

4843000m N.

4842

T. 5 N.

T. 4 N.

RIW
S05
NWSWNW
S06
SENE

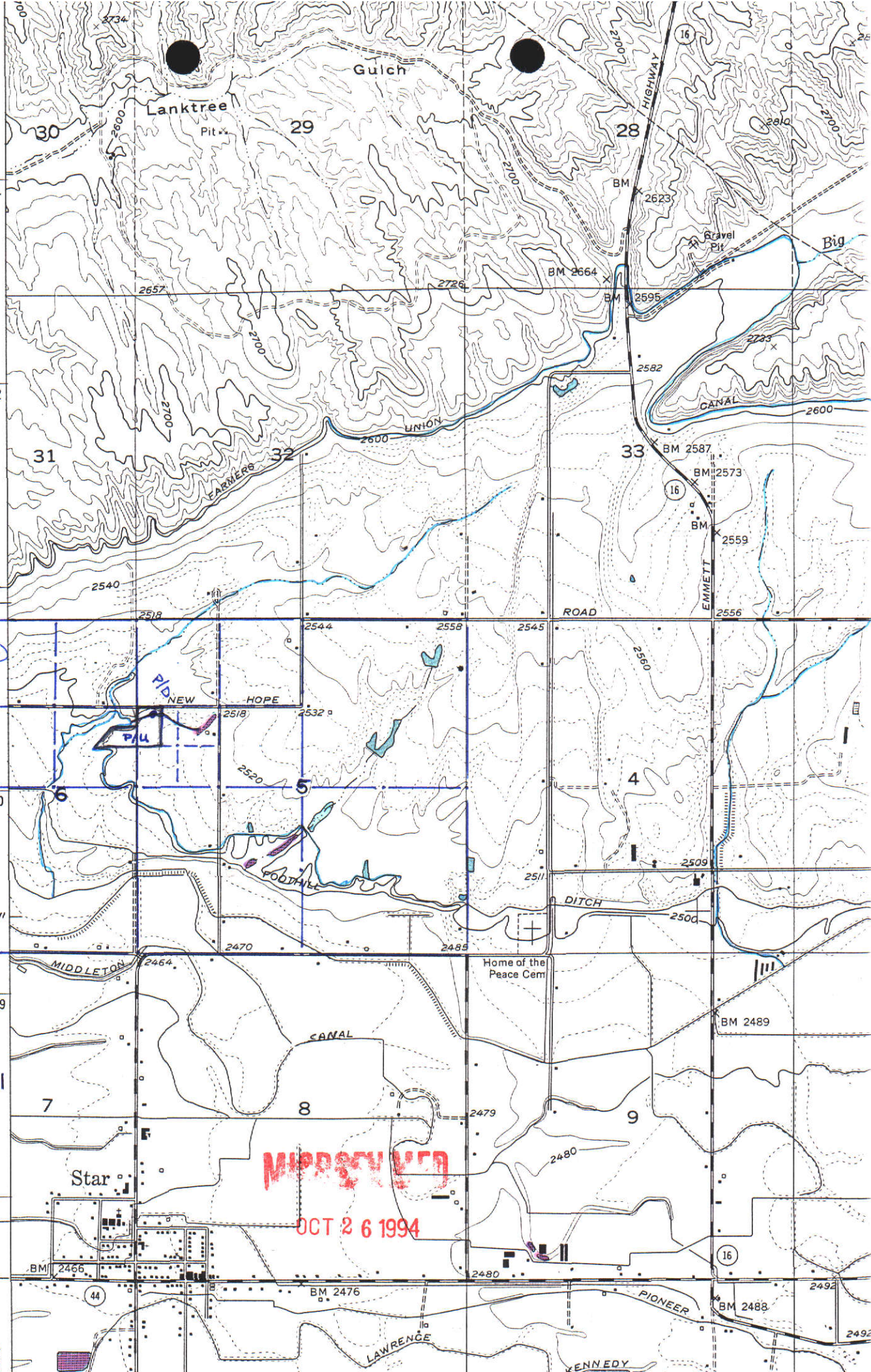
42'30"

4839

CALDWELL (U.S. 30) 13 MI.
MIDDLETON 7 MI.

NE
TON)

photorevised 1971



T5N
T4N

RIW

no govt.
lots in
SWNW S.5
or
SENE S.6

82
- 6/27/94

63-12121

OCT 26 1994



RUSTY SPUR RANCHETTES

SUBDIVISION NO. 2

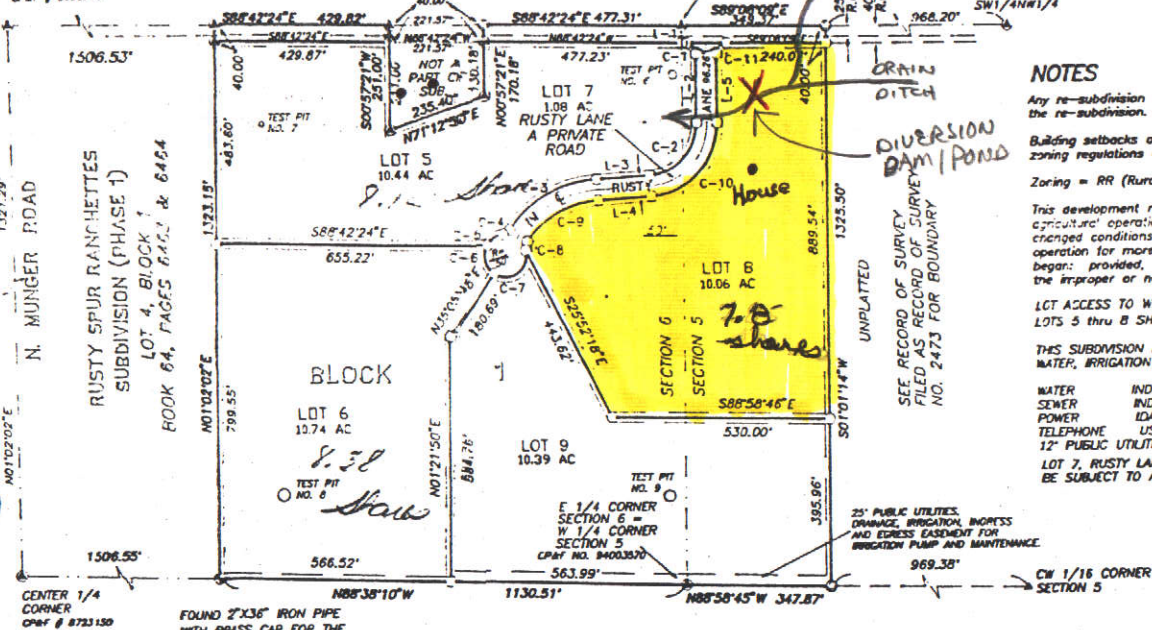
BEING A PORTION OF THE S 1/2 OF THE NE 1/4 OF SECTION 6 AND A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 5, ALL IN T. 4 N., R. 1 W., BOISE MERIDIAN, ADA COUNTY, IDAHO.

1994

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft

CN 1/16 CORNER
SECTION 6
CH & P (BASIC)



BASIS OF BEARINGS

THE BEARING S88°42'24\"/>

LEGEND

- ▲ FOUND RAILROAD SPIKE
- ⊙ FOUND BRASS CAP MONUMENT SEE NOTE
- ⊙ FOUND 5/8\"/>

PROPERTY LINE
CENTER LINE AND PROPERTY LINE
R.O.W. RIGHT OF WAY

NOTES

Any re-subdivision of this plot shall comply with the applicable zoning regulations in effect at the time of the re-subdivision.

Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County.

Zoning = RR (Rural Residential)

This development recognizes Section 22-4503, et seq., Idaho Code, right to farm, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation on an appurtenance to it."

LOT ACCESS TO W. NEW HOPE ROAD IS PROHIBITED EXCEPT FOR RUSTY LANE, A PRIVATE ROAD. LOTS 5 thru 8 SHALL SHARE AN ACCESS EASEMENT OFF RUSTY LANE, A PRIVATE ROAD.

THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER. IRRIGATION TO ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED.

WATER INDIVIDUAL WELLS
SEWER INDIVIDUAL SEPTIC SYSTEMS
POWER IDAHO POWER COMPANY
TELEPHONE US WEST

12\"/>

LOT 7, RUSTY LANE, "A PRIVATE ROAD" SHALL BE OWNED BY THE HOME OWNERS ASSOCIATION AND SHALL BE SUBJECT TO A PUBLIC UTILITIES, DRAINAGE AND ACCESS EASEMENTS TO ALL LOTS.

DEVELOPER

BARRY AND JILL ROARK
5505 FLICKER LANE
EAGLE, ID. 83616
(208) 939-6464

Fischer Land Surveying, Inc.

PROFESSIONAL LAND SURVEYING

404 So. Washington Ave.

Emmett, Idaho 83617

Phone: (208) 365-4146



SHEET 1 OF 2

REVISED MARCH, 1994 414-05-04-03-00
DECEMBER, 1993 INDEX NO. 414-06-01-00-00 JOB NO. 63-93 (72)

PROPERTY LINE TANGENT DATA

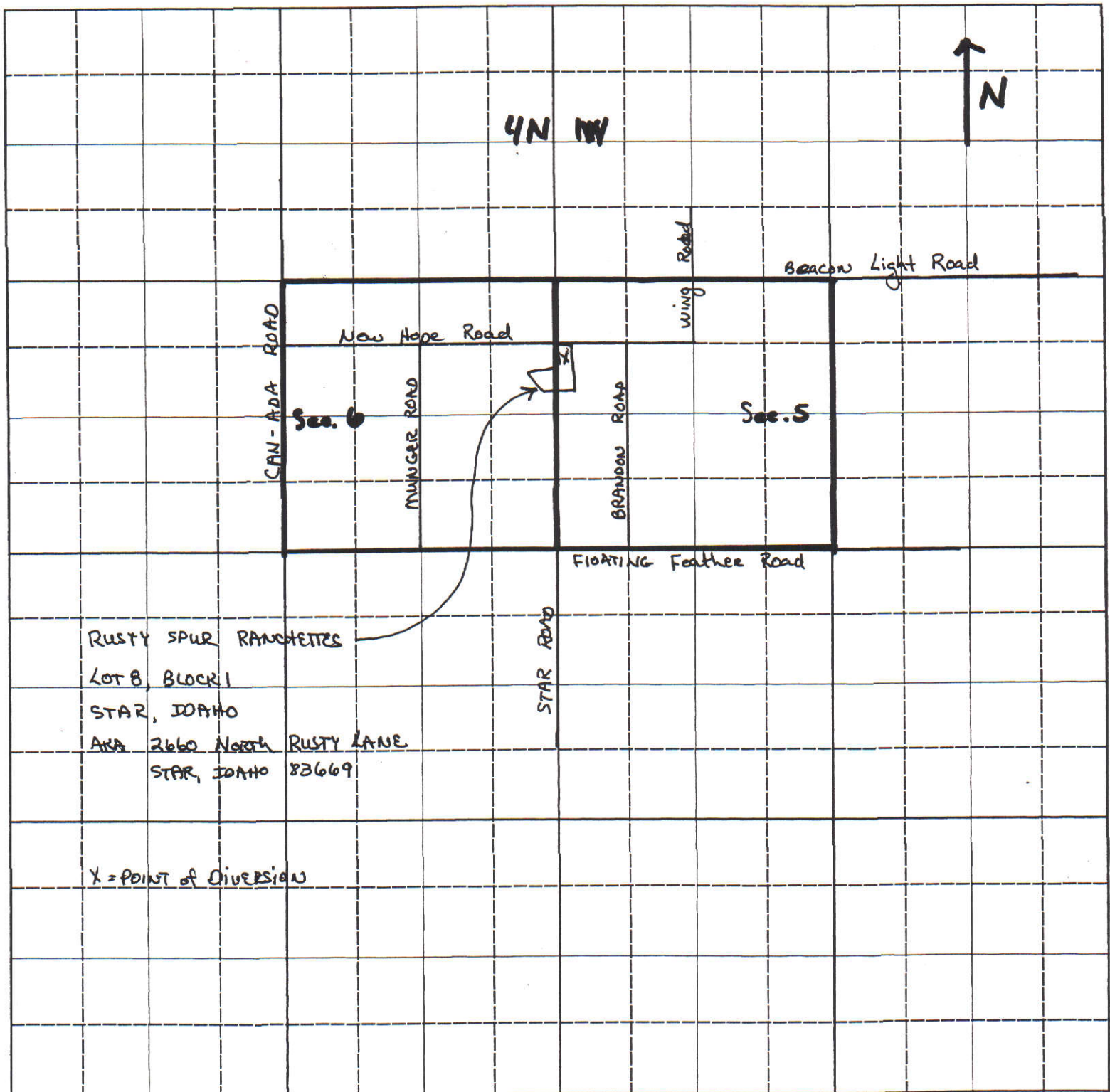
LINE	DIRECTION	DISTANCE
L-1	N89°00'00" W	9.34'
L-2	S0°01'14" W	164.96'
L-3	N86°31'00" E	122.51'
L-4	N86°31'00" E	132.52'
L-5	N0°01'14" E	163.23'

PROPERTY LINE CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	25.00'	39.34'	35.40'	N44°03'27" W	90°09'23"
C-10	175.00'	261.13'	237.57'	N43°46'07" E	85°29'45"
C-11	25.00'	39.20'	35.31'	S45°56'32" W	89°50'37"
C-12	123.00'	166.52'	169.69'	N43°46'07" E	85°29'46"
C-13	275.00'	246.81'	238.61'	S60°48'30" W	51°25'23"
C-14	25.00'	20.82'	20.22'	N56°57'20" E	47°43'04"
C-15	50.00'	46.97'	45.26'	S56°36'43" W	53°49'05"
C-16	50.00'	73.83'	67.31'	S12°36'01" E	84°36'22"
C-17	50.00'	120.60'	93.49'	N55°53'04" E	136°25'27"
C-18	25.00'	20.82'	20.22'	S11°14'16" W	47°43'04"
C-19	225.00'	201.93'	195.22'	S60°48'24" W	51°25'12"

OCT 26 1994

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



Scale: 2 inches equal 1 mile.

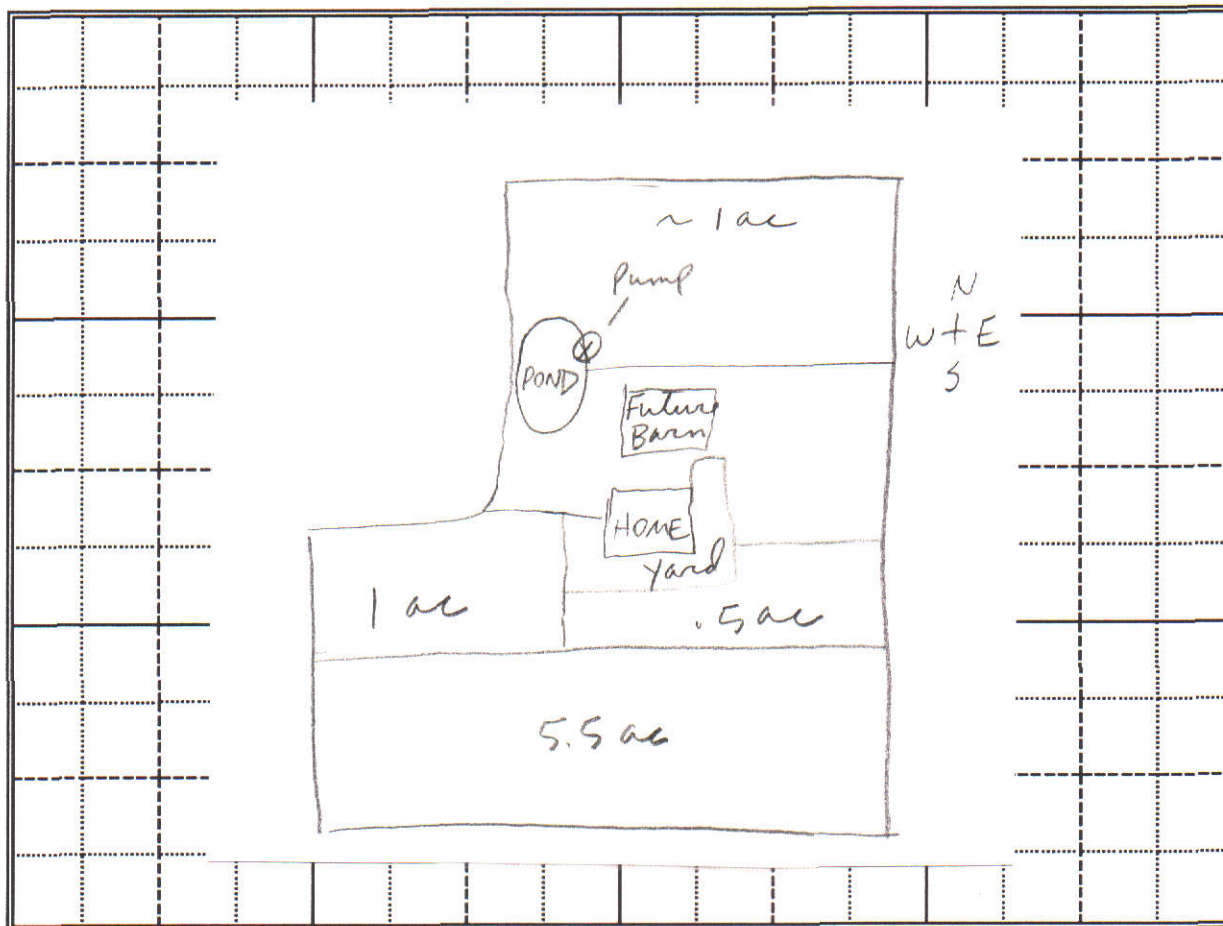
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MISSOURI

OCT 26 1994

Kathryn Ewert
(Applicant)

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
	Baldor	3	JML1406T	Sta Rite	
				Centrifugal	
				DHH-169	

*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:

Per owner: Pump rated @ 60 GPM
Per theoretical: 70 GPM

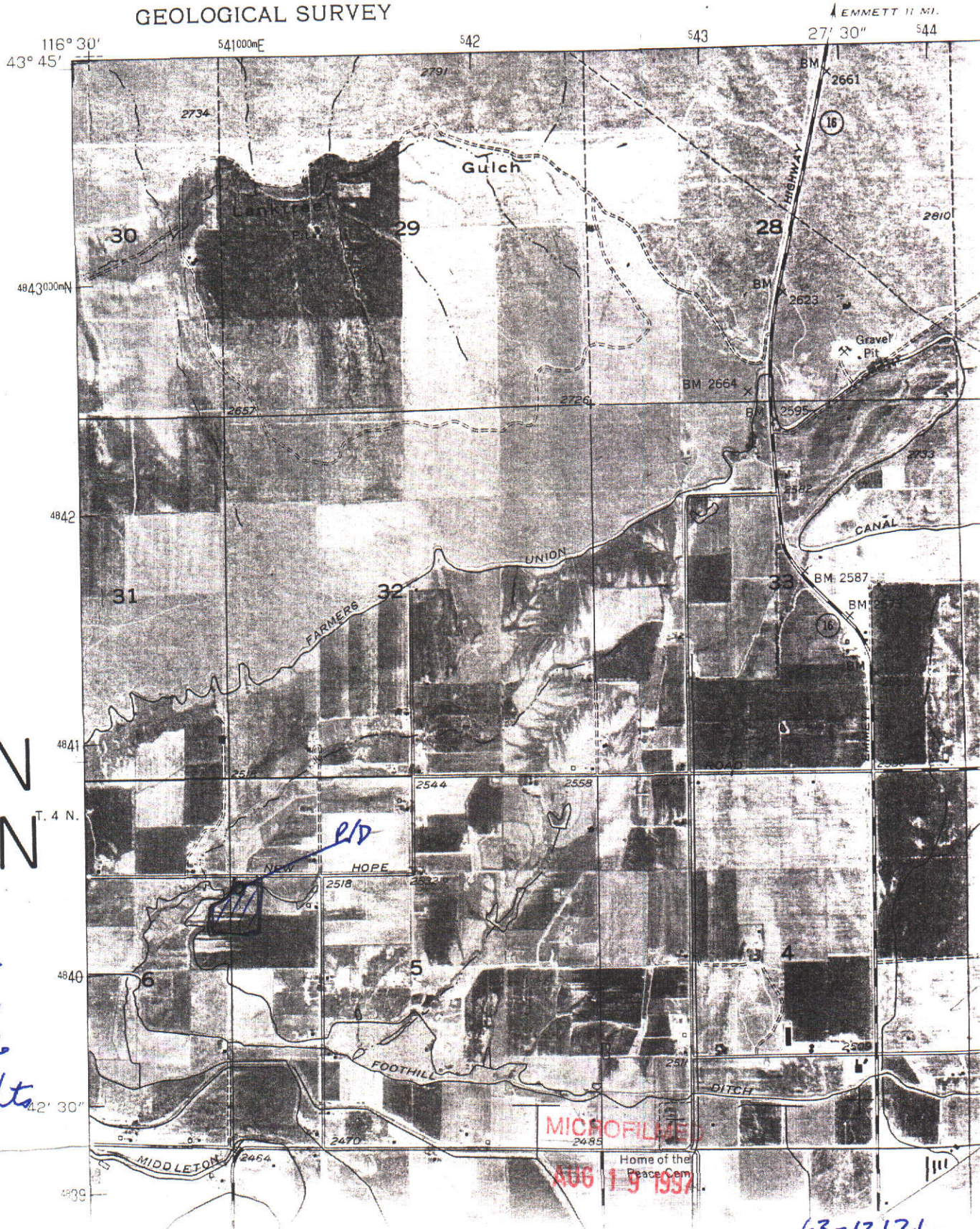
MICROFILMED

AUG 1 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





1.6 AF pond +
p/u

3 HP pump for
waste water



MICROFILMED
AUG 19 1997

63-12121

OUR SOIL ★ OUR STRENGTH



SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER WALTER LEE

OPERATOR ARNOLD LEE

ADA
COUNTY

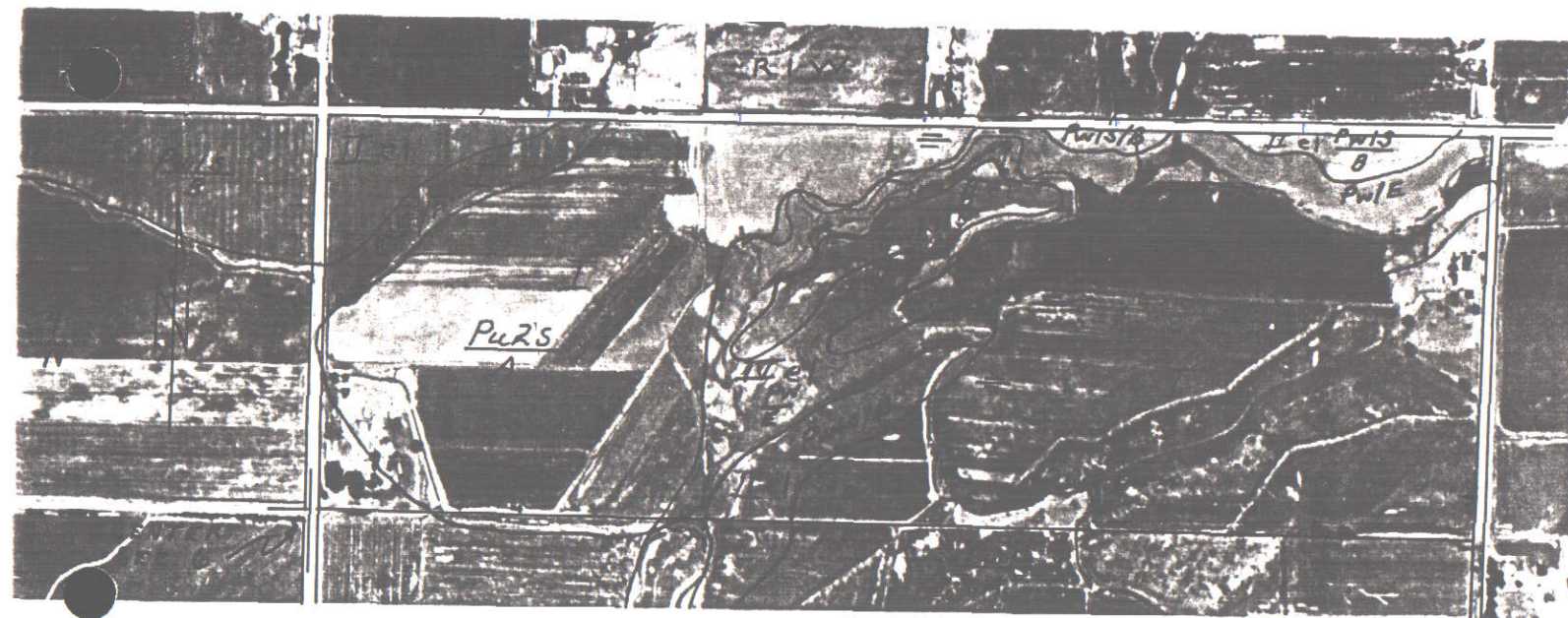
IDAHO
STATE

FARM NO. 54, DATE 10/62

SCALE 1" = 660' ACRES 120
APPROXIMATE

PHOTO NO. DHT-47-108

OCT 26 1964





CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK

S. C. DISTRICT

OWNER Walter P. Lee

OPERATOR Arnold Lee

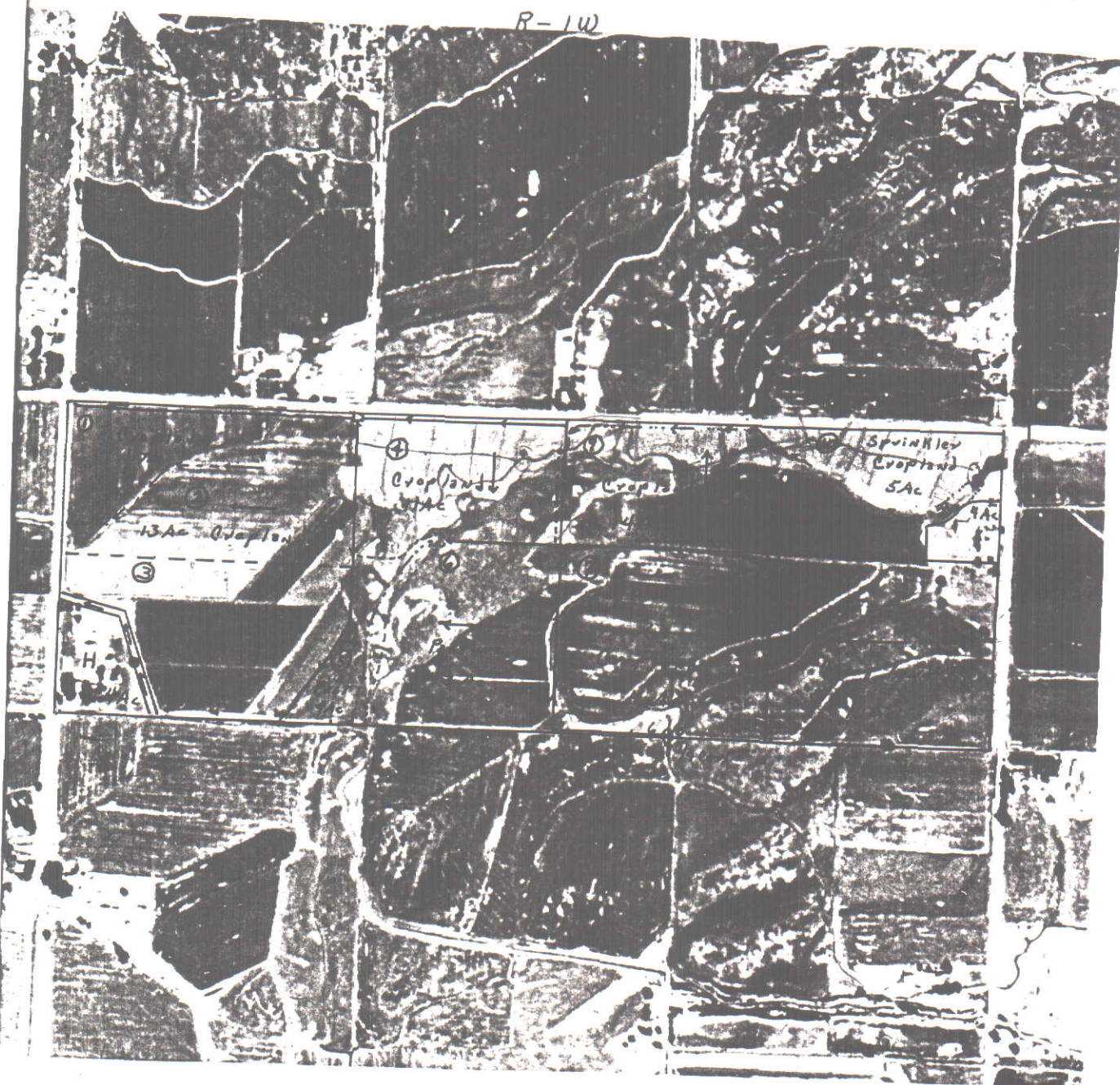
ADA
COUNTY

Idaho
STATE

FARM NO. 54 DATE 6-5-61

SCALE: 8" = 1 mi. ACRES 120
APPROXIMATE

PHOTO NO. 04T-1F-11



OCT 26 1994

SOIL and CAPABILITY MAP



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK SOIL CONSERVATION DISTRICT

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER Walter P. Lee

FARM NO. 54 DATE 6-5-61

OPERATOR Arnold Lee

SCALE 8" = 1 mi ACRES 120
APPROXIMATE

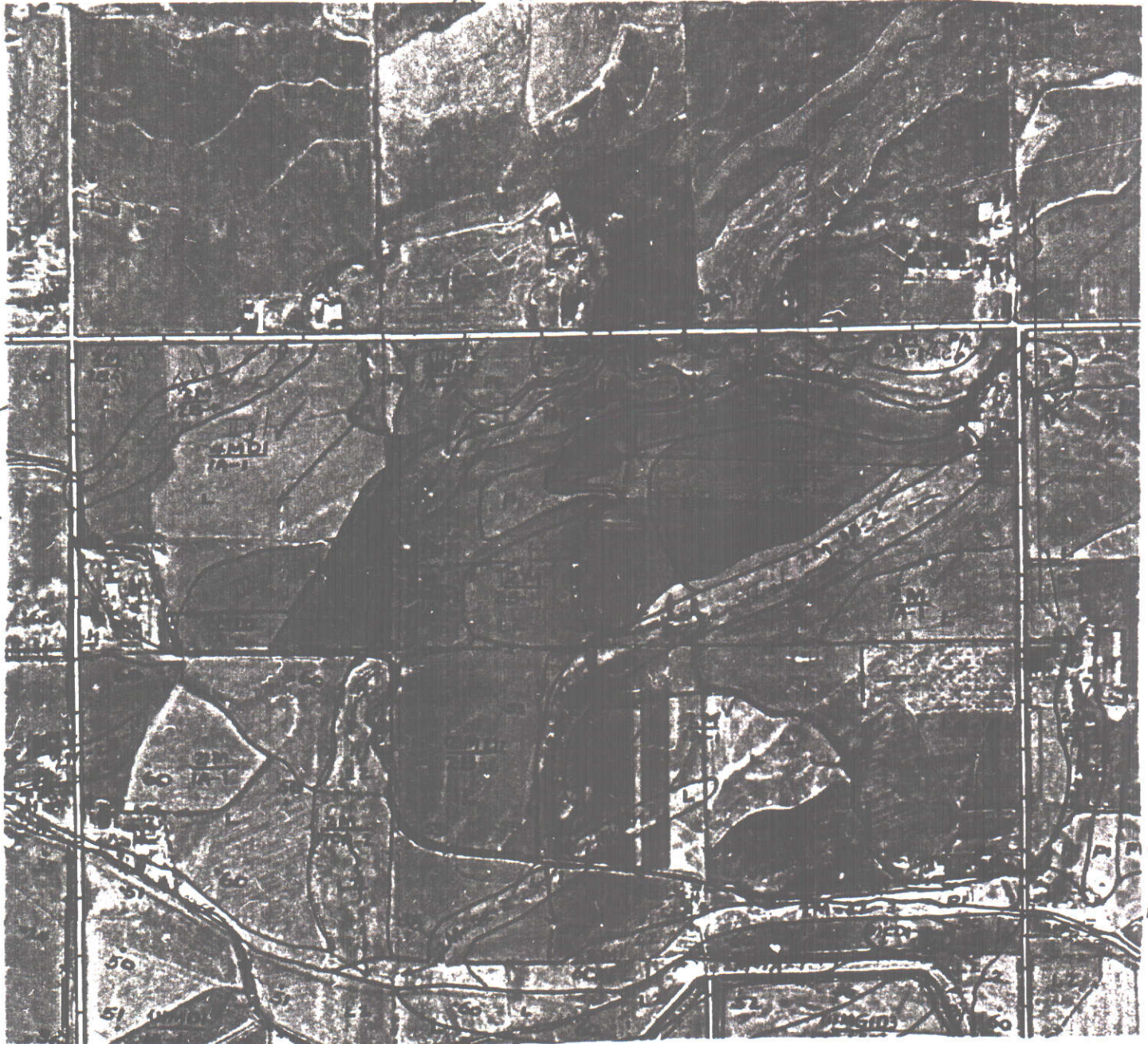
Bda

Idaho
STATE

PHOTO NO. _____

R-1W

T
4
N



OCT 26 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-12121

Priority: June 27, 1994

Maximum Diversion Rate: 0.16 CFS

Maximum Diversion Volume: 36.6 AF

This is to certify, that CHARLES F EWERT
KATHY A EWERT

2660 N RUSTY LN
STAR ID 83669

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1994; and has submitted Proof of Beneficial Use on August 7, 1995. An examination indicates that the works have a diversion capacity of 0.160 cfs of water from:

WASTE WATER tributary to BOISE RIVER

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>
IRRIGATION	03/15 to 11/15	0.16 CFS	36.0 AF
IRRIGATION STORAGE	03/15 to 11/15		0.6 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.6 AF
Totals		0.16 CFS	36.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 5, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	5	SWNW	5		5
		6	SENE	3		3

Total number of acres irrigated: 8

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

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 that 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.

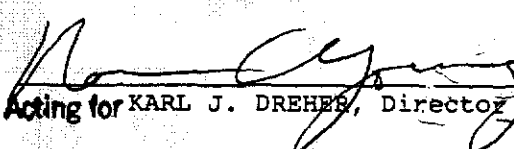
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 63-12121

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
8. Place of use is located within Lot 8, Blk. 1, Rusty Spur Ranchettes Subdivision No. 2.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 36.0 af for the lands above.

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 12TH
day of August, 19 77.


Acting for KARL J. DREHER, Director

RECEIVED

AUG 16 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 603-12121 Telephone No. 208-286-0990

2. Name(s) of Permit Holder(s): Charles E. & KATHY A. EWERT

3. Mailing Address: 2660 N. RUSTY LANE, STAR, ID 83669

4. Source of Water: BOISE RIVER WASTE WATER If **GROUNDWATER** (well), Date Drilled: mo. Na / yr. Na

a. Well Driller: Na Drilling Permit Number: Na

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

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

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

Irrigation (No. of acres): 10 A Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR 2.0 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: \$ 50.00 (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: KATHY EWERT Telephone Number: 286-0990

Address: 2660 N. RUSTY LANE, STAR, ID 83669

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: Kathy A. Ewert Date: 8-7-94
(include your title, if on behalf of company or organization)

AUG 25 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12121

Proposed Priority: June 27, 1994

Maximum Diversion Rate:

0.20 CFS

This is to certify, that **CHARLES F EWERT**
KATHY A EWERT
4218 MARYLEBONE WY
BOISE ID 83713

has applied for a permit to appropriate water from:

WASTE WATER

tributary of **BOISE RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.20 CFS	
IRRIGATION STORAGE	03/15 to 11/15		2.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		2.0 AF
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSWNW , Sec. 5, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	5	SWNW	6		6
		6	SENE	4		4

Total number of acres irrigated: 10

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1995**.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
4. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.0 cubic feet per second for each acre of land.
6. Place of use is located within Lot 8, Blk. 1, Rusty Spur Ranchettes Subdivision No. 2.
7. This permit does not authorize the development and irrigation of new land not previously irrigated.

OCT 26 1994

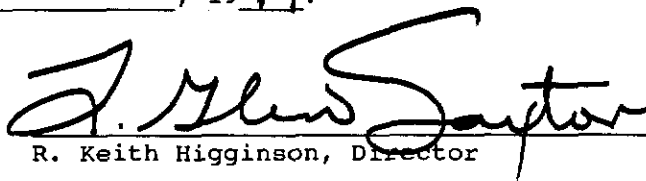
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12121

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

6th day of October, 1994.


R. Keith Higginson, Director

for



6/19/94

RECEIVED

AUG 26 1994

Ident. No. 63-12121

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CHARLES F EWERT 208-376-9973
Address: 4218 MARYLEBONE WY
BOISE ID 83713
AND/OR
Name: KATHY A EWERT 208-376-9973
Address: 4218 MARYLEBONE WY
BOISE ID 83713
2. Source: WASTE WATER Trib. to: BOISE RIVER
3. Location of Point of Diversion: NWSWNW Sec. 5, Township 04N, Range 01W
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.200		
IRRIGATION STORAGE	03/15	11/15			2.00
IRRIGATION FROM STORAGE	03/15	11/15			2.00
5. Total quantity to be appropriated is:
0.200 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
ON-STREAM STORAGE & PUMP WITH PIPELINES
 - b. Height of storage dam 8 feet; active reservoir capacity 2.00
acre-feet; total reservoir capacity 2.00 acre-feet; period of
year when water will be diverted to storage: 3/15 to 11/15 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

OCT 26 1994

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	01W	5	SWNW 6			6
		6	SENE 4			4

Total number of acres irrigated: 10

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

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:

~~Application being held pending withdrawal of drought moratorium.~~
Property Also known as Lot 8, Block 1, Rusty Spur Ranchettes Subdivision No. 2.

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.

Kathleen Ewert
Applicant

Received by SL Date 6/29/94 Time 3:30 Preliminary check by SL

Fee \$ 30 Receipted by SL # W017650 Date 6/29/94

Publication prepared by SL Date 7-13-94 Published in Id. Statesman

Publication approved SL Date 8-10-94

See Comments

OCT 26 1994

* d'base modified 6/27/94 -SL

Subsequently modified again 7/13/94 per info supplied by applicant. -SL

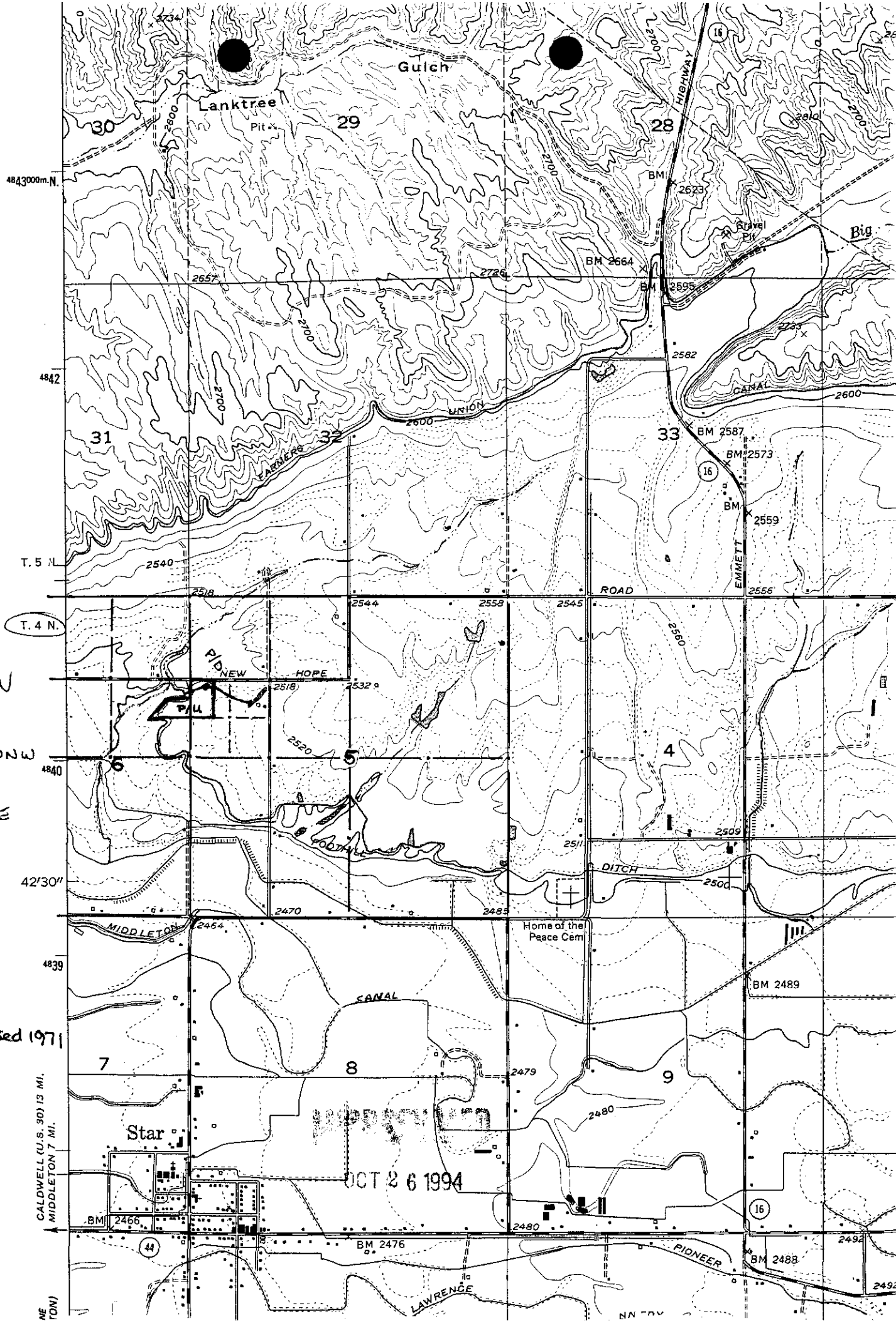
Comments: Date: 6/27/1994 User-ID: LESTER

Subject:
MORATORIUM

Applicants seek to modify an existing use of surface water & will seek a waiver from the moratorium based on information to be submitted. Application being held until sufficient information is provided.

Received 7/11/94. See attached


OCT 26 1994



T5N
T4N

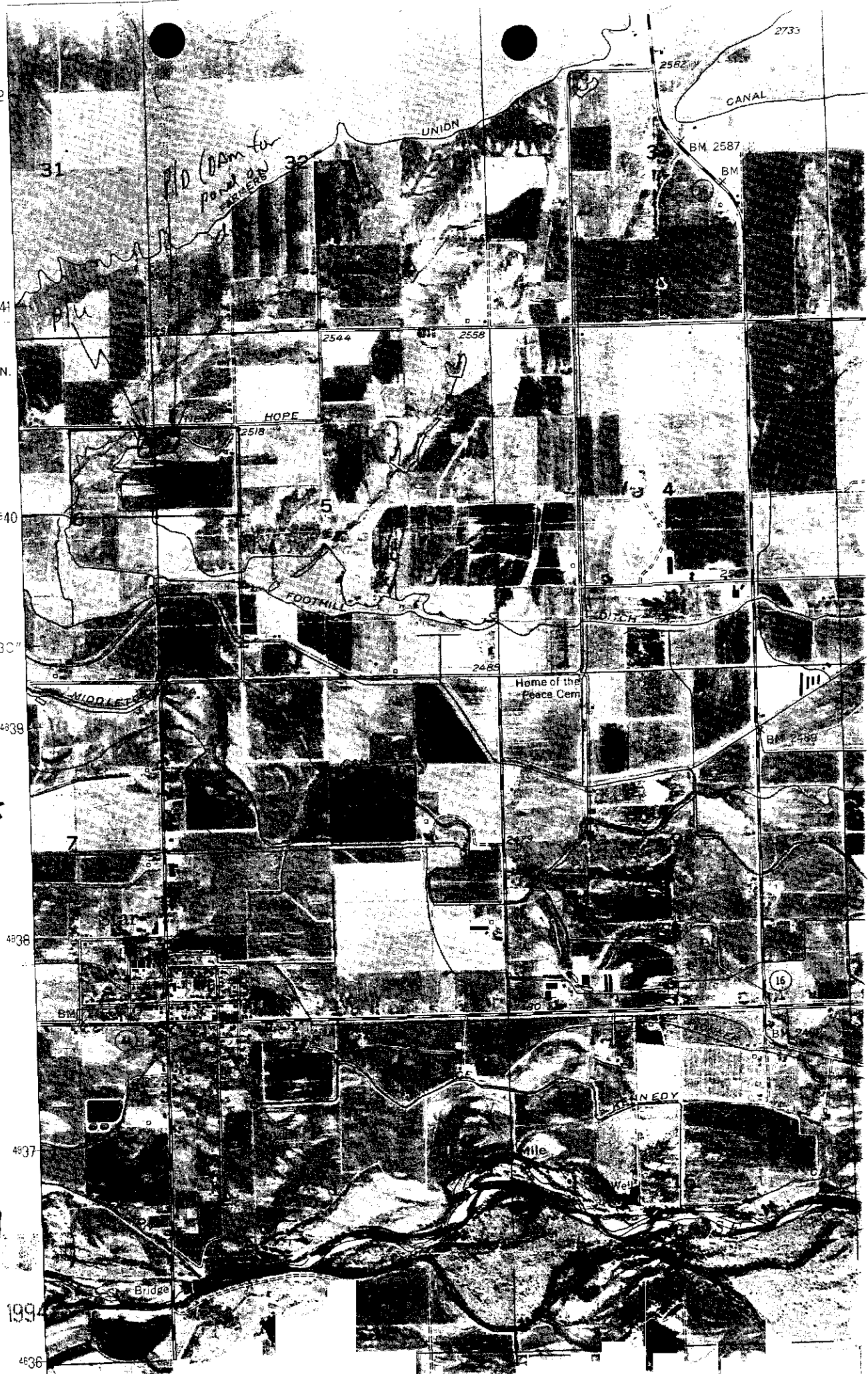
RIW

no govt.
lots in
SWNW S.5
or
SENE S.6

82
- 6/27/94

63-12121

OCT 26 1994



RUSTY SPUR RANCHETTES

SUBDIVISION NO. 2

BEING A PORTION OF THE S 1/2 OF THE NE 1/4 OF SECTION 6 AND A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 5, ALL IN T. 4 N., R. 1 W., POISE MERIDIAN, ADA COUNTY, IDAHO.

1994

GRAPHIC SCALE



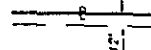
(IN FEET)
1 inch = 200 ft.

BASIS OF BEARINGS

THE BEARING S88°42'24"E ALONG THE NORTH LINE OF THE S 1/2 OF THE NE 1/4 OF SECTION 6, T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED AS SURVEY NO. 2473 WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS DRAWING.

LEGEND

- ▲ FOUND RAILROAD SPIKE
- FOUND BRASS CAP MONUMENT SEE NOTE
- FOUND 5/8" IRON PIN AND PLASTIC CAP
- FOUND 1/2" IRON PIN AND PLASTIC CAP
- SET 5/8" IRON PIN AND PLASTIC CAP P.L.S. 4106
- SET 1/2" IRON PIN AND PLASTIC CAP P.L.S. 4106
- 12" PUBLIC UTILITY, DRAINAGE AND IRRIGATION EASEMENT ON ALL LOT LINES EXCEPT AS NOTED



PROPERTY LINE

CENTER LINE AND PROPERTY LINE

R.O.W. RIGHT OF WAY

NOTES

Any re-subdivision of this plot shall comply with the applicable zoning regulations in effect at the time of the re-subdivision.

Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County.

Zoning - RR (Rural Residential)

This development recognizes Section 22-4503, et seq., Idaho Code, right to farm, which states, "No agricultural operation or an opportunity to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation on an opportunity to it."

LOT ACCESS TO W. NEW HOPE ROAD IS PROHIBITED EXCEPT FOR RUSTY LANE, A PRIVATE ROAD. LOTS 5 THRU 8 SHALL SHARE AN ACCESS EASEMENT OFF RUSTY LANE, A PRIVATE ROAD.

THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER. IRRIGATION TO ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED.

WATER INDIVIDUAL WELLS
SEWER INDIVIDUAL SEPTIC SYSTEMS
POWER IDAHO POWER COMPANY
TELEPHONE US WEST

12" PUBLIC UTILITIES AND DRAINAGE EASEMENTS ADJ. TO ALL LOT LINES

LOT 7, RUSTY LANE, "A PRIVATE ROAD" SHALL BE OWNED BY THE HOME OWNERS ASSOCIATION AND SHALL BE SUBJECT TO A PUBLIC UTILITIES, DRAINAGE AND ACCESS EASEMENTS TO ALL LOTS.

DEVELOPER
BARRY AND JILL ROARK
5505 FLICKER LANE
EAGLE, ID. 83616
(208) 939-6464

Fischer Land Surveying, Inc.

PROFESSIONAL LAND SURVEYING
404 So. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-4146



SHEET 1 OF 2

REVISED MARCH, 1994 414-05-04-03-00
DECEMBER, 1993 INDEX NO. 414-06-01-00-00 JOB NO. 63-93 (72)

OCT 26 1994

ON 1/16 CORNER
SECTION 6
C.P.M. # 800363

1506.53'

1321.29'

1321.29'

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant KATHY A. and/or Charles F. Sweet Phone 208-376-9973
Post office address 4218 Marylebone Way Boise, ID 83713
2. Source of water supply WASTE WATER DITCH which is a tributary of NA Boise River
RUSTY SPUR RANCH TIES, STAR, IDAHO
3. Location of point of diversion is LOT 8, BLK 1 of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot -
Sec. 5 Township 4N Range 1W B.M. AOA County; and additional
SE $\frac{1}{4}$ & NE $\frac{1}{4}$ of Sec 6, 4N1W of Ada County.
points of diversion if any:
4. Water will be used for the following purposes:
- Amount 2.0 AF for irrigation storage purposes from MAR 15 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .20 for irrigation purposes from MAR 15 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 2.0 for irrig. from storage purposes from " to " (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .20 and/or (b) 2.0 AF
*Source is intermittent flow of waste water from Farmers Union lateral & road drainage;
cubic feet per second acre feet per annum
6. Proposed diverting works: ESTIMATE $\leq$ annual storage capacity
- a. Description of ditches, flumes, pumps, headgates, etc. Build a pond (about 100' X 73' X 12') with a
flow-through drain for run-off into existing drain ditch. To-be-selected pump
(~2 Hp) & 1-2" irrigation pipes (gated or w/ sprinkler heads) for irrigation.
- b. Height of storage dam $\leq 8'$ feet; active reservoir capacity ≤ 2.0 acre-feet; total
reservoir capacity ≤ 2.0 acre-feet; period of year when water will be diverted to storage:
MAR 15 to NOV 1 inclusive.
- c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
- d. Is ground water with a temperature of greater than 85°F being sought? NA
- e. If well is already drilled, when? NA; Drilling firm NA;
Well was drilled for (well owner) NA
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 1/2 years (minimum 1 year).

APR 13 8 1994

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total ft of head and proposed capacity in KW. NA
- b. Stockwatering; list number and kind of livestock. NA
- c. Municipal; show name of municipality. NA
- d. Domestic; show number of households. NA
- e. Other; describe fully. NA

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	5							6.48										6.48 A
4N	1W	6				3.58													3.58 A

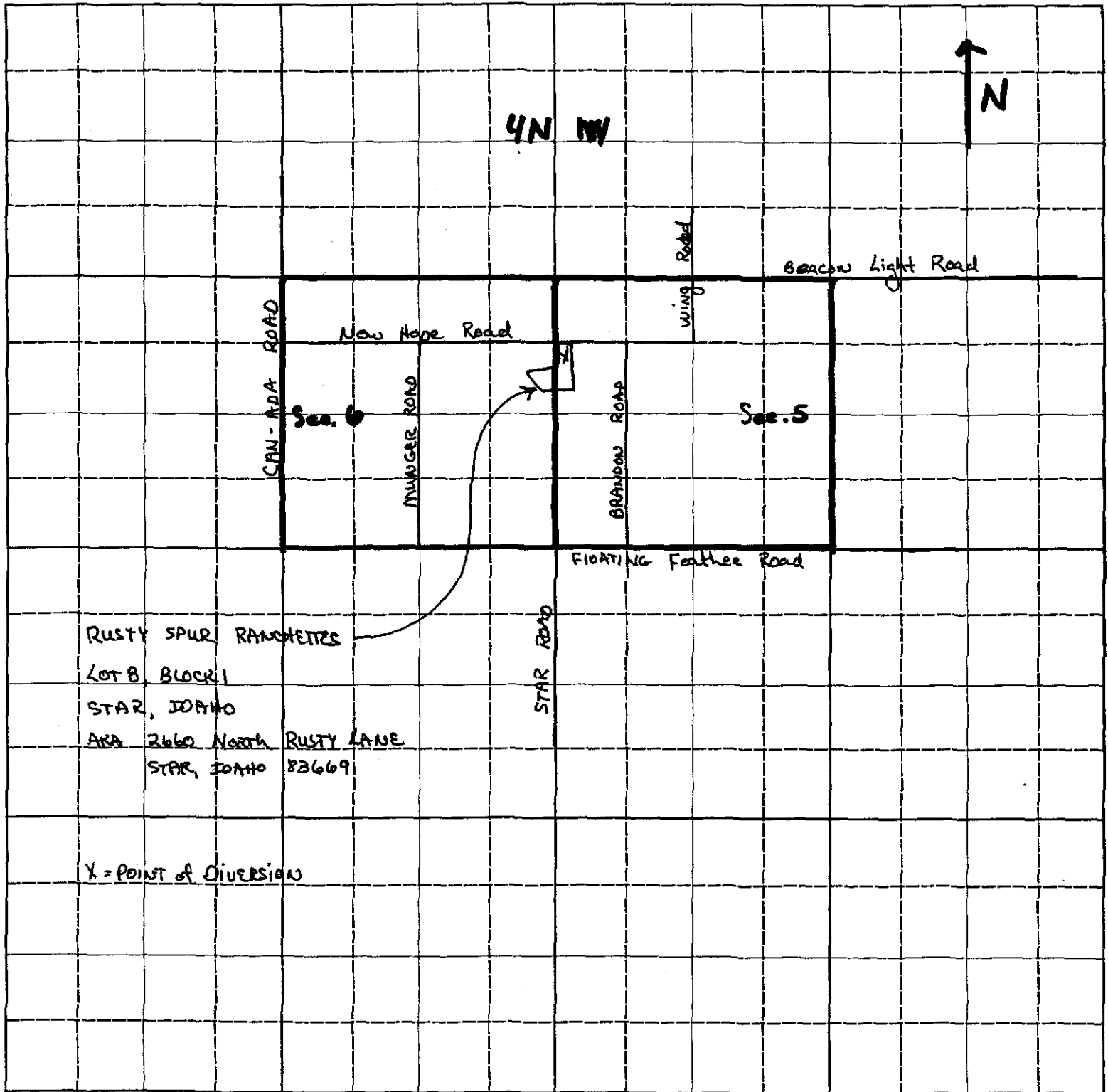
Total number of acres to be irrigated 10.06 A

10. Describe any other water rights used for the same purposes as described above. 7.8 shares of irrigation water from Middleton Irrigation Assoc., Inc. (equal to ~ 0.0156 cfs/A) + 1 domestic well
11. a. Who owns the property at the point of diversion? KATHY & Charles EWERT
- b. Who owns the land to be irrigated or place of use? KATHY & Charles EWERT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. NA

12. Remarks: Intermittent flowing waste water will be collected in a pond & pumped to supplement irrigation of the DOB A. Per my investigations, this waste water is NOT claimed under the Snake River Adjudication filings, nor by Farmers Union Ditch Co., Middleton Irrigation Assoc., Foothills Drainage Co. and Drainage District #2. The waste water flows in a privately owned drain ditch ^{into} Access our property. The upstream landowners (Barry & Jill Roark) have approved use of this waste water.

OCT 26 1994

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



Scale: 2 inches equal 1 mile.

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

OCT 26 1934

Kathleen Ewert
(Applicant)



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

August 13, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES F. EWERT
KATHY A. EWERT
2660 N RUSTY LN
STAR ID 83669

RE: WATER RIGHT NO. 63-12121

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.

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AUG 19 1997

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.

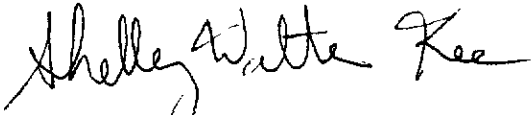
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

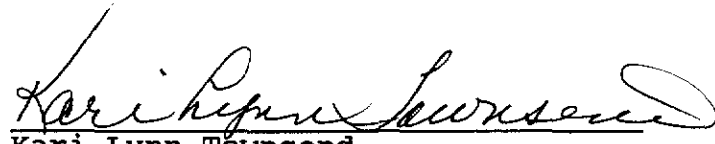
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1997, 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. 63-12121

CHARLES F EWERT
KATHY A EWERT
2660 N RUSTY LN
STAR ID 83669


Kari Lynn Townsend
Secretary

RECEIVED

AUG 13 1997

MEMORANDUM

TO: File 63-12121

FROM: Sharla Curtis

DATE: July 31, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 63-12121 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T4N, R1W, S5 - SWNW (5acres)

S6 - SENE (3 acres)

The place of use as shown on the map matches the original filing and the examiner has indicated that no amendment is necessary. It appears that the examiner transposed the $\frac{1}{4}$ description in the written place of use.

Examiner: Lori Graves

Exam Date: May 15, 1996

RECEIVED

JUL 31 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-12121

DATE 7/31/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	Change <u>—</u>	OK <u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	Change <u>—</u>	OK <u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? — yes ✓ no - transposed ss orig

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs <u>\$50⁰⁰</u>
Measured	<u>—</u> cfs
Theoretical	<u>.16</u> cfs

Recommended Total Div Rate .16 cfs

ANNUAL VOLUME/ NATURE OF USES

Use	cfs	Volume Calc
<u>1</u> <u>Use</u>	<u>.16</u>	<u>8 x 4.5 = 36</u> af
<u>" 8107</u>	<u>—</u>	<u>.6</u> af
<u>" 8107</u>	<u>—</u>	<u>.6</u> af
<u>—</u>	<u>—</u>	<u>—</u> af
SUBTOTAL	<u>.16</u>	<u>36.6</u> af

Flow rate .16 cfs X 246 days X 1.98 = 77.9 af

Total volume recommended 36.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7

CONDITIONS

P04 Watermaster Control WD# 63
P02 GW Measurement/Measuring Device
P07 Overlap

— Use-specific conditions 0800

Advancement of Priority Date Required — yes — no

SRBA Claim Filed NA

Adjustment Memo NA ss

transposed

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 08 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-12121

1. Owner: Charles + Kathy Ewert Phone No. 286-0990

Current Address: 2660 N Rusty Ln, Star 83669

2. Accompanied by: Kathy EXAM DATE: 5/15/96

Address: same Phone No. _____

Relationship to Permit Holder: owner

3. Source: Waste Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-00198C, -02406

2. Other water rights with the same point of diversion: _____

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
		NW	SW	NW	5	4N	1W	Ada	USGS Quad

2. Place(s) of Use:

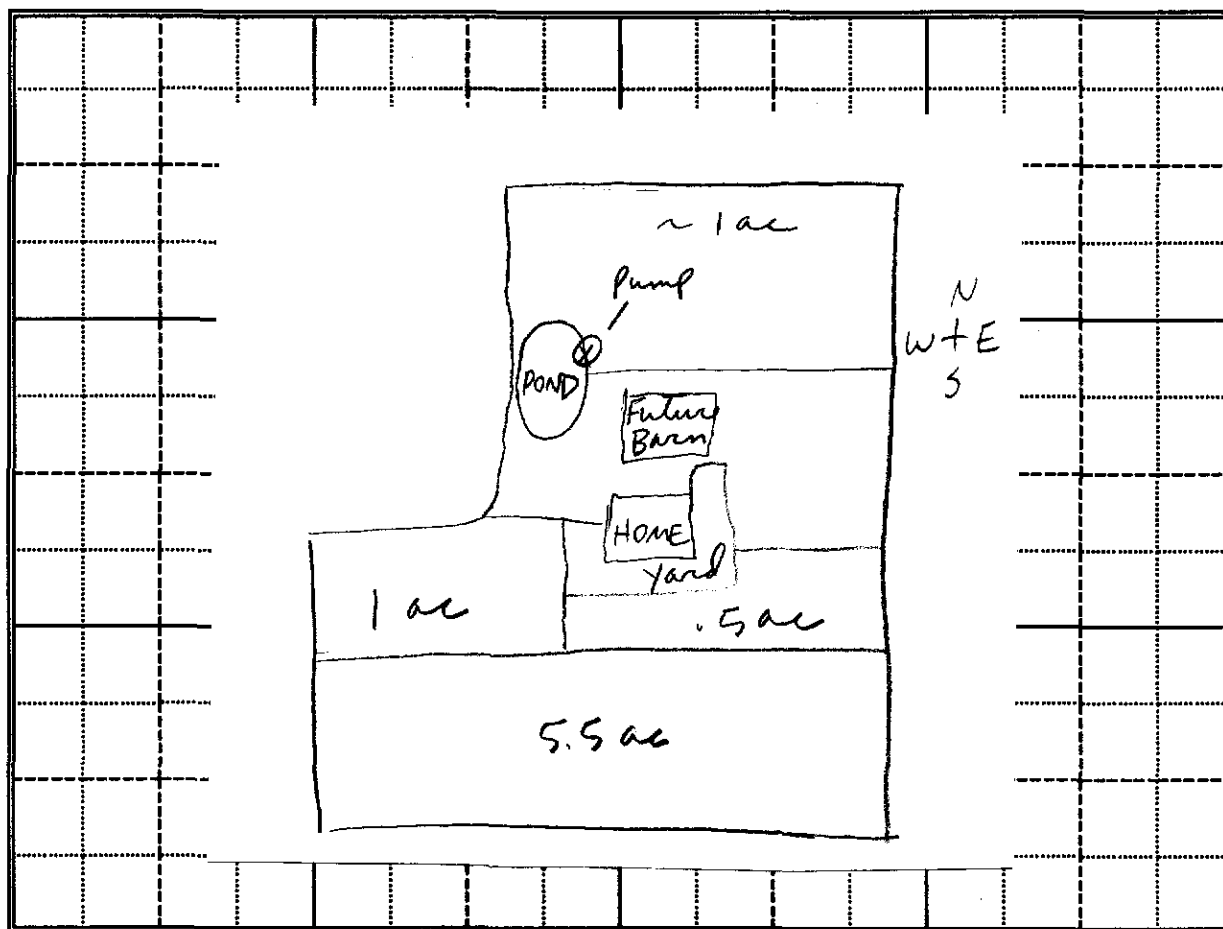
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	5										5							5
		6				3													3

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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
	Baldor	3	JML1406T	Sta Rite	
				Centrifugal	
				DHH-169	

*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:

Per owner: Pump rated @ 60 GPM
Per theoretical: 70 GPM

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E. NARRATIVE/REMARKS/COMMENTS

Waste water collected in a .6 of
pond irrigates 8 acres via 3 HP
pump and a buried 3" mainline
sprinkler system. The acres also
uses 7.9 shares of Middleton Irrig.
Dist water. No other wts are used.

The home & yard use ground water.

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

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AUG 19 1997

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 8 \times 4.5 = 36$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .16 \times 246 \times 1.9835 = 78.1$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 36$$

2. Volume Calculations for Other Uses:

$$\text{Pond size: } 110' \times 45' \times 5' = .6 \text{ af}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	.16	36
Irrig Storage	3/15	11/15		.6
Irrig Fr Storage	3/15	11/15		.6
Totals:			.16 cfs	36.6 afa

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. AUTHENTICATION

Field Examiner's Name Loi Gnaner Date 12/31/96

Reviewer _____ Date _____

SEAL

MICROFILMED

AUG 19 1997

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Lori Graves
 12/30/1996
 Project: Flow Computation for 63-12121
 Ewert Irrigation Pump
 Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^{4.8655} * \text{Lengt})$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 3.00 feet
 Nozzle Pressure: 50.00 psi
 Required Head: 118.50 feet
 Pump Horsepower: 3.00 horsepower

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe
 aluminum - joint length 20' = 125, j
 30' = 130, joint length 40' = 132, j
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast ir
 old pipes in poor condition = 60 to

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Frict
2.75	300.00	5.55	
1.00	0.00	0.00	
1.00	0.00	0.00	
			5.55

Initial Estimate of Rate of Flow: 0.155 CFS

Computation of Rate of Flow: 0.15 CFS

Solution is shown in the Computation of Rate of Flow.
 Solution is obtained by entering an initial estimate of rate of flow,
 and by changing this factor until it approximates as closely as possible
 the Computation of Rate of Flow.

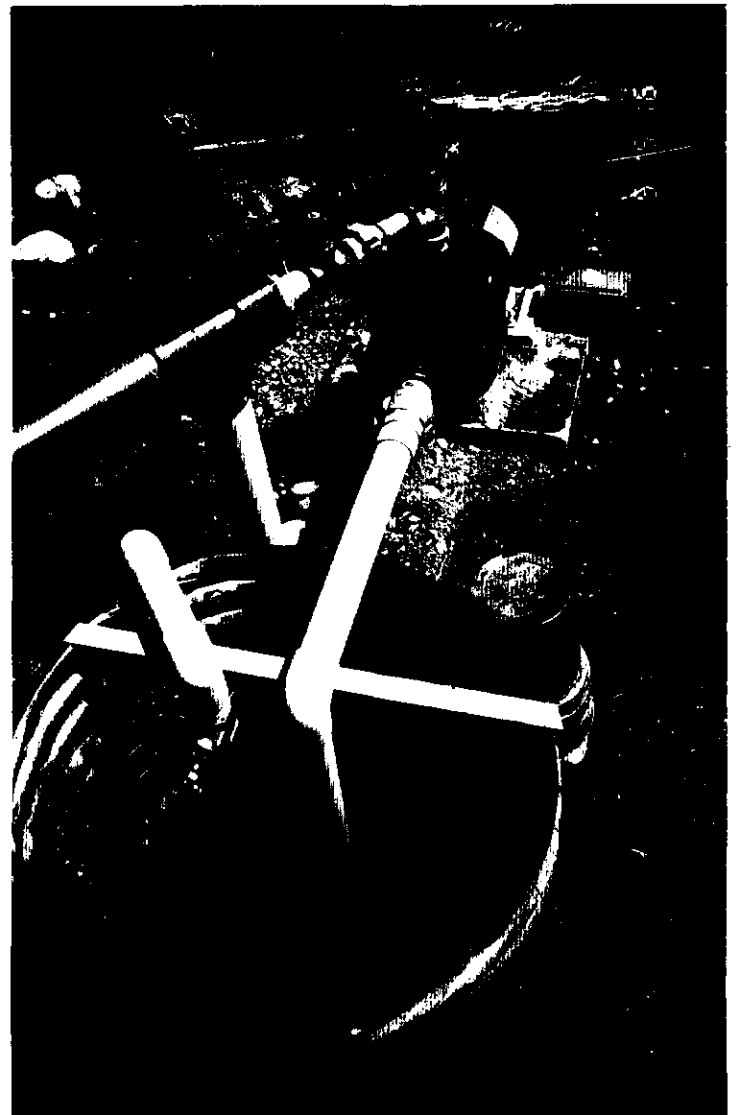
63-12121
 12/30/1996



1.6 AF pond +
P/W

5 15 '96

3 HP Pump for
waste water



1.6 AF pond
5 15 '96

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-12121 Reviewed by [Signature] Date 8-15-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no 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
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

*advise of lockable controlling device.
Proof acceptable*

DATA ENTRY

New Address 2660 N. Rusty Ln. Proof Made 8-7-95
Star, Id. 83669



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

August 16, 1995

CHARLES & KATHY EWERT
2660 N RUSTY LN
STAR ID 83669

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-12121

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.

Please be advised that one of the conditions of your water right permit requires that the permit holder install and maintain a lockable controlling device (refer to condition # 4 of your permit). This condition must be complied with before the license exam, or you can request in writing, a waiver of the condition.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
AUG 25 1995

8-4-95

RE: WATER PERMIT

63-12121

2660 N. Rusty Lane
Stow, IO 83669

Dear Lori,

Thank you for helping me process our
waste water permit at our new residence.
Enclosed is a check for \$50.00 to pay
the proff of beneficial use inspection fee.

As you may note, we are now living at
the location of the permit and have the above
mailing address. Please send all future
correspondence to this new address.

We are looking forward to your inspection
next spring when the waste water again is
filling the pond - approximately May. If you have
any further questions or any changes in our
permit, please call me at 286-0920 or write.

Sincerely,
Kathy Sweet

Enclosed: Personal check # 7425

RECEIVED

AUG 25 1995



July 31, 1995

CHARLES F EWERT
KATHY A EWERT
4218 MARYLEBONE WY
BOISE ID 83713

PROOF DUE NOTICE

RE: PERMIT NO. 63-12121

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1995.

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

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

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

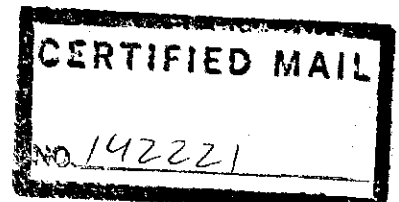
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECORDED

AUG 25 1995





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1994

CHARLES F EWERT
KATHY A EWERT
4218 MARYLEBONE WY
BOISE ID 83713

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12121

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Sincerely,

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

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures



OCT 26 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 63-12121 Name: Ewert Date: 9/23/94
9/7/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes B.R.D. Mor GWMA Trust/Non-trust
SYSTEM COMPLETED: - pre-1987 exempt 1) map (photo 1961)
No - 26A-P17 2) letter
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - NA
GROUNDWATER:
+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD
- 0.2 cfs - No MD <FLOW CHART>
Drilling Permit:
Included w/permit - Permit No. _____, P99
Existing well - NA (pre 7/1/87)
No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)
SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>
LOCATION:
Water District(dem) - WD No. 63
*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD
Groundwater - P05 (new irrigation well)
In stream channel - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (-85° GW temp only)
Swan Falls Flag - B <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA
RIVER BASINS (*Surface water):
~~Boise R~~ Boise R(63) (waste water) - 05A (if WD), ~~11E~~ (non-domestic use), NA
Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA
USE:
Fish Propagation - .07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)
Irrigation - 03A/057, ~~883~~ (if GW use SW 1st) (45A PU comp), NA
Power (✓ w/Jim) - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Mining - 054 (req) & 06A/010/09E-P10
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 064(Payette R), NA
OWNERSHIP:
Non land owner - 004 (PD/PU)
PROTESTED: - 020(Prehearing agreement)/W19(See Order)
OTHER CONDITIONS: -
REMARKS: - Q wot 2 P10 L 8 BK 1 Rusty Spur Ranchette Subd. #2.
BENEFICIAL USE DUE: - 10-1-1995
COMMENTS: -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 6 DATE: 7/12/94 APPLICATION: 63-12121

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) Gov't. Lots:
☒ Period of use: ☒ P/D
☒ Nature of proposed use: (Include description of use) ☒ P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium *see attached*
☐ ☒ Copy to SCA staff (perennial stream, non-pump diversion):
☐ ☒ Send dam safety information:
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☐ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

file - 1987 use

DATE REQUESTED: 6/27/94

Additional information on reverse side:

RECEIVED
AUG 26 1994

Department of Water Resources

PROCESSING

APPLICATION NO.

63-12121

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 and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest 8-8-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Ovr

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Allow only 1yr for proof - applicants say system is existing, with only modification needed

See below for additional information

Recommended Date or Priority 6/27/94

Recommended by: Ovr

Date 8/25/94

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION

p/6

overlaps: 63-00198C Boise R

63-02406 Waste Water

see Remarks on original appl
 in regards to irrig dist OK -
 Applicant stated that Farmers Union
 didn't have a problem with
 application. per telecon: 7/11/94

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$158.25

Account Number 04762800		Identification NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates July 21 & 28, 1994
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 8024

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12121

EWERT, CHARLES F
EWERT, KATHY A
2208 MARYLEBONE WY
BOISE, ID 83713

Source: WASTE WATER
Diversion Pt: NWSWNW Sec 5 T04N R01W in ADA County.
Use: IRRIGATION (200 CFS)
IRRIGATION STORAGE (2.00 AF)
IRRIGATION FROM STORAGE (2.00 AF)
Total Diversion: (.200 CFS)

Date Filed: 6/27/1994
In: ADA County
T04N R01W S05
S06

SWNW
SENE
10.0 ACRES TOTAL

Existing system prior to 1987 and therefore requested to be exempted from Boise River Basin moratorium.

63-12124

STATE OF IDAHO
DEPT OF TRANSPORTATION
8150 CHINDEN BLVD
BOISE, ID 83714

Source: GROUNDWATER
Diversion Pt: NWNW Sec 16 T04N R01E in ADA County.
Use: AESTHETIC (1.000 CFS)
AESTHETIC STORAGE (96.40 AF)
Total Diversion: (1.000 CFS)

Date Filed: 6/30/1994
In: ADA County
T04N R01E S16

NWNW

Pond will replace irrigation provided by Ballentyne Ditch Co. (Boise River rights). The number of acres to be withdrawn from irrigation will be determined at the time of licensing field examination of this right. Therefore, the applicant requests waiver of the Snake River moratorium for this new right as no new consumptive use will occur.

63-12125

WILLOWBROOK DEVELOPMENT INC
210 MURRAY ST
GARDEN CITY, ID 83714

Source: GROUNDWATER
Diversion Pt: SWNW Sec 28 T05N R01W in ADA County.
SENE Sec 29 T05N R01W in ADA County.
Use: IRRIGATION (.090 CFS)
DOMESTIC (.330 CFS)
Total Diversion: (.420 CFS)

Date Filed: 6/24/1994
In: ADA County
T05N R01W S28
S29

SWNW SENW
SWNE SENE
3.0 ACRES TOTAL

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 AUGUST 8, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

8024

LINDA PORTER

, 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 Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JULY 21, 19 94

and ending with the issue of JULY 28, 19 94

ss.

STATE OF IDAHO)

COUNTY OF ADA)

On this 28th day of JULY in the year of 1994, before me, a Notary Public, personally appeared LINDA PORTER, 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 she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 11-27-99

Combe Farms, Inc.
Paul Combe
6030 Moon Valley Rd.
Eagle, ID 83616
June 30, 1994

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

RE: Application for Permit #63-12121

Dear Water Rights Supervisor:

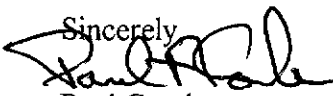
The Rusty Spur Ranchettes Subdivision was previously a 112 acre tract which had been farmed since the 1960's using waters from a Farmers Union Canal lateral (which is collected in the existing pond at the corner of Brandon Road and New Hope Road and the water is pumped onto the fields) and the Middleton Irrigation Association, Inc. / Foothills Ditch Company (from which water is pumped to the acreage). Part of the water from the pond was routed via a private drainage ditch westward across the tract to supplement the pumped irrigation of fields west of the pond. This drainage water was pumped from a ditch into sprinklers or directed to furrow irrigation along with the pumped Middleton Irrigation water.

The old pond is now located in Lot 10, Block 1 of Rusty Spur Ranchettes, Star, Idaho, and is owned by Barry and Jill Roark. Since subdividing the land and irrigation shares, any drainage from this pond, according to the Roarks and the Farmer Union Canal Company, is now considered "waste water." The current owners of Lot 8, Charley and Kathy Ewert, are applying for a permit to continue using this waste water for irrigation.

Hence, I assert that the drainage water from the pond has been historically used for irrigation on the entire tract which includes the parcel of land now legally subdivided into Lot 8, Block 1, of Rusty Spur Ranchettes. Therefore, any permit to apply this waste water onto the adjacent Lot 8 is not a "new use" of this water and is a water conscious measure to beneficially utilize the water akin to its historic usage.

If you have further questions regarding the historic application of irrigation waters on the 112 acre tract, please refer to the Combe Farms agreement with the U.S. Agricultural Stabilization and Conservation Service, Ada County Office, at 30 E. Franklin Road, Meridian, Idaho 208-888-7326.

Sincerely,



Paul Combe

d:\kathy\waterpc.ltr

OCT 26 1994

RE: #63-12121

EwERT, Charley & Kathy

Operator: Arnold Lee

Farm No. 54

Owner: Walter P. Lee

December 1960

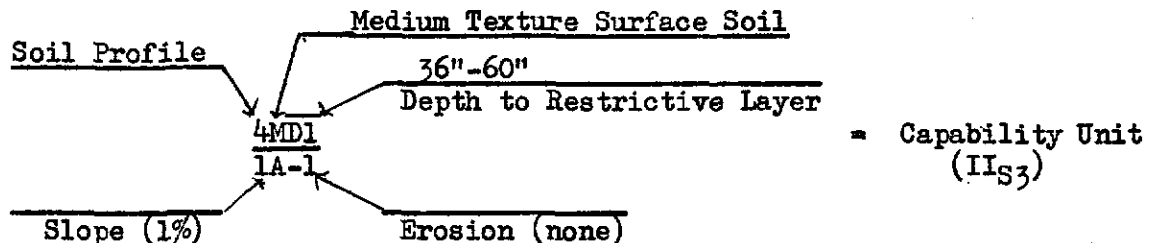
Dry Creek Soil Conservation District

120 Acres

SOILS DESCRIPTION

The soils on your farm have been mapped as shown on the Soil and Capability Map. The soils are expressed with a fractional symbol. The part above the line deals directly with the soil characteristics and expresses depth, surface texture and other modifiers, such as gravels, stones or alkali or salts. The part below the line expresses physical characteristics such as slope and previous erosion. This in turn is interpreted into Capability Units so that different soils that react similarly under the same kind of conditions and management may be grouped together.

Thus:



Soils on your farm are:

Soil Mapping Unit	Capability Unit	Description
<u>2M</u> <u>1A-1</u>	<u>I</u>	This soil is suitable for cultivation with ordinary good farming practices. It is nearly level with deep soils free from erosion. It is your best cropland. This land should be in soil building crops 50% of the time with not more than 3 years in row crop during the rotation.
<u>2M</u> <u>2B-1</u> , <u>1M</u> <u>3B-1</u> ,	<u>IIe1</u>	Suitable for cultivation but slightly more limited in its use than Class I because of slightly steeper slopes. This soil needs one or more simple conservation practices for permanent production. This land should be in soil building crops 50% of the time with not more than 2 years successive row crops in the rotation.
<u>2M</u> <u>2B-1</u> , <u>2M</u> <u>3B-2</u>		

OCT 26 1964

Soil Mapping Unit	Capability Unit	Description
<u>4MD1</u> , <u>4MD2</u> <u>1A-1</u> <u>1A-1</u>	II _{s3} II _{s6}	This soil is nearly the same as II _{el} except that this soil has a clay accumulation in the subsoil that restricts water movement downward and plant root development. It requires good water management practices for permanent production. This land should be in soil building crops 50% of the time with no more than 2 successive years of row crop in the rotation.
<u>2M</u> <u>5C-2</u>	III _{el}	This soil is suitable for cultivation but is steeper than land in Class II. It is land requiring careful and intensive application of the best possible practices for soil erosion control or management. This land should be in soil building crops 65% of the time with only one year of row crop during the rotation.
<u>2M</u> <u>14C-R2</u>	VI _{el}	This soil is best suited for permanent pasture because of steep slopes. It should always be in pasture except when the pasture needs renovating or to re-establish the stand.

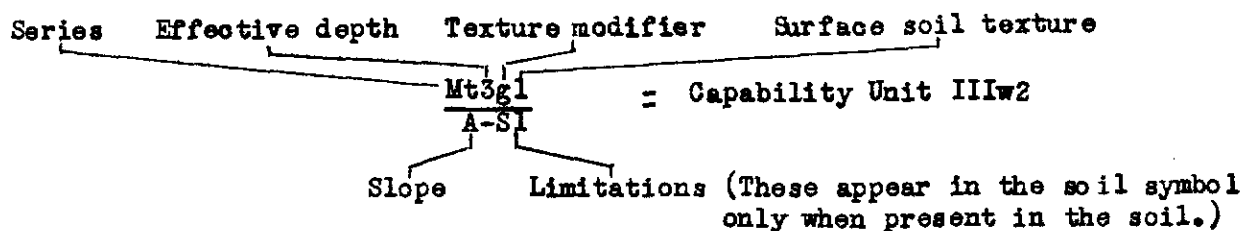
OCT 26 1964

SOILS DESCRIPTION

The soils on your farm have been mapped as shown on the Soil and Capability Map. Mapping units are shown as fractional symbols. The symbol is placed on the map to identify the area covered by each unit. The part above the line deals directly with the soil characteristics and expresses soil series, depth and texture of the surface soil. The part below the line expresses physical characteristics such as slope, degree of erosion and any other limitations.

Mapping units that react similarly under the same kind of conditions and management may be grouped together into a Capability Unit.

Thus:



Soils on your farm are:

SOILS

Soil Symbol &
Soil Type

Description

Pw1S Power silt loam very deep	This very deep soil has silt loam surface textures and a moderate clay accumulation in the subsoils. The surface is light colored and low to moderately low in organic matter. The depth to calcareous material ranges from 15 to 24 inches, below which is a moderate accumulation of calcium carbonate.
Pu2S Purdum silt loam deep	This deep soil has silt loam surface textures and a moderate clay accumulation in the subsoils. The surface is light colored and low to moderately low in organic matter. The depth to a calcareous material ranges from 15 to 24 inches, below which is a moderate accumulation of calcium carbonate. Depth to a weakly to moderately cemented hardpan is 3 to 5 feet.

CAPABILITY

Mapping Unit &
Soil Type

Capability

Description

Pw1S A Power silt loam very deep 0-1% slopes	I	(Deep and very deep loamy soils, well drained, on level or nearly level slopes-irrigated): These soils have a usable root zone of 3' or more. Slopes are 1% or less. Available water holding capacity of root zone profile is 7.5" or more. Surface soil textures range from sandy loam to clay loam. Organic matter content ranges from low to medium (less than 2%).
--	---	--

OCT 26 1934

A

Purdum silt loam
deep
0-1% slopes

Pw1SB

Power silt loam
very deep
1-3% slopes

IIel

(Deep and very deep loamy soils, well drained, on very gentle slopes - irrigated): These soils have a usable root zone of 3' or more. Slopes are 1 to 3%. The available water holding capacity of the root zone profile is 7.5" or more. The surface soil textures range from sandy loam to clay loam. Organic matter content is low to medium (less than 2%).

Pw1SC

Power silt loam
very deep
3-7% slopes

IIIel

(Deep and very deep loamy soils, well drained, on gentle slopes - irrigated): These soils have a usable root zone of 3' or more. Slopes are 3 to 7%. Available water holding capacity of the root zone profile is 7.5" or more. Surface soil textures range from sandy loam to silt loam. Organic matter content is low to medium (less than 2%).

PwE

Power loams
very deep
12-30% slopes

VIel

(Moderately deep to very deep loamy soils, well drained, on moderately steep slopes - irrigated): These soils have a useable root zone of 20" or more. Slopes are 12 to 30%. Available water holding capacity of the root zone profile is 2" or more. Surface soil textures range from sandy loam to silt loam. Organic matter content is low to medium (less than 2%). Some of these soils are dry and some are irrigated. The dry areas are small tracts interspersed with irrigated areas and are not extensive enough to be managed or classed as range. They are best used and managed as dryland pasture.

OCT 26 1984

OUR SOIL IS OUR STRENGTH



SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER WALTER LEE

FARM No. 54, DATE 10/62

OPERATOR ARNOLD LEE

SCALE 1" = 660' ACRES 120

ADA

COUNTY

IDAHO

STATE

PHOTO No. DHT-47-108

OCT 26 1964



CONSERVATION PLAN MAP

FOR SOIL & GROUND STRENGTH



Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK

S. C. DISTRICT

OWNER Walter P. Lee

FARM NO. 54 DATE 6-5-61

OPERATOR Arnold Lee

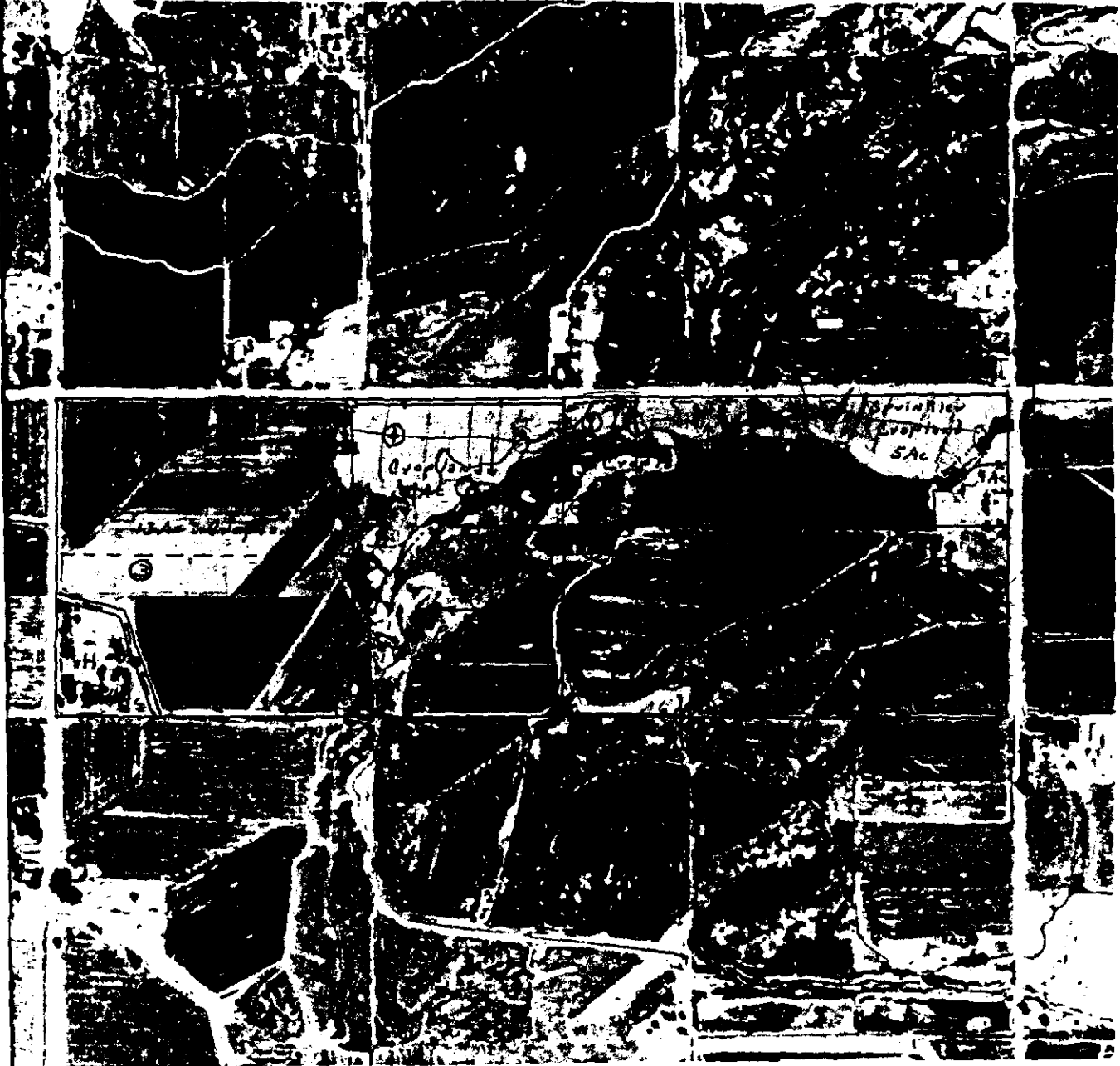
SCALE: 8" = 1 MI. ACRES 120

AdA
COUNTY

Idaho
STATE

PHOTO NO. 0HT-1E-11

R-1W



OCT 26 1934

SOIL and CAPABILITY MAP

OUR SOIL - OUR STRENGTH



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

DRY CREEK SOIL CONSERVATION DISTRICT

S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER Walter P. Lee

FARM NO. 54 DATE 6-5-61

OPERATOR Arnold Lee

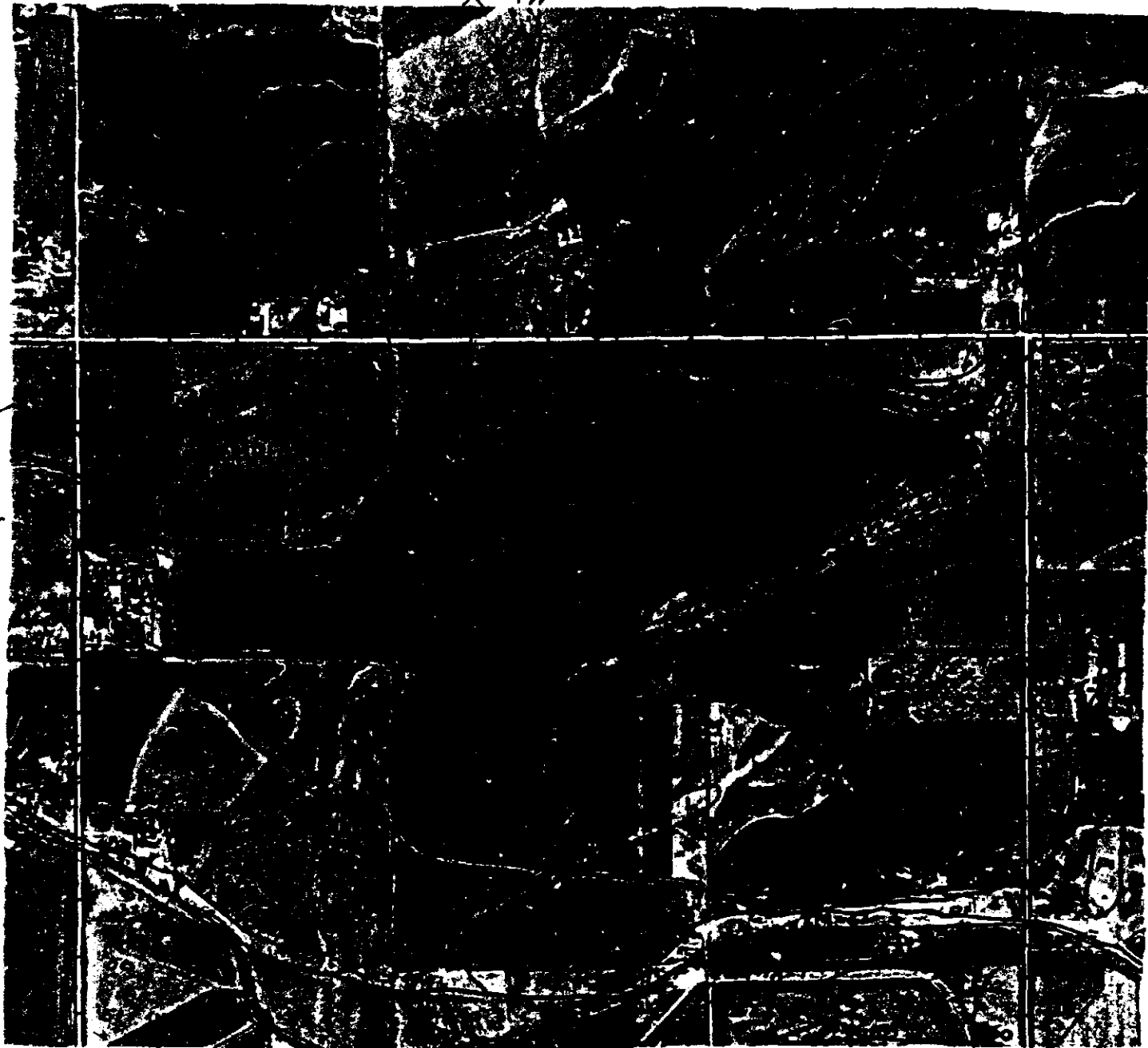
SCALE 8" = 1 mi ACRES 120

Ada

Idaho

PHOTO NO. _____

R-1W



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4
N

OCT 10 6 1961

63-12121

EWERT, CHARLES F
EWERT, KATHY A
4218 MARYLEBONE WY
BOISE, ID 83713

Source: WASTE WATER

Tributary: BOISE RIVER

Diversion Pt: NWSWNW Sec 5 T 04N R 01W in ADA County.

Use: IRRIGATION	(.200 CFS)	
IRRIGATION STORAGE		(2.00 AF)
IRRIGATION FROM STORAGE		(2.00 AF)
Total Diversion:	(.200 CFS)	

Date Filed: 6/27/1994

In: ADA County	
T04N R01W S05	SWNW
S06	SENE

10.0 ACRES TOTAL

Existing system prior to 1987 and therefore requested to be
exempted from Boise River Basin moratorium.

OCT 26 1994