.17	10.00
53	20.00	28.17	10.00
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55	20.00	28.17	10.00
56	20.00	28.17	10.00
57	20.00	28.17	10.00
58	20.00	28.17	10.00
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61	20.00	28.17	10.00
62	20.00	28.17	10.00
63	20.00	28.17	10.00
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65	20.00	28.17	10.00
66	20.00	28.17	10.00
67	20.00	28.17	10.00
68	20.00	28.17	10.00
69	20.00	28.17	10.00
70	20.00	28.17	10.00
71	20.00	28.17	10.00
72	20.00	28.17	10.00
73	20.00	28.17	10.00
74	20.00	28.17	10.00
75	20.00	28.17	10.00
76	20.00	28.17	10.00
77	20.00	28.17	10.00
78	20.00	28.17	10.00
79	20.00	28.17	10.00
80	20.00	28.17	10.00
81	20.00	28.17	10.00
82	20.00	28.17	10.00
83	20.00	28.17	10.00
84	20.00	28.17	10.00
85	20.00	28.17	10.00
86	20.00	28.17	10.00
87	20.00	28.17	10.00
88	20.00	28.17	10.00
89	20.00	28.17	10.00
90	20.00	28.17	10.00
91	20.00	28.17	10.00
92	20.00	28.17	10.00
93	20.00	28.17	10.00
94	20.00	28.17	10.00
95	20.00	28.17	10.00
96	20.00	28.17	10.00
97	20.00	28.17	10.00
98	20.00	28.17	10.00
99	20.00	28.17	10.00
100	20.00	28.17	10.00

CHERRY LANE MEADOWS
SUBDIVISION
BOOK 13 PAGE 24

CHERRY CREEK ESTATES
NO. 2 SUBDIVISION
BOOK 19 PAGE 34

(UNPLATTED)

PURDUM DRAIN

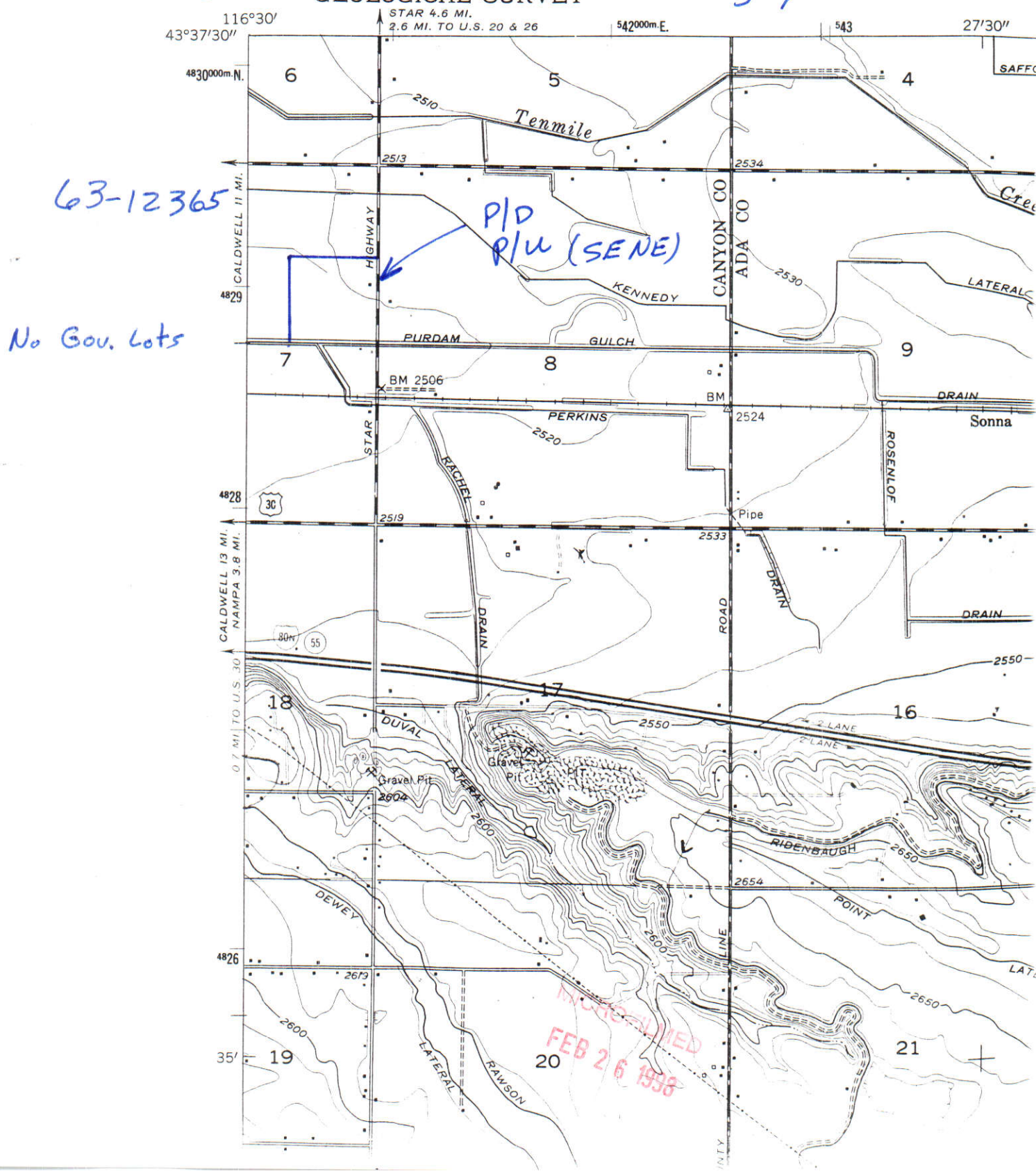
BOOK 20, PAGE 20 SHEET 1 OF

63-12365

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Nampa, Idaho
DWG. NO. N820518-S

- ### NOTES
1. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH DEPARTMENT.
 2. THE LOTS WITHIN THIS SUBDIVISION WILL BE SERVED INDIVIDUALLY OR TWO PHASED LOTS AND INDIVIDUAL SUBSIDIARY SERVICE DISPOSAL SYSTEMS.
 3. SEE SUBDIVISION ENGINEERING REPORT ON FILE WITH THE SOUTHWEST DISTRICT HEALTH DEPARTMENT FOR INSTALLATION OF SUBSIDIARY SERVICE DISPOSAL SYSTEMS.
 4. A PERMANENT DRAINAGE EASEMENT 5 FEET IN WIDTH IS HEREBY DESIGNATED ALONG ALL LOT LINES.
 5. SANITARY SEWER DRAIN FIELDS ARE NOT PERMITTED WITHIN 100 FEET OF ANY WELL, SEPTIC TANKS AND/OR BUILDING SEWERS ARE NOT PERMITTED WITHIN 50 FEET OF ANY WELL.
 6. A SANITARY SEWER DRAIN FIELD IS NOT PERMITTED WITHIN 200 FEET OF THE HORIZA DRAIN OR PURDUM DRAIN.
 7. STORM WATER RUNOFF SHALL BE RETAINED ON EACH LOT.

T3N
R1W
S7 SENE



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-12365

Priority: October 21, 1996

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that WENDY TOOMEY
BRIAN TOOMEY

5050 CANARY LN
NAMPA ID 83687

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 21, 1996; and has submitted Proof of Beneficial Use on October 21, 1996. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 7, Township 03N, Range 01W
CANYON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 01W 7

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Point of diversion and place of use are located within Lot 11, Blk. 3, Cherry Creek Estates No. 3 Subdivision.
6. Domestic use is for 1 home.

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 30TH day of JANUARY, 1998.

MICROFILMED

FEB 26 1998


Acting for KARL J. DREHER, Director

FOR OFFICE USE ONLY
Amt. of Fee \$: N/A
Receipt No. N/A
Receipt By: CS
Date Received: 10/21/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 1996

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-12365 Telephone No. 887-5492

2. Name(s) of Permit Holder(s): BRIAN &/OR WENDY TOOMEY

3. Mailing Address: 5050 CANARY LN Nampa ID 83687

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 10 / yr. 96

a. Well Driller: ADAMSON PUMP & DRILLING Drilling Permit Number: 63-96-W-0686

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ✓
Has the measurement port been installed? Yes _____ or No ✓

8. Fee Enclosed: \$ N/A (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Wendy Toomey Telephone Number: 887-5492

Address: 5050 CANARY LN Nampa ID 83687

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Wendy Toomey
(include your title, if on behalf of company or organization)

MICROFILMED
Date: 10-21-96

RECEIVED

OCT 21 1996

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12365

Proposed Priority: October 21, 1996

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **WENDY TOOMEY**
BRIAN TOOMEY
5050 CANARY LN
NAMPA ID 83687

has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 7, Township 03N, Range 01W
CANYON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 01W 7

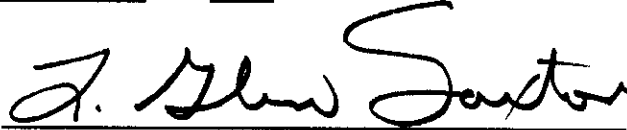
SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1998.
2. Subject to all prior water rights.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
4. Place of use is located within Lot 11, Blk. 3, Cherry Creek Estates No. 3 Subdivision.
5. Domestic use is for 1 home.

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

31 day of December, 1996.


for Karl J. Dreher, Director

MICROFILMED
JAN 29 1997

RECEIVED

DEC 24 1996

Ident. No. 63-12365

Department of Water Resources

RECEIVED

OCT 21 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

OCT 21 1996

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: WENDY TOOMEY 208-887-5492
Address: 5050 CANARY LN
NAMPA ID 83687
AND/OR
Name: BRIAN TOOMEY 208-887-5492
Address: 5050 CANARY LN
NAMPA ID 83687
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SENE Sec. 7, Township 03N, Range 01W
CANYON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL WITH PUMP TO HOUSE AND SPRINKLERS
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 120
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 10/07/1996 63-96-W-0686-000
Drilling Firm ADAMSON PUMP & DRILLING (NO DRILLING PERMIT ON RECORD)
Well was drilled for BRIAN/WENDY TOOMEY
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

MICROFILMED

JAN 23 1997

Data entered 12/20/96

* Res well drilling records by 12/20/96

8. Place of Use: DOMESTIC

TWN RGE SEC

03N 01W 7

SENE

9. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

10. Remarks:

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

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

Dwight Booney
Applicant

Received by *CJ* Date 10/21/96 Time 10am Preliminary check by *ly*

Fee \$ 50.00 Received by *CJ* #C036797 Date 10/21/1996

Publication prepared by *dt* Date 10-30-96 Published in *Pres. Trib.*

Publication approved *dt* Date 12-4-96

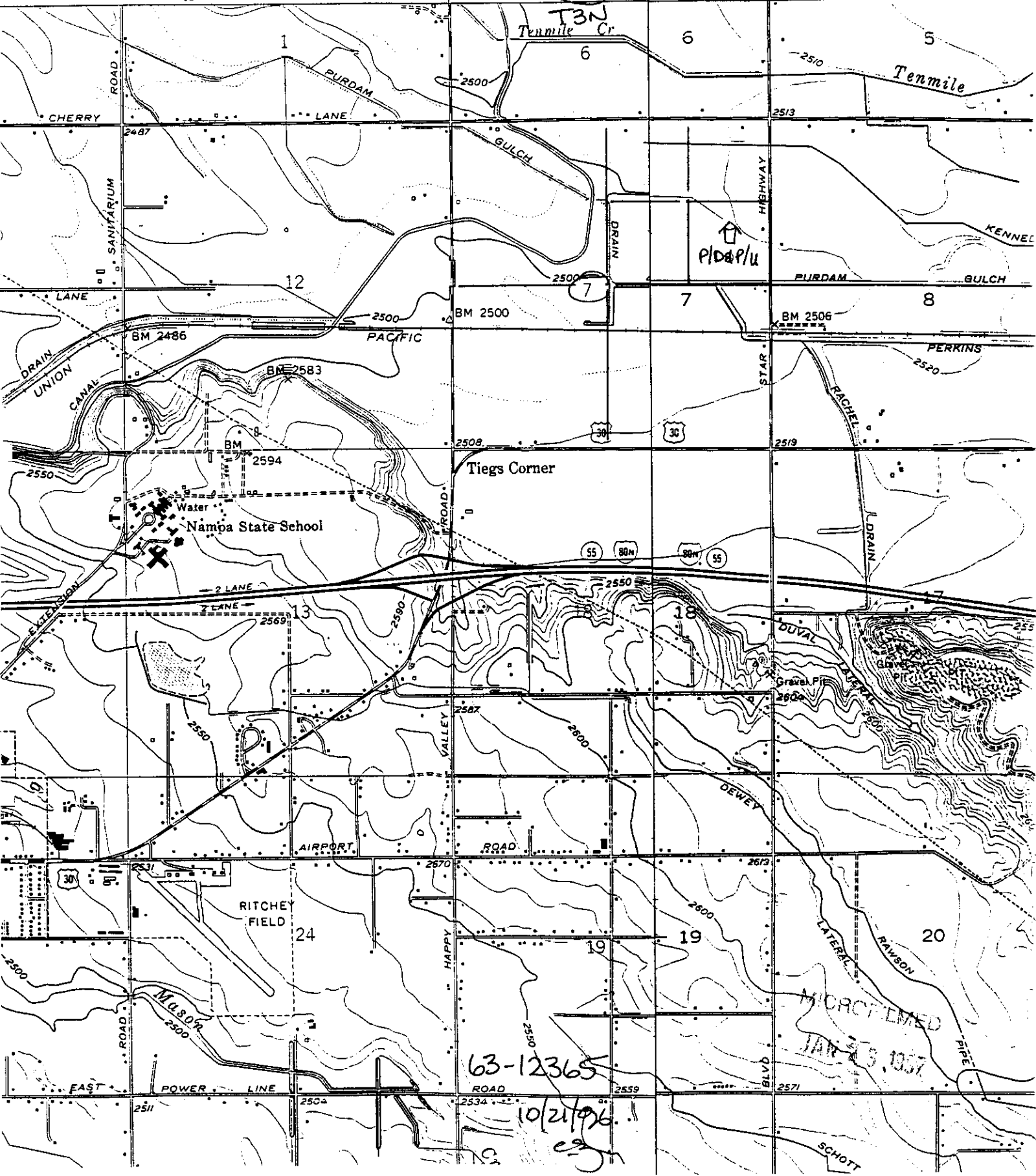
MICROFILMED

JAN 23 1997

NAMPA QUADRANGLE
IDAHO-CANYON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

1538 R. 2 W. 2.6 MI. TO U.S. 20 & 26 300 000 FEET (R. 1 W.) 116°30' STAR 4.6 MI. 2.6 MI. TO U.S. 20 & 26 542000m E



PLAT SHOWING CHERRY CREEK ESTATES NO. 3 SUBDIVISION

IN THE NE 1/4, SECTION 7

T3N, R1W, B1M
CANYON COUNTY, IDAHO
1993

Recorded
At The Request Of
Wayne A. Porter
Filing Fee \$11.00

309419

RECORDED

'93 MAR 5 AM 10 23

REC'D
CANYON CNTY RECORDER
BY

LOT AREAS

BLOCK	LOT	ACRES
1	7	0.7830
1	8	0.8301
1	9	1.0577
1	10	0.8993
1	11	0.9039
1	12	0.9078
1	13	0.9071
1	14	0.9091
1	15	0.9091
1	16	0.9091
1	17	0.9091
1	18	0.9091
1	19	0.9092
1	20	0.9465
1	21	1.3684
1	22	1.8757
1	23	0.9158
1	24	0.8815
1	25	0.8823
1	26	1.0458
1	27	0.9423
1	28	0.6884
1	29	0.9307
1	30	0.9417
1	31	0.6857
1	32	1.0082
1	33	0.8754
1	34	0.8781
1	35	0.8781
1	36	1.0699

LEGEND

- Found Brass Cap Monument
- Set 5/8" Iron Pin with Plastic Cap
- Set 1/2" x 24" Iron Pin
- Set PM Nail w/Washer
- Boundary Line
- Lot Line
- Utility, Drainage and Irrigation Easement Line 10' Wide from Lot Line Unless Otherwise Dimensioned

SCALE: 1" = 100'

CHERRY CREEK ESTATES
NO. 2 SUBDIVISION
BOOK 19 PAGE 34

CURVE DATA

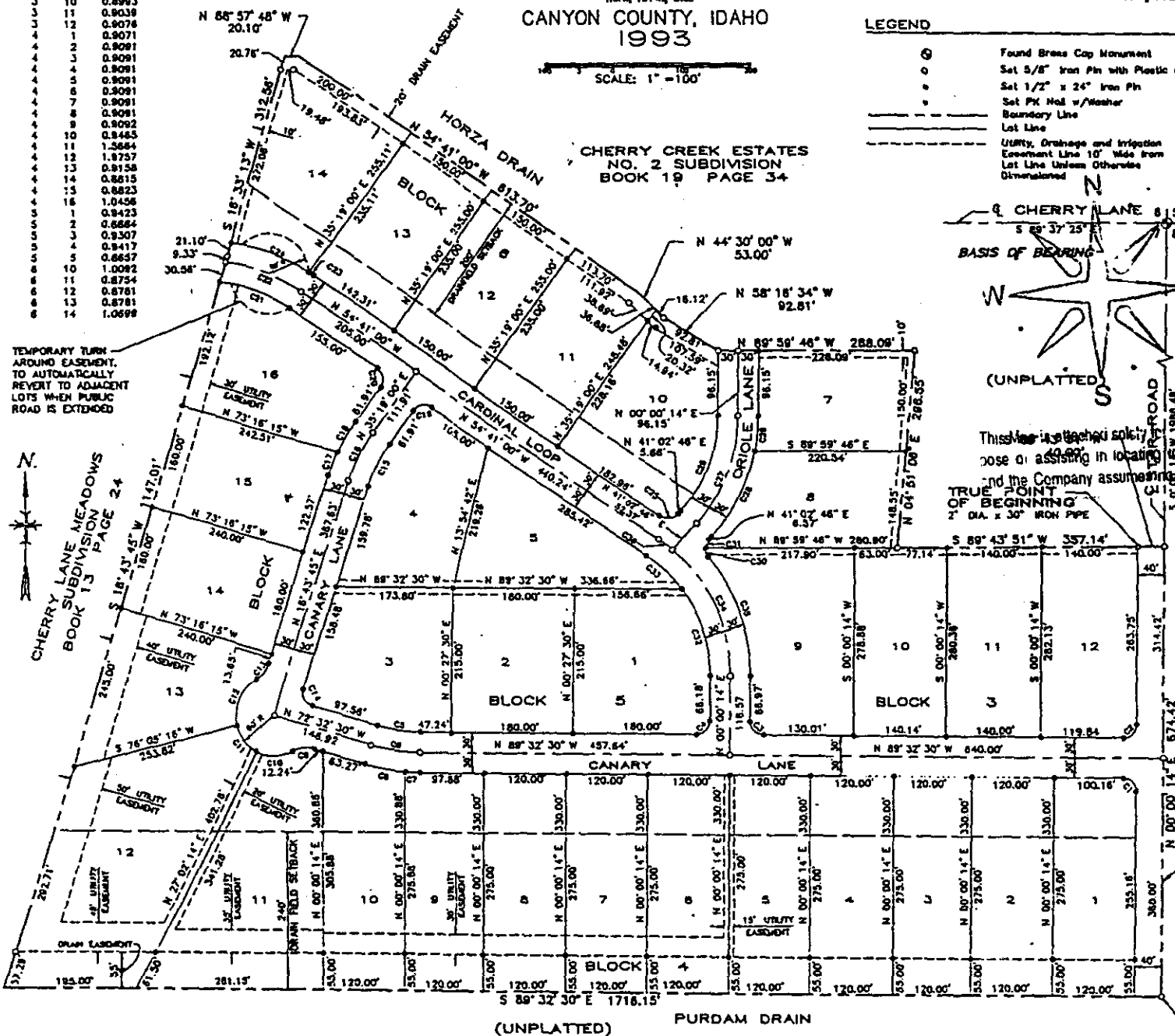
CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEG
1	89° 37' 45"	28.00	28.17	28.17	18.84	N 44° 46' 06" W
2	89° 37' 15"	28.00	28.17	28.17	20.18	N 43° 13' 52" W
3	89° 32' 44"	28.00	28.17	28.17	18.84	N 44° 46' 06" W
4	89° 32' 16"	28.00	28.17	28.17	20.18	N 43° 13' 52" W
5	17° 00' 00"	220.00	45.26	65.04	32.66	N 81° 02' 30" W
6	17° 00' 00"	220.00	45.26	65.04	32.66	N 81° 02' 30" W
7	4° 32' 01"	280.00	22.18	22.18	11.08	N 87° 16' 30" W
8	12° 37' 56"	280.00	60.92	68.80	30.38	N 78° 46' 30" W
9	45° 34' 23"	40.00	31.82	38.84	18.80	N 84° 40' 00" W
10	50° 08' 07"	60.00	57.76	58.53	31.34	N 89° 37' 45"
11	49° 03' 05"	60.00	51.37	48.81	27.34	N 38° 26'
12	78° 12' 52"	78.81	74.08	74.08	47.08	N 24° 11' 44" E
13	45° 54' 23"	40.00	31.82	38.84	18.80	N 84° 40' 00" W
14	89° 16' 15"	20.00	31.18	28.10	18.75	N 27° 54' 23" W
15	18° 35' 15"	220.00	71.37	71.04	36.00	N 26° 01' 23" E
16	18° 35' 15"	220.00	71.37	71.04	36.00	N 26° 01' 23" E
17	7° 40' 58"	280.00	37.35	37.52	18.80	N 20° 34' 14" E
18	10° 54' 17"	280.00	53.29	53.21	28.73	N 28° 51' 32" E
19	90° 00' 00"	20.00	31.42	28.28	20.00	N 00° 18' 00" E
20	90° 00' 00"	20.00	31.42	28.28	20.00	N 00° 18' 00" E
21	30° 18' 54"	220.00	118.40	118.00	58.60	N 48° 50' 27" W
22	38° 53' 39"	220.00	128.08	124.73	64.40	N 48° 07' 44" W
23	1° 34' 38"	280.00	7.88	7.88	3.85	N 35° 28' 13" W
24	1° 34' 38"	280.00	127.20	127.20	63.20	N 89° 51' 56" W
25	84° 16' 14"	20.00	28.42	26.94	18.08	N 43° 10' 52" W
26	11° 02' 32"	220.00	157.58	154.24	82.35	N 25° 31' 30" W
27	41° 02' 32"	220.00	178.08	175.28	93.58	N 20° 31' 30" E
28	30° 53' 58"	280.00	148.63	145.25	78.20	N 24° 00' 44" E
29	10° 58' 38"	280.00	53.84	53.36	28.90	N 00° 29' 32" W
30	41° 08' 47"	280.00	14.36	14.04	7.30	N 18° 48' 42" W
31	38° 18' 34"	20.00	13.72	13.48	7.14	N 31° 23' 28" E
32	38° 54' 09"	220.00	137.63	135.80	71.27	N 17° 58' 47" W
33	18° 47' 12"	220.00	72.14	71.81	36.38	N 45° 17' 24" W
34	49° 57' 26"	220.00	213.92	207.18	113.62	N 34° 28' 30" E
35	38° 21' 48"	280.00	192.37	188.81	100.15	N 18° 40' 41" W
36	5° 43' 48"	250.00	25.00	24.90	12.51	N 51° 48' 07" E

NOTES

- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH DEPARTMENT.
- THE LOTS WITHIN THIS SUBDIVISION WILL BE SERVED INDIVIDUAL OR TWO PARTY WELLS AND INDIVIDUAL SURFACE SEWAGE DISPOSAL SYSTEMS.
- SEE SUBDIVISION ENGINEERING REPORT ON FILE WITH THE SOUTHWEST DISTRICT HEALTH DEPARTMENT FOR INSTALLATION OF SURFACE SEWAGE DISPOSAL SYSTEMS.
- A PERMANENT DRAINAGE EASEMENT 5 FEET IN WIDTH IS HEREBY DESIGNATED ALONG ALL LOT LINES.
- SANITARY SEWER DRAIN FIELDS ARE NOT PERMITTED WITHIN 100 FEET OF ANY WELL, SEPTIC TANKS AND/OR BUILDING SEWERS ARE NOT PERMITTED WITHIN 50 FEET OF ANY WELL.
- A SANITARY SEWER DRAIN FIELD IS NOT PERMITTED WITHIN 200 FEET OF THE MORZA DRAIN OR PURDAM DRAIN.
- STORM WATER RUNOFF SHALL BE RETAINED ON EACH LOT.

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Nampa, Idaho
DWG. NO. N920518-S

BOOK 20 PAGE 30 SHEET 1 OF



63-12365



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

February 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WENDY TOOMEY
BRIAN TOOMEY
5050 CANARY LN
NAMPA ID 83687

RE: WATER RIGHT NO. 63-12365

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

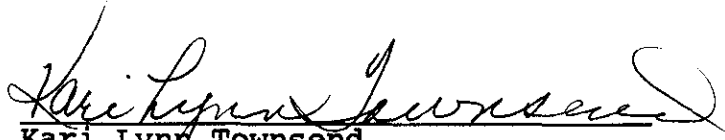
RECEIVED
FEB 26 1988

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 63-12365

WENDY TOOMEY
BRIAN TOOMEY
5050 CANARY LN
NAMPA ID 83687


Kari Lynn Townsend
Secretary

FEB 16 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-12365

DATE 1/21/98

REVIEWER: SHARLA

NAME Change OK

Address Change No

SOURCE Change OK

Is change clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Amendment required No

PLACE OF USE Change OK

Amendment required No

Does map agree with written description? Yes no

OVERLAPS P/D P/U
Overlap file pulled & reviewed _____

RATE OF DIV

Permitted Rate .04 cfs
Fee limit .04 cfs NO FEE
Measured 5 cfs
Theoretical ? cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES _____

Use	cfs	Volume Calc	af
<u>Dom</u>	<u>.04</u>	<u>1.2</u>	<u>af</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>af</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>af</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>af</u>
<u>SUBTOTAL</u>	<u>.04</u>	<u>1.2</u>	<u>af</u>

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af
Total volume recommended 1.2 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

AD & P/U aka Lot 11, Blk 3, Cherry
Creek Estate No. 3 Subd.

CONDITIONS Watermaster Control WD# _____

GW Measurement/Measuring Device _____

Overlap 070 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NA
Adjustment Memo _____

1st Amend Letter NA
2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-12365

1. Owner: Wendy & Brian Toomey Phone No. (208) 887-5492

Current Address: 5050 Canary Lane, Nampa, ID 83687

2. Accompanied by: (Office Exam) EXAM DATE: 4-15-97

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-02388 } (Office exam)
63-02529 } No field verification of
63-02891 } surface water being used
for irrigation - Not likely.
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	7	3N	1W	Canyon	Canyon Cty Assessor's office

2. Place(s) of Use:

Indicate Method of Determination Assessor's Office

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1W	7				D													

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SEP

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FEB 26 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Drilling Permit 63-96-W-0686-000				

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - office exam

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FEB 26 1988

E. NARRATIVE/REMARKS/COMMENTS

1. This was done as an office exam.
Called Canyon County Assessor's office
and confirmed that their ^{records} show:
Wendy + Brian Toomey
5050 Canary Lane
Nampa, ID

1 home; Lot 11, BLK 3, Cherry Creek
Estates No. 3 Subdivision

T3N, R1W, Sec 7, SENE

2. Whether irrigation water is also being
used under WR's 63-02388, 63-02529
and 63-02891 ^{would} ~~require~~ require a field exam.

Have conditions of permit approval been met? ☒ yes ☐ no

WORK - LINE
FEB 26 1976

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

*Domestic: Allow 0.04 cfs***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

*Domestic: Allow 1.2 AFA***H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic</i>	<i>01/01</i>	<i>12/31</i>	<i>0.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>0.04</i>	<i>1.2</i>

2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name *Don Tomich*, Date *12-2-98*

Reviewer _____ Date _____

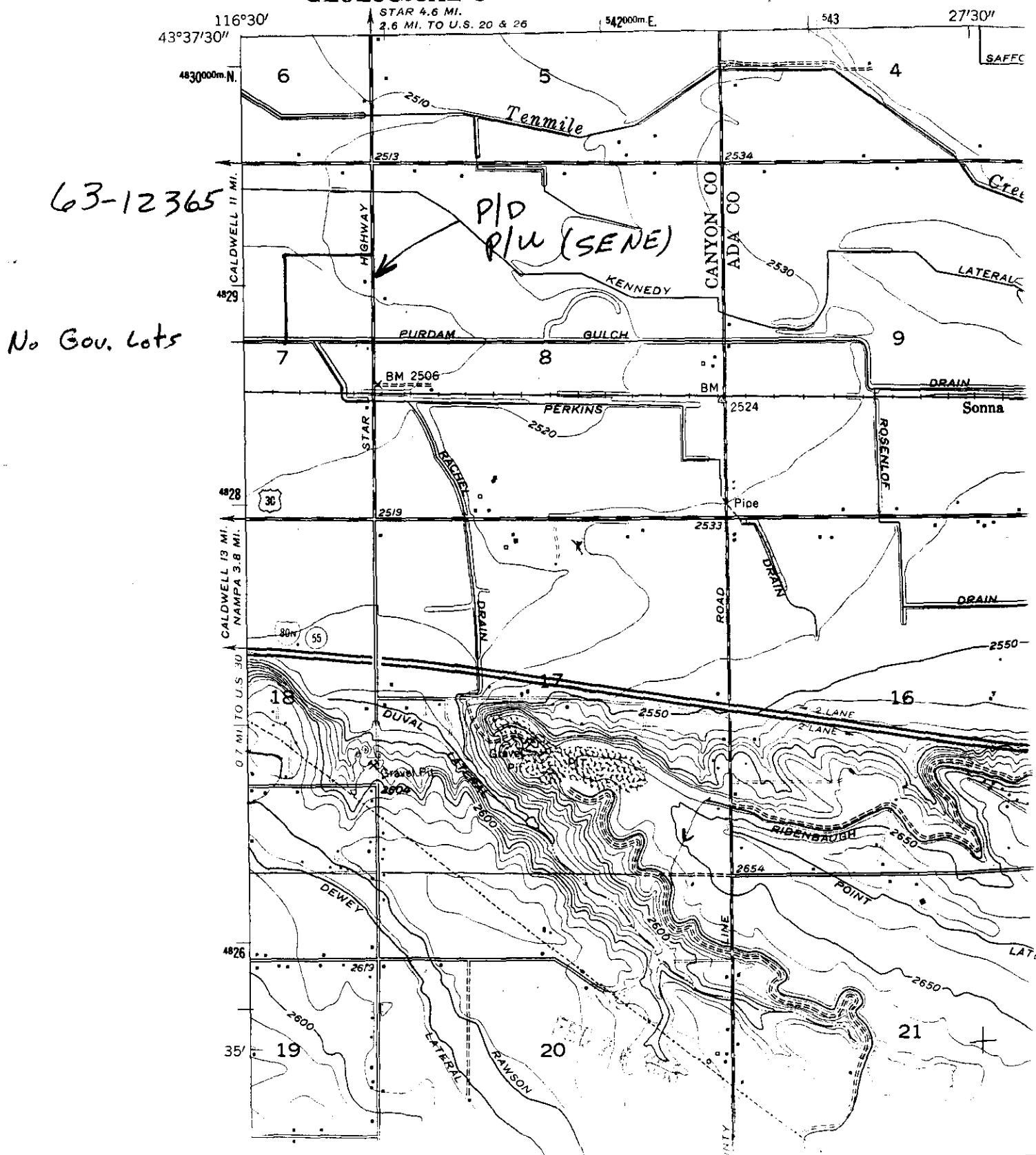
SEAL

MICROFILM

FEB 26 1999

57

SENE



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-12365 Reviewed by Jay Date 1-2-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 63-96-W-0686
35 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

no Required?
1 Amount Submitted
 Correct?
no Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 10-21-96

January 7, 1997

WENDY TOOMEY
BRIAN TOOMEY
5050 CANARY LN
NAMPA ID 83687

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12365

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED

JAN 23 1997



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

December 31, 1996

PHILIP E. BATT
GOVERNOR

WENDY AND BRIAN TOOMEY
5050 CANARY LN
NAMPA ID 83687

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12365

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED

JAN 23 1997

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

11/86

No.: 63-12365 Name: Toomey Date: 12/27/96 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes: BRD Mor / GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement)

SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065 (if GW use SW 1st)

DRILLING PERMIT:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. 63-96-01-0686-000, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District (dem) - 005 (req) WD # <SEE MAP & LISTING>
+ 0.2 cfs - 01J (meas dev)-P08
=/- 0.2 cfs - 01H (lock dev)-P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/ remark *WB9- Weiser), NA
Boise River (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette River (65) - 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:
Domestic (surface) - *WB5 (Boise River above Star Bridge); 27A (Payette River); NA
Fish Propagation - 07A-042 (req)-010/06A/09E (WQ)-P10; 044 (North of 1000 Springs)
Irr <POU> =/- 5 a - 057 (0.03 cfs/acre)
+ 5 a - 03A (0.02 cfs/acre)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-028-01F(P19)-09E(P10);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Storage (✓3 compo.) - 18A (multiple MD within district), 18B-P09 (+10' dam), *W07

LOCATION:
42-248 area - In 20/30/40/50/60/70/80 (87) basin? P84
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

OTHER CONDITIONS:

STANDARD REMARKS: - ① woi/1 ② Pu/L11 B3, Cherry Cr. Est. #3

BENEFICIAL USE DUE: - 18-1-1998

COMMENTS:

5/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: ly DATE: 10/25/96 APPLICATION: 63-12365

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES NO

- N/A ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ Overlapping point of diversion.
- ☐ Field check required: Field check by: _____
- ☐ Field report attached:
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium: exempt
- ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ Copy to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ Send power requirement letter:
- ☒ Send fish farm requirement letter:
- ☒ Power residency affidavit:
- ☒ Power efficiency form:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

RECEIVED
 DEC 24 1996

Department of Water Resources

PROCESSING

APP. NO. 63-12365

YES NO

☒ ☐ In form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Protests received. Final date for protest 11-25-96
☐ ☒ Protest dates, resolution of protest recorded on application:
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: Approve
1 yr. (completed proof of B.W. submitted with Appl. - No add'l. development Authorized), 46 & 468

☒ See below for additional information

Recommended Date or Priority 10-21-1996
 Recommended by: SL Date: 12/20/96

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Spath

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 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

Once

— 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:

November 13, 1996

Carolyn Spath

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 13th day of November
in the year of 1996, before me, a Notary
Public, personally appeared Carolyn Spath
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he/she
executed the same.

Janne Lusk
Notary Public for Idaho
Residing at Nampa
MY COMMISSION EXPIRES
JUNE 21st, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12365 ✓

TOOMEY, WENDY
TOOMEY, BRIAN
5050 CANARY LN
NAMPA, ID 83687
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 03N
R 01W in CANYON County.
Use: DOMESTIC (0.040
CFS) Total Diversion (0.040
CFS)

Date Filed: 10/21/1996
In: CANYON County
T03N R01W S07 SENE
Permits will be subject to all prior water
rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code. Any protest against the ap-
proval of this application must be filed with
the Director, Dept. of Water Resourc-
es, Western Region, 2735 Airport Way,
Boise, Idaho 83705 together with a pro-
test fee of \$25.00 on or before NOVEMBER
25, 1996. The protestant must also
send a copy of the protest to the applicant.
KARL J. DREHER, Director
November 13, 1996
4531

RECEIVED

NOV 18 1996

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12364

CHOUTCHOURROU, BEN
CHOUTCHOURROU, TONI
6020 SE 10TH
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: LOT 4 (SWSW) Sec 19 T 06N R 03W in CANYON County

Use: STOCKWATER (0.530 CFS)

COMMERCIAL (1.000 CFS)

DOMESTIC (0.040 CFS)

Total Diversion (1.000 CFS)

Date Filed: 9/30/1996

In: CANYON County

T06N R03W S19 Lot 4(SWSW)

Development completed prior to November, 1987.

Water bearing zone to be appropriated is 100 to 200 feet.

63-12365

TOOMEY, WENDY

TOOMEY, BRIAN

5050 CANARY LN

NAMPA, ID 83687

Source: GROUNDWATER

Diversion Pt: SENE Sec 7 T 03N R 01W in CANYON County.

Use: DOMESTIC (0.040 CFS)

Total Diversion (0.040 CFS)

Date Filed: 10/21/1996

In: CANYON County

T03N R01W S07 SENE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 25, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

November 6, 13, 1996

4509

MICROFILMED

JAN 23 1997

63-12365

TOOMEY, WENDY
TOOMEY, BRIAN
5050 CANARY LN
NAMPA, ID 83687

Source: GROUNDWATER

Diversion Pt: SENE Sec 7 T 03N R 01W in CANYON County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 10/21/1996

In: CANYON County
T03N R01W S07 SENE

MICROFILMED
 JAN 29 1967