IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32695A

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: ~~11.88~~ 16.00 CFS
~~6,126.6~~ 8,251.0 AFY

~~The maximum diversion rate for all rights diverted from the two points of diversion in T02N, R02W, S11, NWNW is limited to 10.78 cfs.~~

The rights listed below are limited to a total combined diversion rate of 30 cfs.
Combined Right Nos.: 63-7879, 63-9194, 63-32695A and 63-32695B.

PRIORITY DATE: 06/06/1962

POINT OF DIVERSION:

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	~~11.88~~ 16.00 CFS ~~6,126.6~~ 8,251.0 AFY

PLACE OF USE:

69495 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place

of use is attached hereto to illustrate the place of use described by the digital boundary.

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181, 63-32695B and 63-33739 can be used to irrigate up to 69,495 acres within the boundary of the Nampa & Meridian Irrigation District.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This water right is also the subject of an operational agreement effective July 16, 2013 between Nampa & Meridian Irrigation District and the Idaho Department of Fish and Game, and recorded in the Canyon County Recorder's Office as Instrument No. 2013-036811.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right Nos. 63-7879, 63-9194 and 63-32695B are also diverted through the six ~~two~~ points of diversion in the ~~NWNW~~ SWSW, ~~S11~~ S2, T02N, R02W~~.~~, and the two points of diversion in the NWNW, S11, T02N, R02W.

To: Kelly, Vicki
Subject: Re: Nampa Meridian 63-32695 et al. SF5s

Vicki,

Negri is out of state for court until Tues (Nov 5th).

Fred

On Fri, Nov 1, 2013 at 4:27 PM, Price, Fredric <fwprice@blm.gov> wrote:
Vicki,

I'm having trouble keeping up. Negri has the SF-5s and is waiting for my review.

Digital Boundary CD:
09-11-13 map for SF-5 purposes looks good. It is consistent with the 09-03-13 map which is consistent with the 09-30-11 map.

63-32695 SF-5: BLM is a party
ok -disallowed

63-32695A SF-5: BLM is a party
Total acres is missing (09-30-11 ADR contained Total Acres). I've noticed that there has been a lot of corrections being filed with the court to add total acres (eg. Long Island Irrigation Co (01-00109G et. al)). Do we need to add that so we don't have to correct it later?

63-32695B SF-5: BLM is a party
1. Total acres is missing (09-30-11 ADR contained Total Acres).
2. Priority date is listed in the SF-5 as 05-03-1974, however 06-06-1962 was recommended. Is this a typo? If it is not a typo, then the court may miss the change, so shouldn't there be some strikeout and underline.
3. Should the following remark be moved from Other Provisions to Explanatory: "This right is based upon an enlargement of Right No. 63-7879 pursuant to Section 42-1426, Idaho Code."
4. How can this enlargement right (63-32695B, Nampa-Meridian Irr Dist) be held by someone other than the base right owner (63-07879, State of Idaho)?

63-33739 SF-5: BLM is not a party
Total acres is missing (06-12-13 Dir Rpt contained Total Acres).

63-07879 SF-5: BLM is not a party
Ok.

63-09194 SF-5: BLM is not a party
Ok.

Fred

On Tue, Oct 29, 2013 at 9:09 AM, Kelly, Vicki <Vicki.Kelly@idwr.idaho.gov> wrote:

Good morning Fred

How's things?? Hey have you seen anything of the Nampa Meridian SF5s? Thanks! - Vicki

Shurte, Jan

From: Shurte, Jan
Sent: Monday, November 04, 2013 1:06 PM
To: Kelly, Vicki; Cooley-Denney, Suzy; 'Andrea.Courtney@deq.idaho.gov'
Cc: Fritschle, Carter; Spencer, Nick
Subject: RE: Nampa Meridian 63-32695 et al. SF5s
Attachments: Nampa - Meridian Subcases 63-32695, 63-32695A & 63-32695B; State of Idaho Subcases 63-7879, 63-9194 & Late Claim 63-33739

All,

I am ok with adding the total acres also. They are in the remarks and are 69,495 total acres. Fred Is right about 63-32695B. When we originally recommended the split rights for the A & B we recommended the B split for wastewater with a 1962 priority. In our settlement conferences it was decided to recommend the B portion for groundwater as an enlargement right with a 1974 priority which is accurate. It does look like I missed crossing out the 1962 date and underlining the 1974 date. The enlargement remark that I used on 63-32695B should remain in other provisions and is not listed as an explanatory remark in our claim verification database. So, no change there.

Now what do we do. I really do not want these to go back around again so I could call or email Fred and tell him three things: 1) Yes, the 1974 date should be underlined and the 1962 date put in with a strikethrough. I can warn Diana to watch for that change and not re-route, 2) No, I do not need to move that remark to explanatory and why I don't need to and 3) Yes, we can put the total acres in even though they are listed in the remark below (69,495 acres), but I understand the situation.

I can tell Fred all these things, but what I don't know is whether I can talk to Ted and tell him and see if he can instruct Diana to add the total acres to the partial decree. That's the only thing the Court would have to show since the 1974 date is on the recommendation and the remark won't change. Anybody have any ideas?

For your final answer, yes you did send out the correct SF5s. We sent 63-32695, 32695A and 32695B out first and then we sent 63-7879, 9194 and the late claim 63-33739 later. I have attached those emails for your review.

Give me your ideas. Anything but rerouting these things. Fred has indicated David Negri will sign, but Fred has these questions first.

Jan

From: Kelly, Vicki
Sent: Monday, November 04, 2013 10:17 AM
To: Shurte, Jan; Cooley-Denney, Suzy; Andrea.Courtney@deq.idaho.gov
Subject: FW: Nampa Meridian 63-32695 et al. SF5s

Hi guys

Ok, Fred called Friday afternoon (yeah, like about 4:29). Here is his email that he sent also. He noted that BLM is okay with the SFs and he plans to have David sign them, but he did have questions (below). Fred would be okay with adding the total acres number to the SF5s after the fact, but we'd need to make sure we had the parties' blessings (and the Court's). Let me know what you want me to do. I've cc'd Suzy but she's out sick today and most likely tomorrow too. Vicki

From: Price, Fredric [mailto:fwprice@blm.gov]
Sent: Friday, November 01, 2013 4:52 PM

Shurte, Jan

From: Kelly, Vicki
Sent: Monday, November 04, 2013 10:17 AM
To: Shurte, Jan; Cooley-Denney, Suzy; Andrea.Courtney@deq.idaho.gov
Subject: FW: Nampa Meridian 63-32695 et al. SF5s

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4. How can this enlargement right (63-32695B, Nampa-Meridian Irr Dist) be held by someone other than the base right owner (63-07879, State of Idaho)?

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Total acres is missing (06-12-13 Dir Rpt contained Total Acres).

63-07879 SF-5: BLM is not a party
Ok.

63-09194 SF-5: BLM is not a party
Ok.

Fred

On Tue, Oct 29, 2013 at 9:09 AM, Kelly, Vicki <Vicki.Kelly@idwr.idaho.gov> wrote:

Good morning Fred

How's things?? Hey have you seen anything of the Nampa Meridian SF5s? Thanks! - Vicki

3/12

AMENDED DIRECTOR'S REPORT

Subcase No. 63-32695
(Split into 63-32695A & 63-32695B)

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
SEP 30 2011
By _____ Clerk
Deputy Clerk

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Carter Fritschle, Manager, Adjudication Section

September 30, 2011

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Interim Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Requesting Amended Director's Report from IDWR; Order Setting Deadlines* issued by Special Master Booth on July 15, 2011, the Director submits the attached Amended Director's Reports for filing with the Court.

Carter Fritschle
Manager, Adjudication Section

IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMS / RIGHTS NOT RECOMMENDED

W. R. NUMBER	NAME AND ADDRESS	CLAIM DISPOSITION REASON
63-32695	NAMPA & MERIDIAN IRRIGATION DISTRICT C/O RINGERT CLARK LAW ATTN DAN STEENSON PO BOX 2773 BOISE ID 83701-2773	DISALLOWED RECOMMENDED AS WATER RIGHT NOS. 63-32695A & 63-32695B

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32695A

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 11.880 CFS
6,126.600 AFY

The maximum diversion rate for all rights diverted from the two points of diversion in T02N, R02W, S11, NWNW is limited to 10.78 cfs.

PRIORITY DATE: 06/06/1962

POINT OF DIVERSION:

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	11.880 CFS 6,126.60 AFY

PLACE OF USE:

69495 ACRES TOTAL

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181 & 63-32695B can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right Nos. 63-7879 and 63-9194 are also diverted from the two points of diversion in the NWNW, S11, T2N,. R2W.

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32695B

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

SOURCE: WASTE WATER TRIBUTARY: WILSON DRAIN

QUANTITY: 12.120 CFS

PRIORITY DATE: 06/06/1962

POINT OF DIVERSION:

T02N R02W S3 NESE Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	12.120 CFS

PLACE OF USE:

This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181 & 63-32695A can be used to irrigate up to 69,495 acres within the boundaries of the Nampa Meridian Irrigation District.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

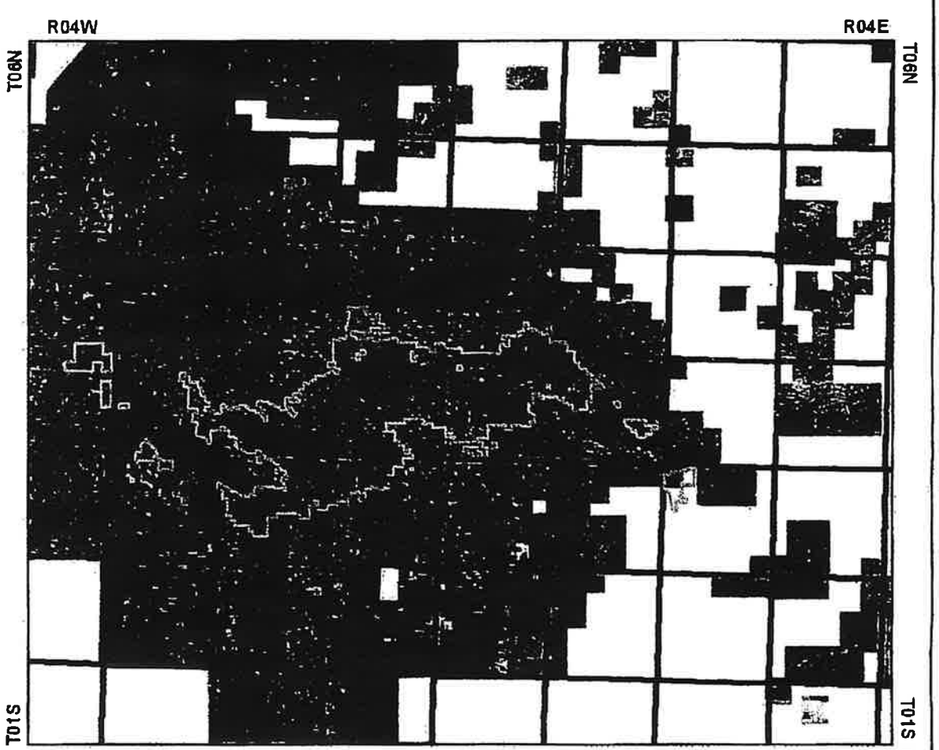
8/10
09-30-2011
03:09:41 p.m.
2082876700

Nampa And Meridian Irrigation District

Adjudication Recommendations: 63-32695A, 63-32695B



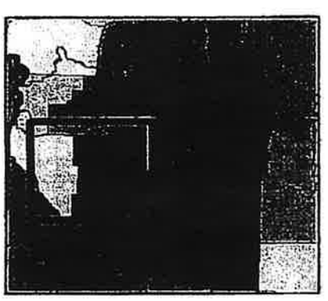
Irrigation Service Area Boundary
GIS Place of Use Illustration



Legend

Service Area

Township



N

Boise, Canyon, Ada Counties
IDWR Basin 63

Prepared by Favreau, Danielle
On September 30, 2011
1987 Aerial Photography

CERTIFICATE OF SERVICE

I certify that on September 30, 2011, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

__Overnight Mail
_✓_Regular Mail
__Hand-Delivered
_✓_Facsimile
__

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

NAMPA & MERIDIAN IRRIGATION
Represented by:
DANIEL V. STEENSON
455 S. THIRD ST
P.O. BOX 2773
BOISE, ID 83701-2773

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO DEPARTMENT OF FISH & GAME
Represented by:
STATE OF IDAHO
P.O. BOX 44449
BOISE, ID 83711-4449

ADA COUNTY COURTHOUSE
200 W. FRONT STREET
BOISE ID 83702-7300

CANYON COUNTY COURTHOUSE
1115 ALBANY STREET
CALDWELL ID 83605

Signature of person delivering form

Shurte, Jan

From: Kelly, Vicki
Sent: Wednesday, September 11, 2013 12:42 PM
To: Vonde, Ann; harriet.hensley@ag.idaho.state; Dan Steenson
Cc: Courtney, Andrea; Cooley-Denney, Suzy; Shurte, Jan; Fritschle, Carter
Subject: State of Idaho Subcases 63-7879, 63-9194 & Late Claim 63-33739

Hello

Here's the final group of recommendations for your advance review. Any questions about the recommendations should go to Jan please (287-4992). I'll route SF5s, starting with Ann and Harriet, once I receive an updated digital boundary map for the Nampa Meridian subcases. If you need anything further, please let me know. Thanks! Vicki

State of Idaho Recs.pdf

Shurte, Jan

From: Kelly, Vicki
Sent: Wednesday, September 11, 2013 12:28 PM
To: Vonde, Ann; Hensley, Harriet; Dan Steenson; Negri, David (USAID)
Cc: Price, Fredric; Shurte, Jan; Cooley-Denney, Suzy; Fritschle, Carter; Courtney, Andrea
Subject: Nampa - Meridian Subcases 63-32695, 63-32695A & 63-32695B

Good afternoon

Attached are the revised recommendations for rights 63-32695 (disallowed), 63-32695A and 63-32695B, the subcases which have federal involvement. Ann, Harriet and Dan you will receive a second email with the remaining recommendations shortly (no federal involvement in the second group). We are currently updating our digital boundary map and CD covers to include a reference to the late claim, 63-33739. In the mean time, please glance these recommendations over, as they are the ones you'll be seeing in the SF5s. Any questions regarding these recommendations should be directed to Jan (287-4992). Ann and Harriet, once we put together the SF5s with the updated map, I'll get those over to you for signing. It's probably easier just to discard the SF5s you received last week and go with the new packet.

If you need anything else, please let me know. Thanks everyone. Vicki Kelly, Paralegal – IDWR

63-32695 Recs.pdf

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32695A

NAME AND ADDRESS: NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: ~~11.88~~ 16.00 CFS
~~6,126.6~~ 8,251.0 AFY

~~The maximum diversion rate for all rights diverted from the two points of diversion in T02N, R02W, S11, NWNW is limited to 10.78 cfs.~~

The rights listed below are limited to a total combined diversion rate of 30 cfs.
Combined Right Nos.: 63-7879, 63-9194, 63-32695A and 63-32695B.

PRIORITY DATE: 06/06/1962

POINT OF DIVERSION:

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 NWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

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T02N R02W S2 SWSW Within CANYON County

T02N R02W S2 SWSW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	~~11.88~~ 16.00 CFS ~~6,126.6~~ 8,251.0 AFY

PLACE OF USE:

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This water right is also the subject of an operational agreement effective July 16, 2013 between Nampa & Meridian Irrigation District and the Idaho Department of Fish and Game, and recorded in the Canyon County Recorder's Office as Instrument No. 2013-036811.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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SRBA
DIRECTORS REPORT 63-32695A

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-32695A

****
* *
* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
* *
****

Name and Address: NAMPA & MERIDIAN IRRIGATION
DISTRICT
1503 FIRST ST SOUTH
NAMPA, ID 83651

Source: GROUND WATER

Quantity: 11.88 CFS
6126.60 AFY

The maximum diversion rate for all rights diverted from the two points of diversion in T02N, R02W, S11, NWNW is limited to 10.78 cfs.

Priority Date: 06-06-1962

Diversion Point:			
T02N R02W S02	NWSW	Within Canyon County	
	NWSW		
	NWSW		
S11	NWNW		
	NWNW		

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-01 TO 11-15	11.88 CFS
			6126.60 AFY

Place of Use: See remarks

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69495 ACRES TOTAL

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

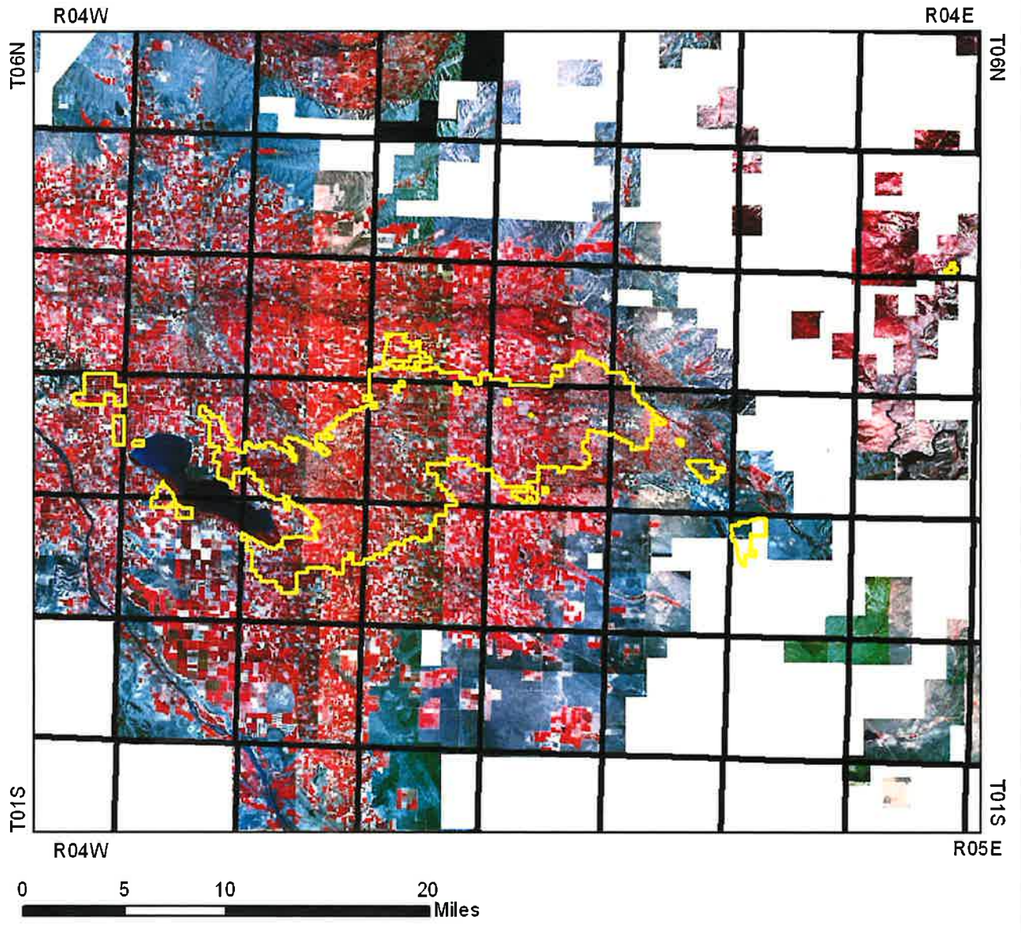
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Return to SRBA Home Page

Nampa And Meridian Irrigation District

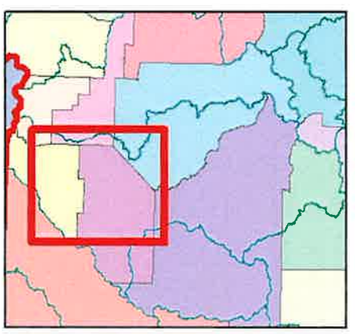
Adjudication Recommendations: 63-32695A, 63-32695B

Irrigation Service Area Boundary
GIS Place of Use Illustration



Legend

Service Area
Townships



Boise, Canyon, Ada Counties
IDWR Basin 63

Prepared by Favreau, Danielle
On September 30, 2011
1987 Aerial Photography

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OCT 3 1 2011
DEPARTMENT OF
WATER RESOURCES

DANIEL V. STEENSON (ISB#4332)
S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 South Third Street
P.O. Box 2773
Boise, Idaho 83701
Telephone: (208) 342-4591

Attorneys for Nampa & Meridian Irrigation District

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
)
)

A. **Subcase** 63-32695A
(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Law Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Nampa & Meridian Irrigation District

Address: 1503 First Street South
Nampa, Idaho 83651

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
   Should be: See below.

2. X **Source**
   Should be: See below.

3. X **Quantity**
   Should be: See below.

4. X **Priority Date**
   Should be: See below.

5. X **Point(s) of Diversion**
   Should be: See below.

6. ☐ **Instream Flow Description**
   Should be: N/A

7. X **Purpose(s) of Use**
   Should be: See below.

8. X **Period of Year**
   Should be: See below.

9. X **Place of Use**
   Should be: See below.

10. X **I object because:** See below.

    ☐ This water right should not exist.

    ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): Claimant was granted leave to amend its claim for water right no. 63-32695 and Claimant subsequently filed a Second Amended Claim for water right no. 63-32695. However, the Amended Director's Report recommends that water right no. 63-32695 be "disallowed" and instead be split as water right nos. 63-32695A and 63-32695B. Claimant disagrees with said recommendation and claims that the water right should be recommended as claimed in the Second Amended Claim. In the alternative that the water right is split into water right nos. 63-32695A and 63-32695B, Claimant objects to the elements of this water right, including, but not limited to, the points of diversion and quantity.

F. **VERIFICATION** (must be completed)

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

S. Bryce Farris

Subscribed and sworn to before me on: October 28, 2011

KIMI A. WHITE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/10/2016

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on October 28th, 2011, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

   Name: Nampa & Meridian Irrigation District
   Address: 1503 First Street South
   Nampa, Idaho 83605

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment and Natural Resource Division
   550 West Fort Street, MSC 033
   Boise, ID 83724

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   PO Box 44449
   Boise, ID 83711-4449

   Harriet Hensley
   Idaho Attorney General
   P.O. Box 83720
   Boise, ID 83720-0010

Signature of Objector or attorney
mailing on Objector's behalf

2/2

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7879

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 25.000 CFS
18,099.000 AFY

The rights listed below are limited to a total combined diversion rate of 30 cfs.
Combined Right Nos.: 63-7879, 63-9194, 63-32695A and 63-32695B.

PRIORITY DATE: 10/19/1973

POINT OF DIVERSION:

T02N R02W S2 SWSW Within CANYON County

T02N R02W S11 NWNW Within CANYON County

2 points of diversion located in T02N, R02W, S11, NWNW

6 points of diversion located in T02N, R02W, S2, SWSW.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	25.000 CFS 18,099.00 AFY

PLACE OF USE: FISH PROPAGATION in CANYON County

T02N R02W S02 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

The facility volume is 101,356 cubic feet.

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.

Right 63-9194 is also diverted through the points of diversion described above.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

This water right is also the subject of an operational agreement effective _____, between Nampa & Meridian Irrigation District and the Idaho Department of Fish and Game, and recorded in the _____ County Recorder's Office as Instrument No. _____.

This water right is appurtenant to the described place of use.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

The facility volume is 101,356 cubic feet

The issuance of this right does not grant any right-of-way or easement across the land of another.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

This right is subject to all prior water rights and may be forfeited by five years of non-use.

Right No. 63-32695B is an enlargement of this right pursuant to Section 42-1426 Idaho Code.

1973 LETTER
14 CFS

Byron V. Anderson

Route 3, Meridian, Idaho 83642

RECEIVED
NOV 7 1973
Department of Water Administration

State of Idaho
Dept. of Water Administration
614 State Street
Statehouse--Annex 2
Boise, Idaho 83720

Mr. Kenneth H. Foit
Western District Engineer

Re: Application for Permit No. 63-7879, and your letter of 11/5/73.

Dear Mr. Foit:

Following is the information you requested in your letter.

1. I have set up a corporation, "Rainbow Farms, Inc., P. O. Box 277, Nampa, Idaho" to construct and have ownership of the commercial fish facility. I will suscribe to and provide up to the first $50,000. of money needed. I have discussed additional financing with my bank, First National Bank of Oregon, Nyssa, Oregon for the balance and as soon as drilling is completed and the size of facilities and costs reasonably determined I have been assured financing will be available probably on a personal quarantee basis with my other farming interests.

2. Preliminary design of the facilities is based on the amount of Artesian Water available up to the 25 CFS applied for and the approximately 14 CFS from the Nampa Meridian Irrigation Districts "Patterson Wells". Raceways etc. other than the general design map will be determined when the available water is known. The SCS office is working on these facilities with me and I have contacted Kramer, Chin & Mayo Consulting Engineers of Seattle, with many years of experience in this type of engineering, who will be of further help when the quantity of water is known.

3. The amount of water requested is necessary in order to have a commercial fish farm of adequate size to be proftible. Under good management conditions you can expect about 10,000 pounds of fish per year for each CFS of water.

4. Construction as far as drilling the wells is concerned will start as soon as possible after the Water Permit is allowed. The excavation and raceways to start as soon as the wells are completed, and a target date of January 1975 for packing operations to start. Full operation is contemplated at this time.

63 7879

I would appreciate your prompt action on the Water Permit as I would like to start on the project by the First of December 1973.

Very truly yours,

Byron V. Anderson

63 7879

Memo

To: Adjudication

From: Dennis Owsley

Subject: NMID Claim

Background Information

The Nampa-Meridian Irrigation District (NMID) has recently contested a claim through the SRBA process. There are two sources of water related to this case; ground water pumped from two wells, and drain water within the Bray Lateral.

Description of the drain source

The area of interest is a regional ground water discharge area, confirmed by the springs and water-logged soils that exist in the area. In the early 1900's, drainage ditches were excavated in area to help drain water-logged soils to provide additional acreage to be beneficially used. In addition, multiple shallow wells were drilled to provide additional drainage of the water-logged area.

The constructed drain and wells allows for the drainage of groundwater in the uppermost soil horizons to discharge. The quantity of water that enters the drain via natural drainage (from shallow wells and the subsurface) is difficult to measure and currently no data exists to provide a reliable estimate of such flows. Historical data exists to show drain flows that include water discharging from wells in addition to the natural seepage flowing into the drain.

Description of the ground water source

Two wells are the focus of the claim for the ground water source. The wells are referred to as the "Patterson Wells". The Patterson wells were drilled sometime in the 1950's or 1960's. Well drilling records were not mandatory at the time, and therefore were not always filed at the time the well was drilled. According to IDWR records, four well driller's reports were submitted to IDWR by Mr. Hosack (the well driller for the Patterson wells) at the location of the Patterson wells during the timeframe in which the Patterson wells were drilled. Two of the wells were drilled to 99 feet (approximately 30 feet apart) another was drilled to 260 feet deep, and the fourth was drilled to 255 feet deep. Not only are the depths of the reported wells significantly different, the flow rates reported on the driller's reports are different as well. The two 99 foot deep wells were both reported to flow 4,050 gallons per minute (gpm), the 260 foot deep well was reported at 2,500 gpm, and the 255 foot deep well was reported at 2,000 gpm. It is unclear as to which logs are associated with the two Patterson wells currently being used.

To accurately determine which driller's reports are associated with the wells in interest, a site visit was conducted to inspect the wells and determine the potential to measure the total depth of the wells. Upon inspection, it was determined that access to the wells was extremely limited, and that in order to measure the total depths of the wells, the pumps would most likely need to be removed. An interview with the hatchery manager provided some insight to the well identification. According to the hatchery manager, he was unaware of four wells located in the vicinity of the Patterson wells. He was only aware of the two wells that are currently being operated by the hatchery. In addition, he provided me with contact information for a local pump company who worked on the wells in the summer of 2012.

As a follow up to the field visit, I contacted the pump company that recently serviced the wells. According to their records, they attempted to measure the total depths in each of the wells. The technician I contacted indicated that both wells were difficult to determine the total depth on, but provided an indication as to what they measured. One of the wells was measured down to a depth of 202 feet, before the sounding probe could be lowered further. The other well was measured at approximately 92 feet, but the technician could not verify that was the bottom of the well, or if their sounding probe was being obstructed by something within the well.

The fact that only two of the wells reportedly drilled in this location can be confirmed, the fact that at least one of the two wells is over 200 feet deep, and the fact that the flow rates recently measured in the wells are relatively close the reported flow rates on the driller's reports from the two deeper wells suggest to me that the two driller's reports for the 260 and 255 foot deep wells represent the wells that are currently being operated today. The two 99 foot deep wells that each produced over 4,000 gpm could not be located or verified.

Current and historic flow rates of Bray Lateral and Patterson Wells

Flow within the Bray Lateral is water of a mixed source. Water naturally seeps into the drain from shallow and upwelling ground water, in addition to the water diverted from the Patterson wells. It should be noted that not all of the water that flows in the drain originates from the Patterson wells.

Flow within the drain has been measured historically. The Bray Lateral has been measured multiple times since the 1960's with flow rates ranging from 18.34 (1973) to 23.64 (1980) cfs. The measurements in the Bray Lateral include drain water and water discharged from the Patterson wells.

Flow rates from the two Patterson wells are not as well documented. According to the driller's reports, the wells originally flowed 5.6 and 4.4 cfs. The two Patterson wells were measured in combination with the IDFG well #3 during a field exam conducted in 1991. A measurement of the two Patterson wells and IDFG well #3 resulted in flows from 15.68 to 16.2 cfs. According to the driller's report for IDFG well #3, this well was capable of producing 5 cfs at the time it was drilled. Using the reported flow rates on the driller's reports, it appears the three wells were still producing similar flows in 1991 (5.6+4.4+5 = 15 cfs). Therefore, it appears the flow rates in the Patterson wells have remained steady over the duration at which the wells have been pumping.

According to the flow rates reported on the driller's reports and the 1991 field exam measurements, it does not appear that the flows within the Patterson wells have diminished over time. This is expected as they are located in an area of a regional ground water discharge, providing ample water from aquifers across the valley.

Recommendation

Given the information that NMID is seeking 23.26 cfs to meet their irrigations demands, I would recommend the following flow rates and priority dates for a water right:

Source	Rate	Priority Date
Ground water	5.6 cfs	1955
	4.4 cfs	1965
Bray Lateral Drain	13.26 cfs	1955?

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

Received 6-28-74 D

1. WELL OWNER

Name Verde Anderson

Address Meridian Idaho

Owner's Permit No. _____

2. NATURE OF WORK Well #1

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE artesian for raising fish

☐ Domestic ☐ Irrigation ☐ Test ☒ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 174 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	16 inches	+2.04 feet	21 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☒ Cement grout ☐ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Canyon

SW ¼ SW ¼ Sec. 2, T. 2 N/S, R. 2 E/W

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☒ Yes ☐ No G.P.M. flow 2700

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☒ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2700		

9. LITHOLOGIC LOG 041860

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
24	0	5	top soil		X
24	5	10	lava rock & hard pan	X	
24	10	20	lava		X
16	20	35	broken lava, red clay	X	
14	35	50	lava		X
14	50	55	red clay & rock/cinders	X	
14	55	64	lava		X
14	64	85	broken lava	X	
14	85	90	lava		X
14	90	97	broken lava	X	
14	97	105	lava		X
14	105	150	broken lava	X	
14	150	162	lava		X
14	162	174	broken lava	X	

10. Work started 3-13-74 finished 4-9-74

11. DRILLERS CERTIFICATION

Firm Name Bill Doty Well Drilling Firm No. 42

Address Rt 7 Caldwell Date 5-28-74

Signed by (Firm Official) Bill Doty

and (Operator) Bill Doty

MICROFILMED

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

Received 6-28-74 DWR

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Verde Anderson

Address Meridian Idaho

Owner's Permit No. _____

2. NATURE OF WORK well No 3

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE artesian for Raising fish

☐ Domestic ☐ Irrigation ☐ Test ☒ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 191 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	16 inches	+ 3 feet	24 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

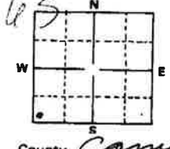
Placed from _____ feet to _____ feet

Surface seal depth 24 Material used in seal ☒ Cement grout ☐ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Canyon

SW ¼ SW ¼ Sec. 2, T. 2 N/S, R. 2 E/W

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☒ Yes ☐ No G.P.M. flow 2250

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☒ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG 033303

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
24	0	5	Top soil & lava rock		X
24	5	12	Hard pan " "	X	
24	12	24	Lava		X
16	24	45	Lava		X
16	45	55	Red clay & lava rock	X	
16	55	80	Lava		X
"	80	85	Broken lava	X	
"	85	100	Lava		X
"	100	115	Broken lava	X	
"	115	130	Lava		X
"	130	142	Broken lava	X	
"	142	154	Lava		X
"	154	191	Broken lava	X	
"					
"					

10. Work started 4-9-74 finished 5-3-74

11. DRILLERS CERTIFICATION

Firm Name Bill Doty Well Drilling & Pump Firm No. 42

Address Rt 7 Caldwell Date 5-28-74

Signed by (Firm Official) Bill Doty

and

(Operator) _____

MICROFILMED

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

Received 6-28-74 D M 5.0 gpm

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Address Meridian Idaho

Owner's Permit No. _____

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☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

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5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 191 feet

Casing schedule: ☒ Steel ☐ Concrete

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.250 inches	16 inches	+ 3 feet	24 feet
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_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

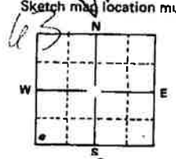
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7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☒ Yes ☐ No G.P.M. flow 2250

Temperature _____° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☒ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG 033303

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
24	0	5	Top Soil & lava rock		X
24	5	12	Hard pan & " "	X	
24	12	24	Lava		X
16	24	45	Lava		X
16	45	55	Red clay & lava rock	X	
16	55	80	Lava		X
"	80	85	Broken lava	X	
"	85	100	Lava		X
"	100	115	Broken lava	X	
"	115	130	Lava		X
"	130	142	Broken lava	X	
"	142	154	Lava		X
"	154	191	Broken lava	X	
"					
"					

10. Work started 4-9-74 finished 5-3-74

11. DRILLERS CERTIFICATION

Firm Name Bill Doty Well Drilling & Dev Firm No. 42

Address Rt 7 Caldwell Date 5-28-74

Signed by (Firm Official) Bill Doty

and

(Operator) _____

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Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	16 inches	+2.04 feet	21 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

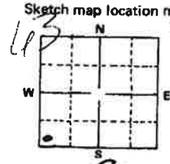
Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☒ Cement grout ☐ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Canyon

SW ¼ SW ¼ Sec. 2, T. 2 N, R. 2 W

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☒ Yes ☐ No G.P.M. flow 2700 (Coffer)

Temperature _____° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☒ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2700		

9. LITHOLOGIC LOG 041860

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
24	0	5	top soil		X
24	5	10	lava rock & hard pan	X	
24	10	20	lava		X
16	20	35	broken lava, red clay	X	
14	35	50	lava		X
14	50	55	red clay & rock cinders	X	
14	55	64	lava		X
14	64	85	broken lava	X	
14	85	90	lava		X
14	90	97	broken lava	X	
14	97	105	lava		X
14	105	150	broken lava	X	
14	150	162	lava		X
14	162	174	broken lava	X	

10. Work started 3-13-74 finished 4-9-74

11. DRILLERS CERTIFICATION

Firm Name Bill Doty Well Drilling Firm No. 42

Address Rt 7 Caldwell Date 5-28-74

Signed by (Firm Official) Bill Doty

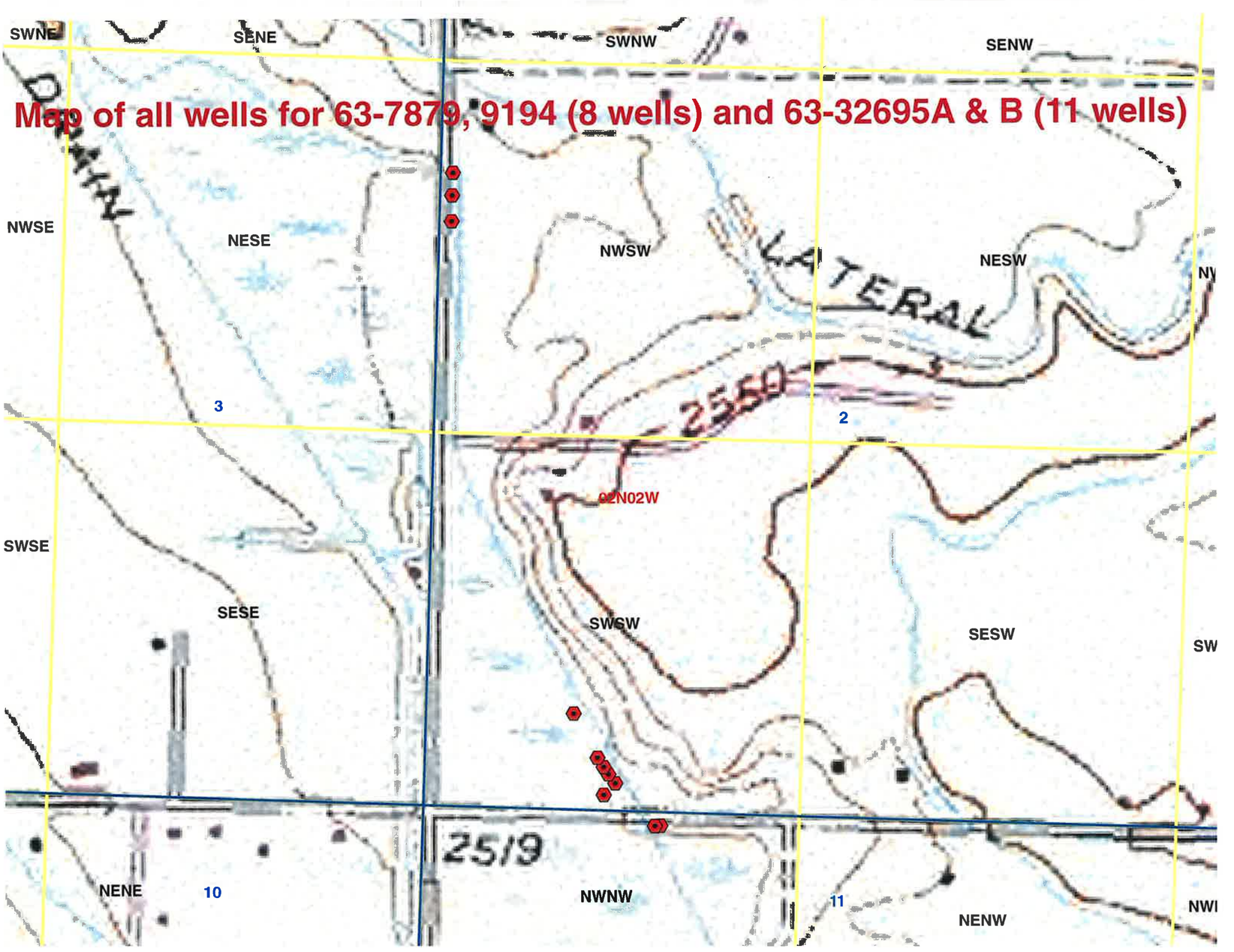
and

(Operator) Bill Doty

MICROFILMED

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

Map of all wells for 63-7879, 9194 (8 wells) and 63-32695A & B (11 wells)


Map of all wells for 63-7879, 9194 (8 wells) and 63-32695A & B (11 wells)
SWNE
SENE
SWNW
SENW
NWSE
NESE
NWSW
NESW
LATERAL
2550
3
2
02N02W
SWSE
SESE
SWSW
SESW
SW
2519
NENE
10
NWNW
11
NENW

63-32695A

Wilson Pond area well measurements 2010

Eastern Patterson Well #1

10.75" ID - .25" casing thickness

59 degree water with 4830 soundspeed

21,0911 gallons in 9 minutes

2343.44 gpm = 5.22 cfs

Western Patterson Well #2

10.75" OD - .25" casing thickness

59 degree water with 4810 soundspeed

20,796 gallons in 9 minutes

2310.66 gpm = 5.15 cfs

Well No. 3 – Across Locust Lane – NW of Patterson wells #1 & 2

12.75" OD

.185" casing thickness

4780 soundspeed

22,591 gallons in 9 minutes

2510 gpm = 5.6 cfs.

Corbins 3/19/11
Meas.

3/19/11 IDF6 Jumpa Lumbung

Service well #1 Used 2 MHz TRANSducers

10.76" O.D
.240' WALL

AVG MEAS = 2343.44
5.22 cfs

SNDSP 4865 58° C TEMP of WATER

SS UP - 54.7
SS DN - 54.7

WATER
Velocity = 8.70 fps

Logger NAME IDF1

$$\frac{20134 \text{ Total SAI}}{\text{Time}} = \frac{2237.11 \text{ gpm}}{448.835} = 4.98 \text{ cfs}$$

Well #2

Used 2 MHz Transducers

10.76" O.D
.240" WALL

SNDSP 4863 58° F TEMP of WATER

AVG MEAS 2310.66 = 5.15 cfs
~~5.48 cfs~~

SS UP - 54.0
SS DN - 54.0

WATER
Velocity = 9.65 fps

Logger Name IDF2

$$\frac{22473 \text{ total gal}}{9 \text{ min}} \quad \frac{2497 \text{ gpm}}{448.835} = 5.56 \text{ cfs}$$

TOTAL
3/19/11 = 10.54 cfs

3/19/11 IDFG Jumpa testing

Irrigation well #1 Used 2 MHz TRANSducers

10.76" O.D
.240' WALL

Avg meas = 2343.44
5.22 cfs

SNDSP 4865 58° C TEMP of WATER

SS UP - 54.7

SS DN - 54.7

WATER
Velocity = 8.70 fps

Logger NAME IDF1

$$\frac{20134 \text{ Total Gal}}{\text{9 min}} = \frac{2237.11 \text{ gpm}}{448.835} = 4.98 \text{ cfs}$$

Well #2

Used 2 MHz Transducers

10.76" O.D
.240" WALL

SNDSP 4863 58° F TEMP of WATER

Avg meas 2310.66
5.148 cfs

SS UP - 54.0
SS DN - 54.0

WATER
Velocity = 9.65 fps

Logger Name IDF2

$$\frac{22473 \text{ total gal}}{9 \text{ min}} \qquad \frac{2497 \text{ gpm}}{448.835} = 5.56 \text{ cfs}$$

Artesian Well Flow Analysis – 63-32695A

Well #1 (southern well)

8" casing 1" flow, schedule 40 pipe, ¼" wall thickness.

Using the diameter and heighth of water in inches from the Cooperative Extension Service College Guide A-104

8" pipe, 1" h = 351 gpm - estimated from chart starting with 2" h.

Well #2 (middle well)

8" casing, .33" h = 115.8 gpm – estimated from 1" = 351 gpm from 8" pipe – see well #1.

Well #3 (northern well)

8" casing .12" h = 42 gpm – estimated from 1" = 351 gpm from 8" pipe – see well #1.

Note: Field examiner tried using sconic measuring device to get flow, however, transducers could not detect enough echoing signs off sides to get a reading.

NMID nor Fish and Game could gather the flows for these wells due to location and bad pipes. See pictures in file.

TOTAL – 508.8 gpm or 1.1 cfs.

Estimating Water Flow From Pipes

Cooperative Extension Service
College of Agriculture and Home Economics

Guide A-104

C.H. Hohn, Extension Agricultural Engineer

This publication is scheduled to be updated and reissued 10/02.

In recent years, there have been increased demands upon our limited water supply by industry, cities and towns, recreation, and agriculture. So irrigators should use the available water supply more wisely than ever before.

Proper management takes the guesswork out of the application of irrigation water to the land. Times and amounts of water applied are just as important as the times and amounts of seed and fertilizer used.

Irrigation management involves measuring water at delivery points to determine exact amounts going to the field.

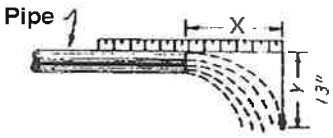
The standard term for rate of flow of irrigation water is cubic feet per second (cfs). A cubic foot per second of water is flowing when a cubic foot volume of water (equal to one foot wide, one foot long, and one foot high) passes a given point every second.

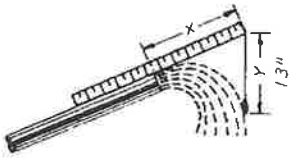
A cubic foot of water equals:

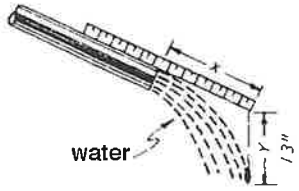
- Approximately 405 gallons per minute (gpm).
- Approximately 1 acre-inch per hour.
- Approximately 1 acre-foot per 12 hours.
- Approximately 2 acre-feet per 24 hours.

An acre-inch is the volume of water required to cover an acre of land one inch deep. An acre-foot is the volume of water required to cover an acre one foot deep.

The following tables will be helpful to the irrigator in determining the amount of water being applied to the land with nothing more than a carpenter's rule:







DISCHARGE FROM PIPES FLOWING FULL
In Gallons Per Minute
with
Vertical Drop "Y" = 13 Inches

Pipe size		Horizontal distance "X"												
Inside diameter	Area (Sq. In.)	12"	14"	16"	18"	20"	22"	24"	26"	28"	30"	32"	34"	36"
2"	3.14	38	44	50	57	63	69	75	82	88	94	100	107	113
2.5"	4.91	59	69	79	88	98	108	118	128	137	147	157	167	177
3"	7.07	85	99	113	127	141	156	170	184	198	212	226	240	255
4"	12.57	151	176	201	226	251	277	302	327	352	377	402	427	453
5"	19.64	236	275	314	354	393	432	471	511	550	589	628	668	707
6"	28.27	339	396	452	509	565	622	678	735	792	848	905	961	1013
7"	38.48	462	539	616	693	770	847	924	1000	1077	1154	1231	1308	1385
8"	50.27	603	704	804	905	1005	1106	1206	1307	1408	1508	1609	1709	1810
9"	63.62	763	891	1018	1145	1272	1400	1527	1654	1781	1909	2036	2163	2290
10"	78.54	942	1100	1257	1414	1571	1728	1885	2042	2199	2356	2513	2670	2827
11"	95.03	1140	1330	1520	1711	1901	2091	2281	2471	2661	2851	3041	3231	3421
12"	113.10	1357	1583	1809	2036	2262	2488	2714	2941	3167	3393	3619	3845	4072

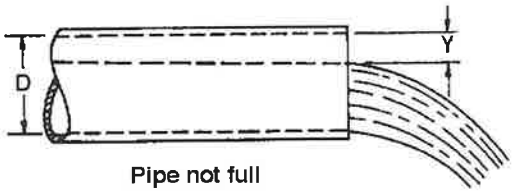
$Q = \frac{3.61\,AX}{\sqrt{}}$ Where: A = Cross-sectional area of discharge pipe in square inches

X = Horizontal distances in inches
Y = Vertical distances in inches

AN APPROXIMATE METHOD OF ESTIMATING DISCHARGE FROM PIPES FLOWING PARTIALLY FULL

Rate of flow in gallons per minute

Y	Inside diameter of pipe - "D" in inches				
D	4	6	8	10	12
0.1	142	334	579	912	1310
0.2	128	302	524	825	1185
0.3	112	264	457	720	1034
0.4	94	222	384	605	868
0.5	75	176	305	480	689
0.6	55	130	226	355	510
0.7	37	88	152	240	345
0.8	21	49	85	134	194
0.9	8	17	30	52	74
1.0	0	0	0	0	0

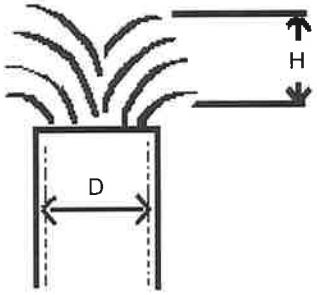


Pipe not full

ESTIMATING FLOW FROM VERTICAL PIPE OR CASING

The approximate flow from vertical pipes or casings can be determined by measuring the maximum height(h) in inches to which the water jet rises above the pipe, and inside diameter of the pipe (d) in inches.

The flow in gallons per minute is given in the following table for different sizes of standard pipe and for different heights of the water jets.



Height (H)	NOMINAL DIAMETER (D) OF STANDARD PIPE (INCHES)										
(Inches)	2	3	4	5	6	7	8	10	12	14	16
2	29	65	113	180	269	352	460	797	1148	1583	2042
2.5	32	72	126	202	291	396	517	898	1293	1760	2299
3	35	77	135	217	311	425	569	950	1416	1928	2518
3.5	38	85	149	238	341	465	626	1055	1530	2083	2720
4	41	92	161	252	369	503	687	1115	1636	2227	2908
4.5	44	98	172	270	396	540	733	1200	1735	2362	3085
5	47	104	182	286	420	575	779	1270	1829	2489	3251
5.5	49	109	192	301	444	606	825	1332	1918	2611	3410
6	52	115	202	316	469	638	872	1391	2003	2727	3562
6.5	54	121	211	331	490	667	913	1448	2085	2838	3707
7	57	126	219	345	509	700	949	1503	2164	2945	3847
8	61	135	236	370	548	751	1025	1606	2313	3149	4113
9	65	144	251	396	585	802	1091	1704	2454	3340	4362
10	69	153	265	418	621	850	1150	1796	2586	3520	4598
12	76	169	294	463	685	933	1259	1967	2833	3856	5037
14	83	184	319	502	740	1020	1360	2125	3060	4165	5440
16	89	197	342	540	796	1090	1454	2272	3272	4453	5816
18	95	209	364	575	845	1160	1542	2410	3470	4723	6169
20	101	221	386	607	890	1225	1626	2540	3658	4979	6503
25	113	249	433	680	998	1375	1818	2840	4090	5566	7270
30	124	273	476	746	1095	1505	1991	3111	4480	6098	7964
35	134	298	516	810	1175	1630	2151	3360	4839	6586	8602
40	144	318	551	865	1270	1745	2299	3592	5173	7041	9196

For other pipe sizes and heights of jets. Use the formulae:

Gal. per min. = $5.68\ CD^2\sqrt{H}$

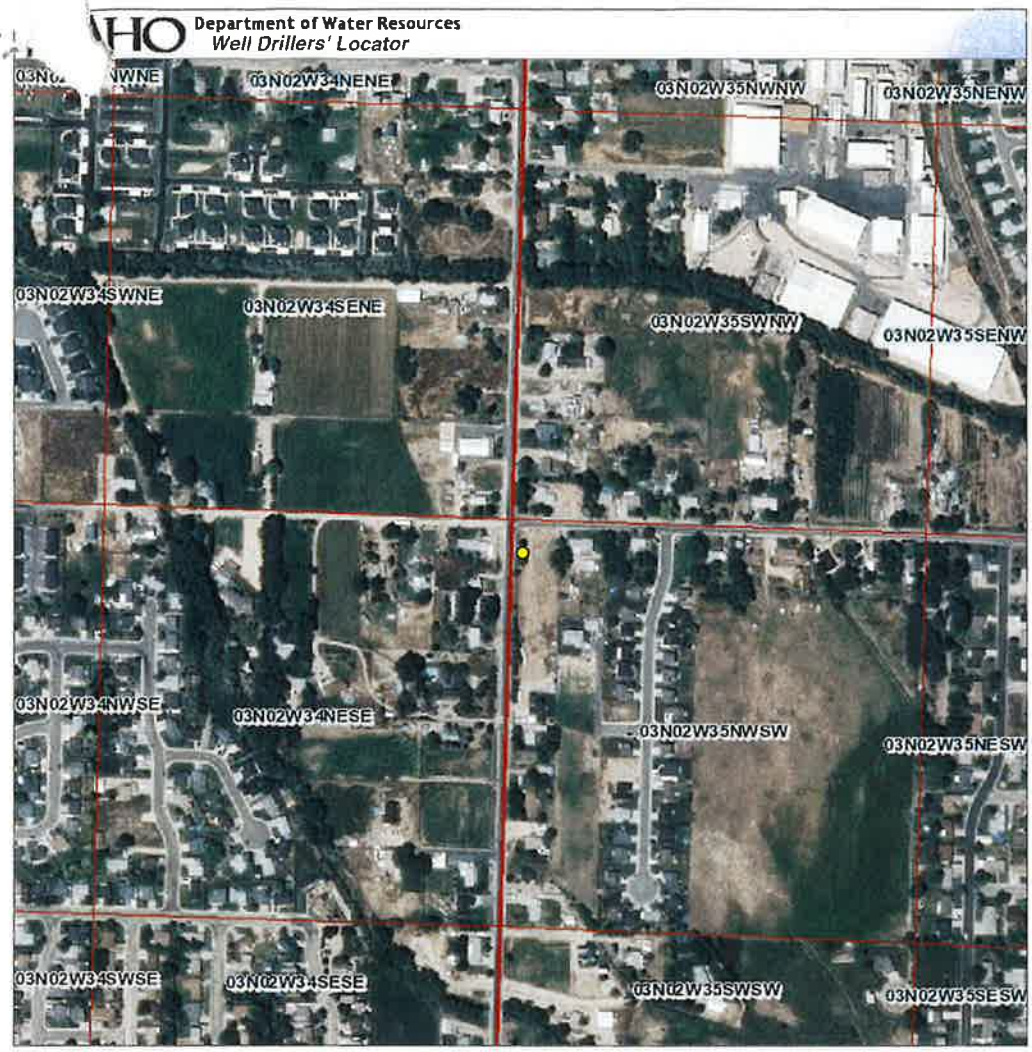
Cu. ft. per sec. = $0.0126\ CD^2\sqrt{H}$

Where D = inside pipe diameter in inches.
H = jet height in inches.
C = a constant varying from 0.87 to 0.97 for pipes of 2 to 6 inches in diameter and heights of 6 to 224 inches.

WELL #1

WELL #2

WELL #3



Results

If present, the yellow dot on the map indicates the lat/long you provided:
43° 33.236' N; 116° 33.166' W
NW quarter of the **SW** quarter of Section **35**,
Township **03N**, Range **02W**
IDTM NAD83 coordinates:
Easting=2293803.5; Northing=1375721.1

Note: One or more well drilling restriction areas may be present within the area shown on the map. Those layers were turned off by the user.

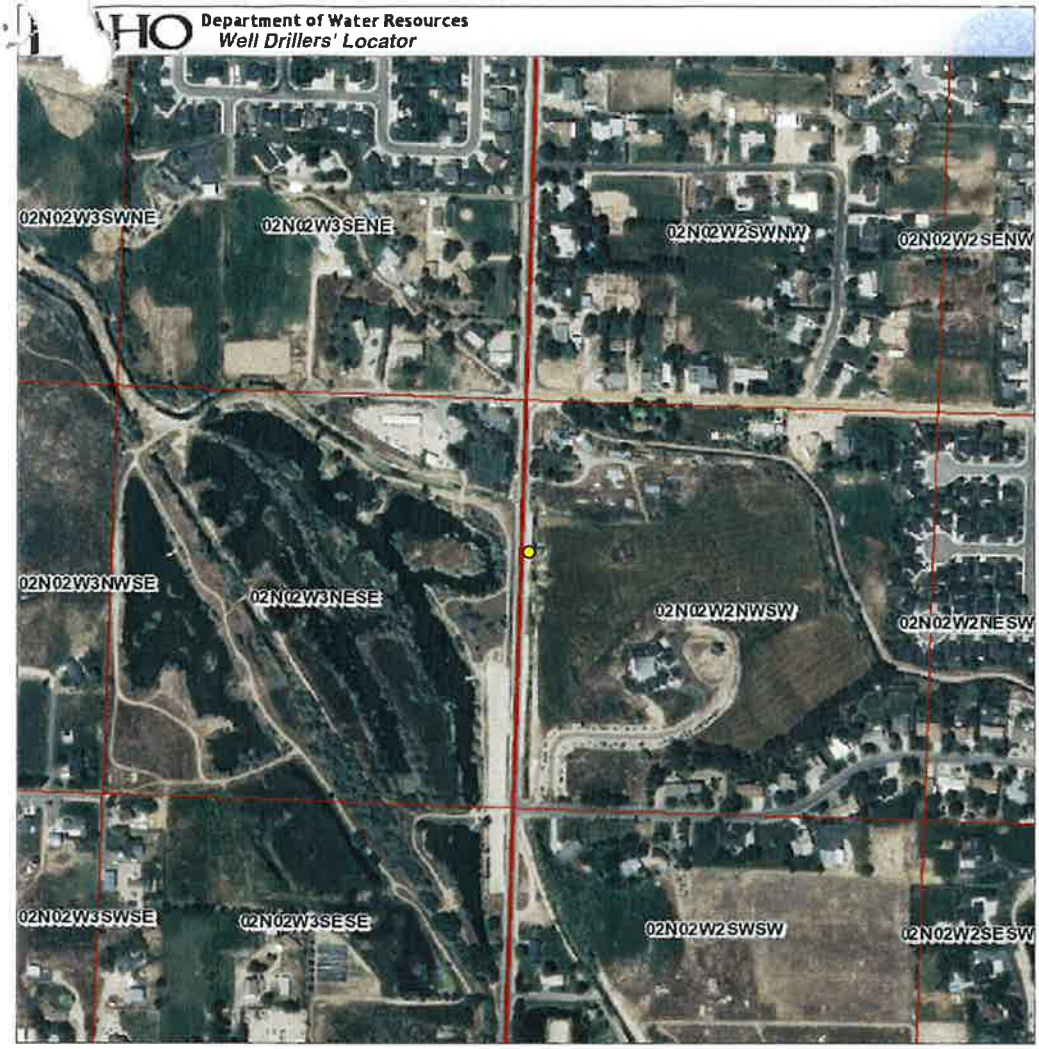


State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 460 feet

Created: Wednesday, February 16, 2011 -- Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

Location of #3 artesian well.



Results

If present, the yellow dot on the map indicates the lat/long you provided:
43° 32.265' N; 116° 33.167' W
NW quarter of the **SW** quarter of Section **2**,
Township **02N**, Range **02W**
IDTM NAD83 coordinates:
Easting=2293747; Northing=1373923.7

Note: One or more well drilling restriction areas may be present within the area shown on the map. Those layers were turned off by the user.



State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 460 feet

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LOCATION OF #2 artesian well

IDAHO Department of Water Resources
Well Drillers' Locator



Results

If present, the yellow dot on the map indicates the lat/long you provided:
43° 32.252' N; 116° 33.166' W
NW quarter of the **SW** quarter of Section **2**,
Township **02N**, Range **02W**
IDTM NAD83 coordinates:
Easting=2293747.6; Northing=1373899.6

Note: One or more well drilling restriction areas may be present within the area shown on the map. Those layers were turned off by the user.



State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
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Location of #5 artesian well

63-32695

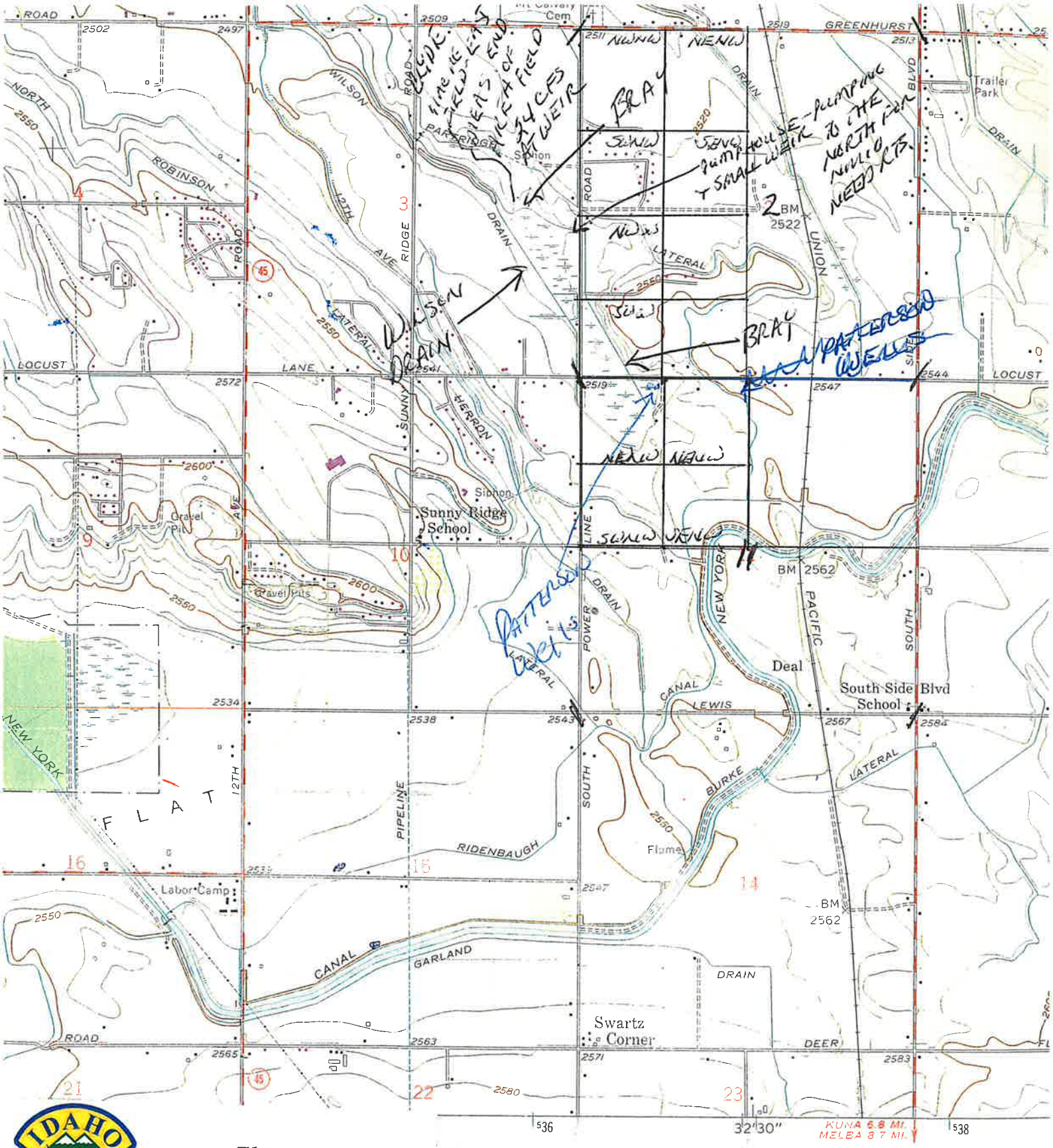
Pumps from Bray lateral measurement

Fall, 2010

2 pumps in the Bray lateral in the NESE, S3, pump water from the Bray lateral into the Partridge lateral lying north of the Bray. This is prior to the measurement location on the Bray lateral.

Per measurements of dam boards in a 5' suppressed weir for a total of approximately 1.00 cfs being pumped from the Bray lateral into the Partridge.

Total Bray weir measurement was 16.87 at that time.



Thomas S. Frew
Resident Hatcheries Supervisor
Idaho Department of Fish & Game

Headquarters
600 S. Walnut
P.O. Box 25
Boise, ID 83707

Work: 208-334-3791
Fax: 208-334-2114
email: tom.frew@idfg.idaho.gov
http://fishandgame.idaho.gov

000

1 MILE

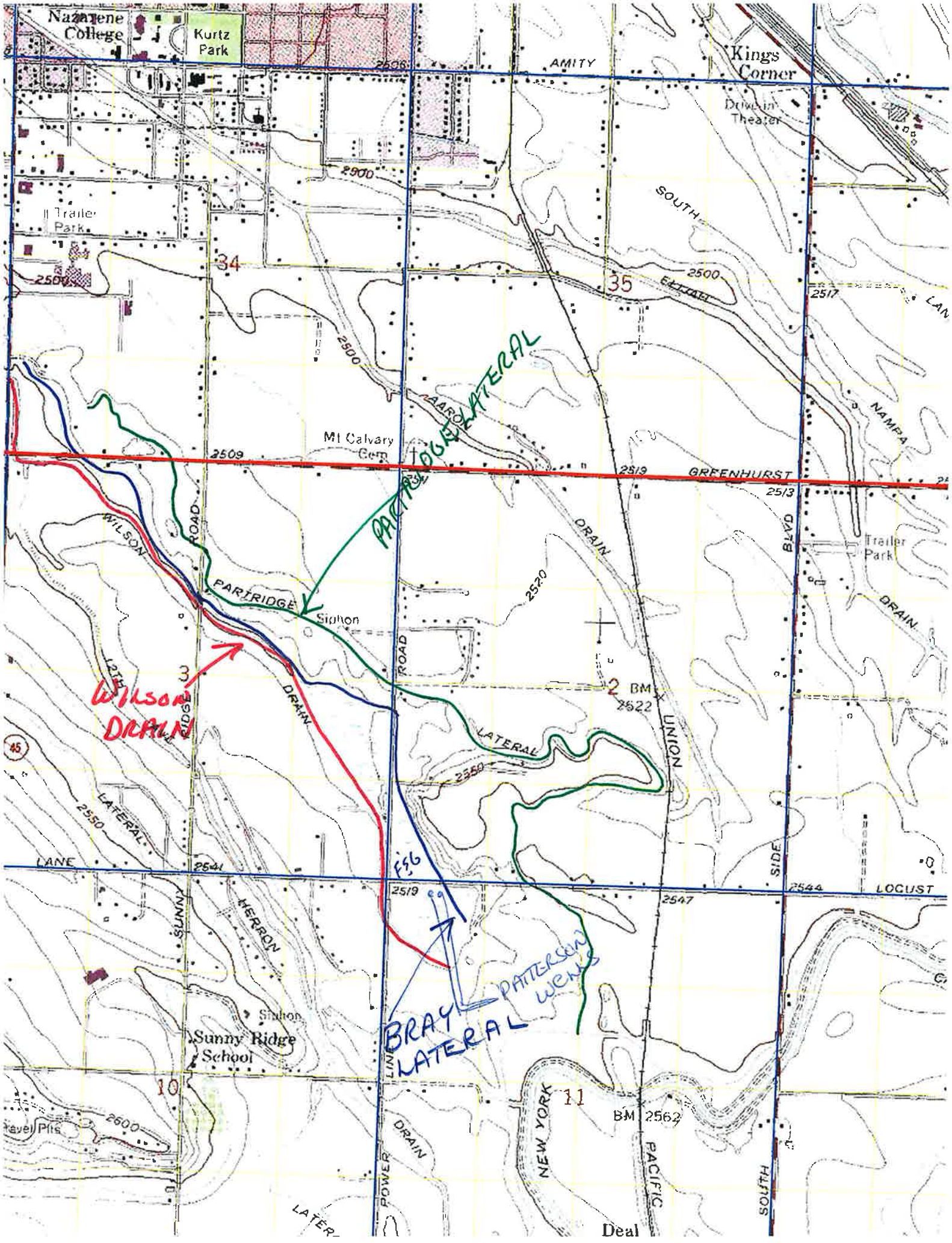
4000 5000 6000 7000 FEET

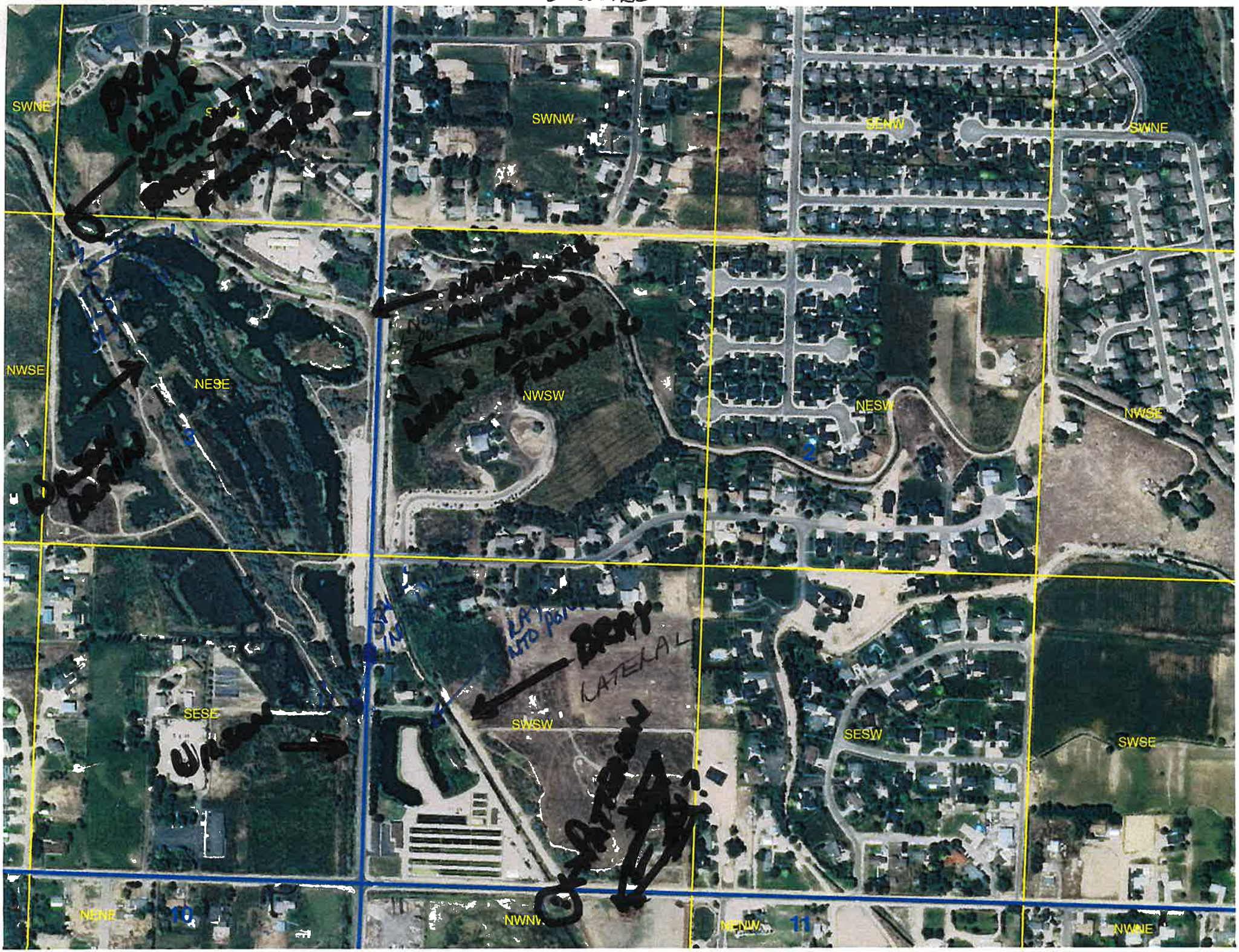
1 KILOMETER

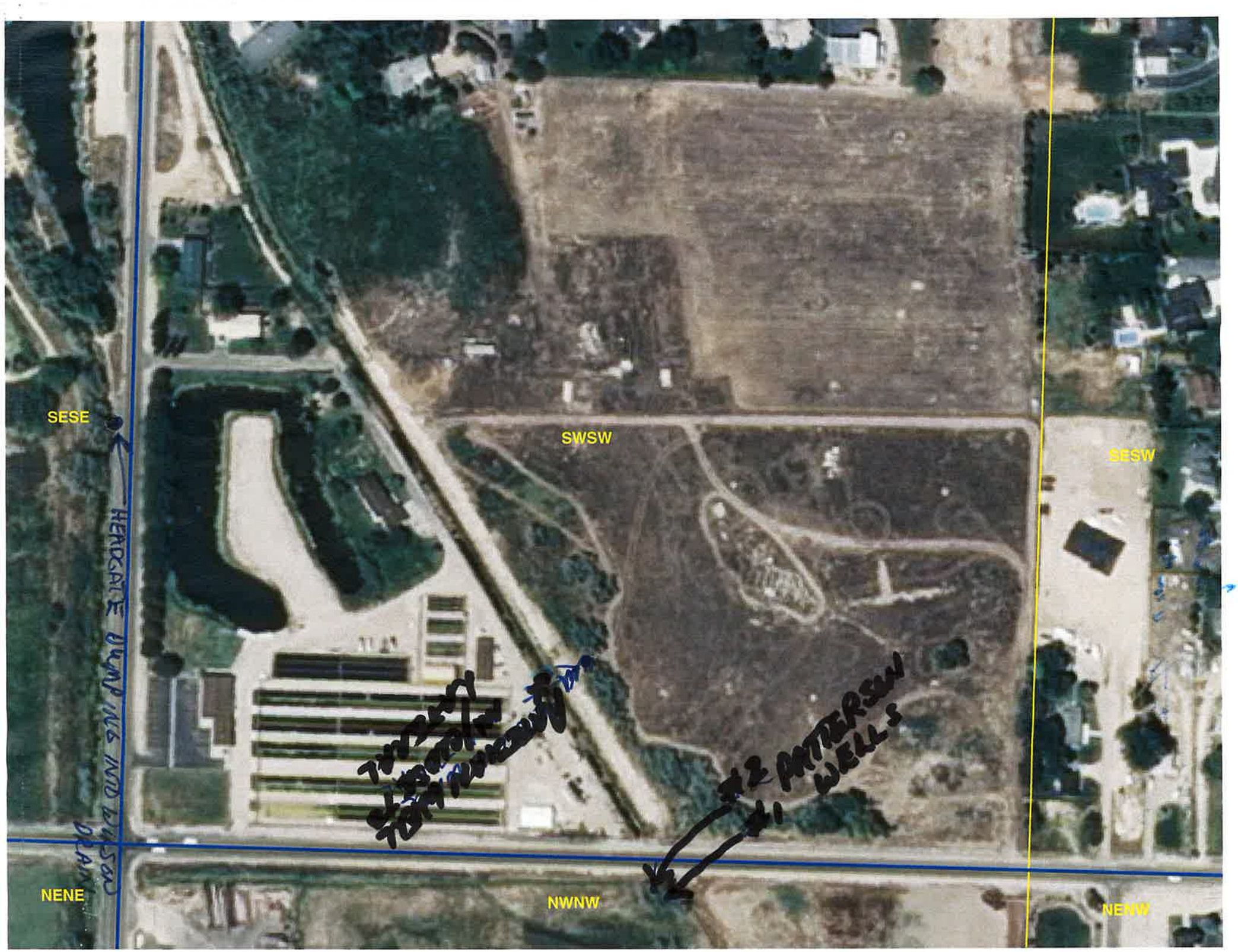
L 10 FEET
5-FOOT CONTOURS
EA LEVEL

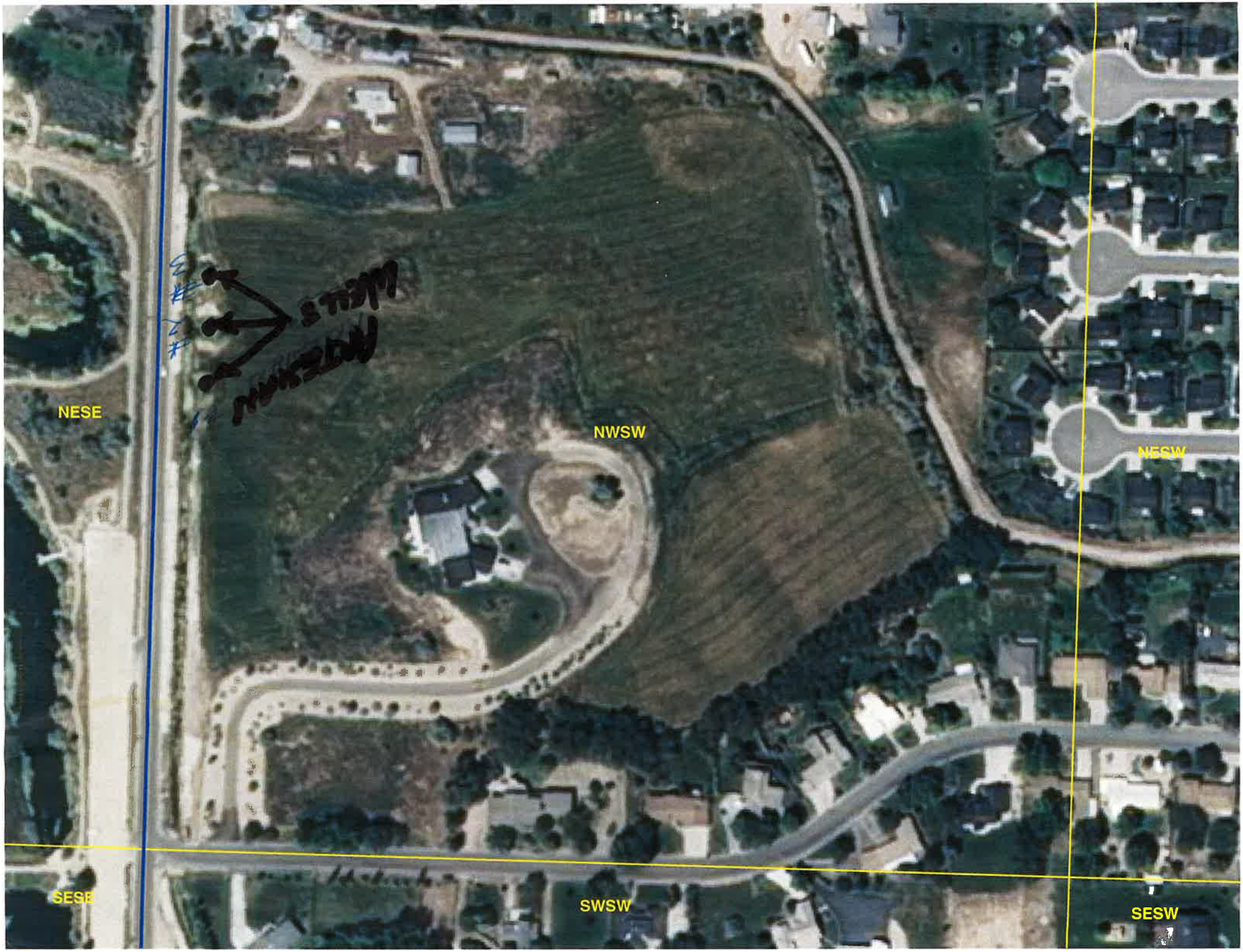
IDAHO
QUADRANGLE LOCATION

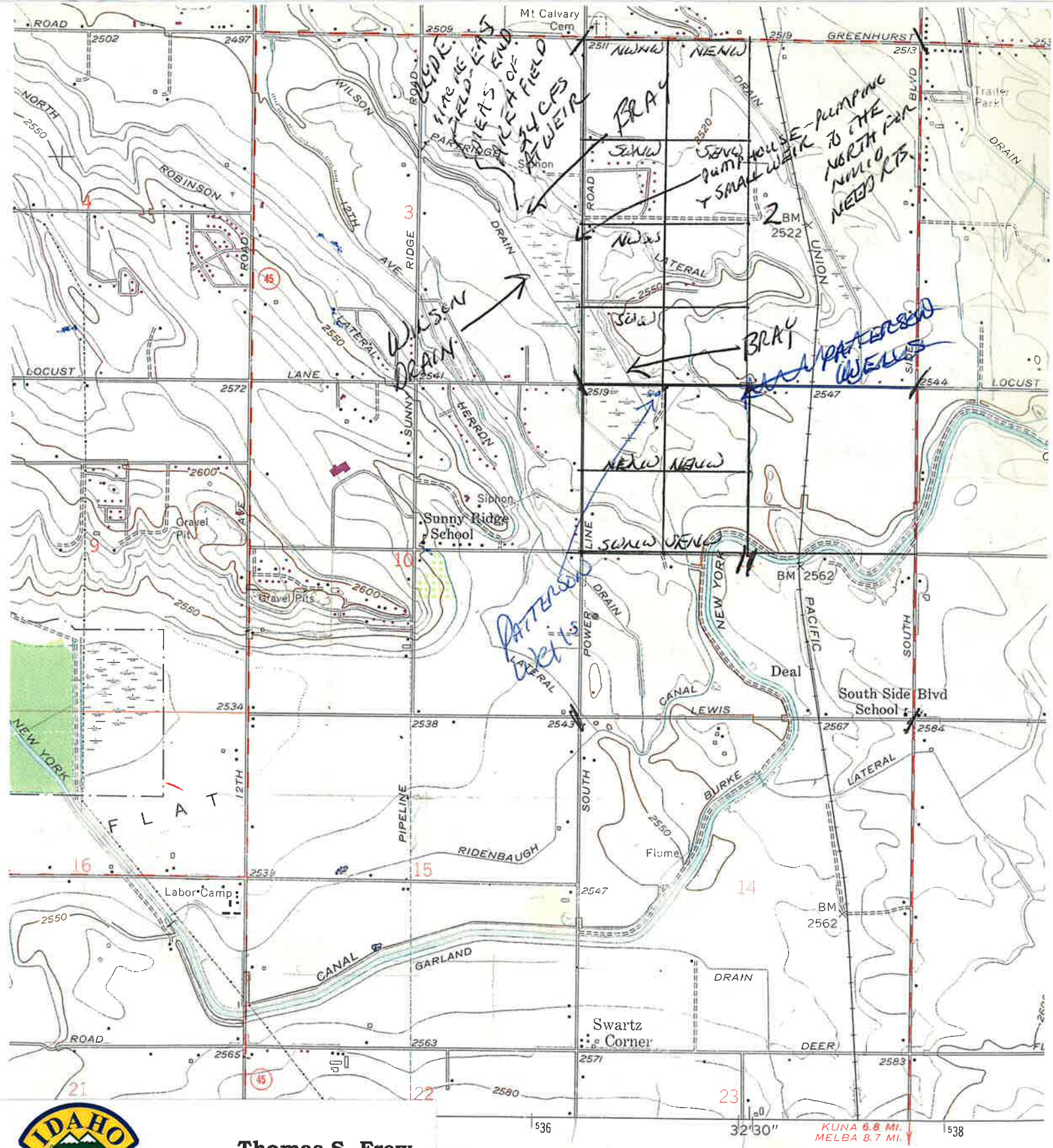
THIS MAP COMPLIES MAP ACCURACY STANDARDS


Nazarene College
Kurtz Park
AMITY
Kings Corner
Drive-in Theater
SOUTH
Trailer Park
34
35
2500
2517
2509
Mt Calvary Cem
AARON
2519
GREENHURST
2513
NAMPA
BLVD
Trailer Park
WILSON
ROAD
PARTRIDGE
Siphon
DRAIN
2520
BM 2522
UNION
LATERAL
2550
LANE
2541
SUNNY
HERRON
SIDE
2544
LOCUST
2547
Sunny Ridge School
10
11
2600
POWER
NEW YORK
PACIFIC
SOUTH
Deal
PARTRIDGE LATERAL
WILSON DRAIN
BRAY LATERAL
PATTERSON WEIR


SWNE
SWNW
SENW
SWNE
NWSE
NESE
NWSW
NESW
NWSE
SESE
SWSW
SESW
SWSE
NENE
10
NWNW
NENW
11
NWNE
2
3


SESE
SWSW
SESW
HERDGATE DUMPING INTO BUSSEY DRAIN
NENE
NWNW
NENW
#2 PATTERSON WELLS
#1


NESE
NWSW
NESW
SESE
SWSW
SESW



Thomas S. Frew
Resident Hatcheries Supervisor
Idaho Department of Fish & Game

Headquarters
600 S. Walnut
P.O. Box 25
Boise, ID 83707

Work: 208-334-3791
Fax: 208-334-2114
email: tom.frew@idfg.idaho.gov
http://fishandgame.idaho.gov

000
1 MILE
4000 5000 6000 7000 FEET
1 KILOMETER
L 10 FEET
5-FOOT CONTOURS
EA LEVEL

32°30"
KUNA 6.8 MI.
MELBA 8.7 MI.

IDAHO
QUADRANGLE LOCATION

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

Fx 6 has meas. w/dam boards
for total of 8 bells

Bray lateral can have flow put into it
from Wilson Drain.

Pumps (2) from Bray lateral supplement
gravity flow for the Partridge lateral ▽

BRYAN NMHD

WEIR - 16.87 cfs

75" FROM PUMPS
(MOST)
6 yrs - never needed
24 cfs at Bray weir

2 pumps
13 x 1.34 - 15 - 20 hp
2 - 10 hp
→ 15 hp

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

RECEIVED
JUN 22
Department of Reclamation

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER Well No 1 & 2

Name NAMPA & Meridian Irr Dist

Address 1503 1st so Nampa

Owner's Permit No.

2. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☒ Drainage

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 99 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.219 inches	16 inches	0 feet	20 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number		From	To
perforations		feet	feet
perforations		feet	feet
perforations		feet	feet

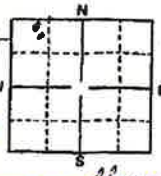
Well screen installed? ☐ Yes ☒ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



2 16" Well Drilled 3 cfut apart flowing in To Ditch
2/16" well flowing
Material or small canals
Canyon

County

NW¼ NW¼ Sec. 11 T. 2 N/S R. 3 E/W

7. WATER LEVEL

Static water level feet below land surface
Flowing? ☒ Yes ☐ No G.P.M. flow 4050 Each
Temperature 66 F. Quality Good
Artesian closed-in pressure 3 p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG Well No 1 & 2 — 31627

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
16	0	10	Soil		
16	10	60	Lava Rock		
16	60	99	Broken Lava Rock		
			Two 16" Wells		
			Drilled To the		
			same Depth		
			to Drain well		
			Land		
			Both wells Flowing		
			Total 9100 GPM		
			Flowing water		
			from 60 to 99 ft		
			in Large crevices		
			in Broken		
			Lava Rock		
			Entry Cold water		
			Side Drlg		
			well Drilled 3 cfut		
			apart Both wells		
			Water flowed when Drilled		
			to 1 foot above pavement		
			16" Typ 3 feet below Zone of 16" pipe		
			For Wells To flow into		
			Drain Ditch		

10. Work started June 15 finished 1965

11. DRILLER'S CERTIFICATION J. S.

This well was drilled under my supervision and this report is true to the best of my knowledge.

A E Hosack 27
Driller's or Firm's Name Number

Address RD 5 Nampa

Signed By A E Hosack Date June 15 70

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

Gary's drainage well letter

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 14, 2009

RANDALL BUDGE
RACINE OLSON NYE BUDGE & BAILEY
PO BOX 1391
POCATELLO ID 83204-1391

RE: Dan Grover's Application for Drilling Permit

Dear Mr. Budge:

The Department reviewed the application for drilling permit submitted by Dan Grover. Mr. Grover's application package states the water from the proposed well will irrigate approximately 100 acres. As you know, the Idaho Department of Water Resources ("Department") does not typically issue a drilling permit for a new production well unless the point of diversion is authorized by a water right permit, license, decree, or transfer. In his application, Mr. Grover suggests that Idaho Code § 42-228 exempts him from acquiring a right to divert ground water because he will be recovering water that has seeped into the ground from the Aberdeen Springfield Canal Company surface water delivery system.

Idaho Code § 42-228 authorizes "canal companies, irrigation districts, and other owners of irrigation works" to recover ground water. The, applicant, Mr. Grover, is not a canal company or an irrigation district. Nor is he the owner of "other irrigation works," such as a municipality or a chapter 32 water district owning legal title to the water right appurtenant to a much larger authorized place of use. Idaho Code § 42-228 should not be interpreted to exempt individual shareholders within canal companies or irrigation districts from obtaining a right to divert and use ground water. The exemption applies to irrigation providers who own the irrigation works and legal title to the appurtenant water rights. The irrigation provider, after reviewing the adequacy of surface water for delivery to its patrons, is the appropriate entity to determine whether a well is needed to recapture ground water to supply irrigation to appurtenant lands within its service area. The irrigation provider, not the individual shareholder, should be the applicant for this proposal.

Pursuant to Idaho Code § 42-228, the surface water supplier can recover only "water resulting from irrigation under such irrigation works for further use on . . . lands to which the established water rights of the parties constructing the wells are appurtenant." Idaho Code § 42-228 does not authorize cessation of irrigation with surface water and the initiation of irrigation of the same lands with ground water without some accounting of what is being done with the surface water no longer delivered to the subject property. The words "further use" imply that the original use of surface water continues on the place of use and that the use of ground water supplements the use of surface water, if needed. Furthermore, there must be a determination that the water sought to be recaptured is solely attributable to "irrigation under such [surface water] irrigation works," and is not attributable to other sources of water.

Because Mr. Grover proposes to replace surface water supplied by Aberdeen Springfield Canal Company with ground water diverted from his well, Aberdeen Springfield must establish that the water

being recovered is actually the water that would normally be delivered to Mr. Grover's land pursuant to his 72 shares of stock in the same irrigation season. One straightforward method to accomplish this requirement would be to deliver 72 shares of water to an infiltration pond near Mr. Grover's land. Another alternative might be to apply the standard in Transfer Processing Memo No. 24 for demonstrating the hydraulic connection of surface water and ground water, i.e. pumping ground water must result in a reduction of flow in the Aberdeen Springfield canal system of at least 50 percent of the pumping rate within 24 hours of the commencement of pumping. A qualified engineer or hydrogeologist might be able to suggest other methods for ensuring that the water to be pumped from the proposed well results from surface water deliveries Aberdeen Springfield attributable to Mr. Grover's shares in the same irrigation season.

Because the water to be pumped will be water originally diverted under Aberdeen Springfield Canal Company's water rights, the canal company must file an application for transfer to add the new well as a point of rediversion for its water rights. The transfer application will provide the necessary vehicle for the Department to evaluate evidence of the ground water/surface water connection, ensure that operation of the well will not enlarge the Aberdeen Springfield Canal Company water rights or injure other water right holders, consider the local public interest, and identify the well in the public record as an authorized diversion point.

With this discussion in mind, please notify the Department within 30 days whether Mr. Grover intends to withdraw his application for drilling permit or pursue it. If it is not withdrawn or additional information is not submitted, the Department will likely deny the application for drilling permit for the reasons described above.

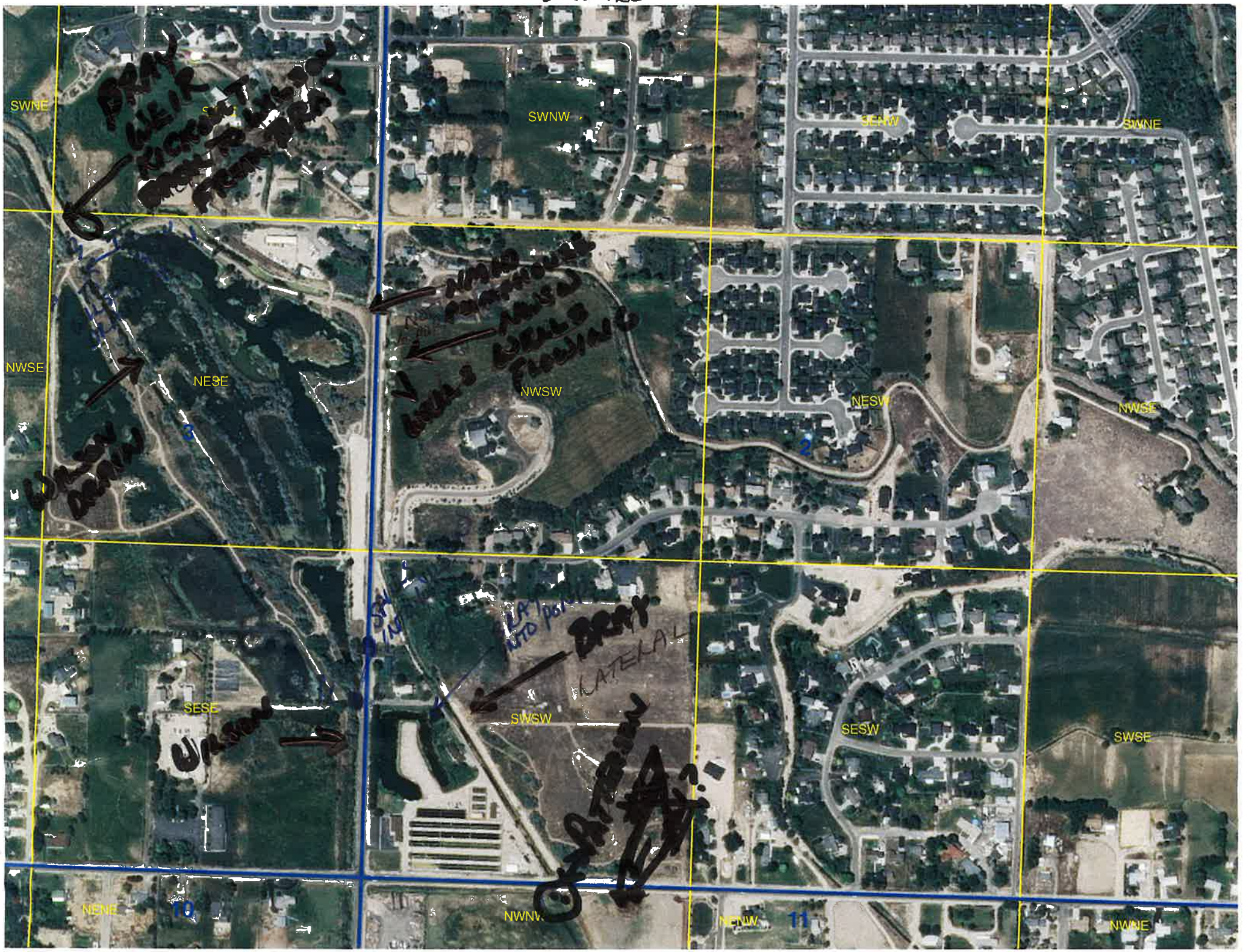
If you have any questions, please call me at 208-287-4800, or email me at gary.spackman@idwr.idaho.gov.

Sincerely,

Gary Spackman

Gary Spackman
Interim Director

Cc: Dan Grover
Ernie Carlsen
Tom Neace


SWNE
SWNW
SENW
SWNE
NWSE
NESE
NWSW
NESW
NWSE
3
2
SESE
SWSW
SESW
SWSE
NENE
10
NWNW
NENW
11
NWNE

#1 ARTESIAN
8" CASING ARTESIAN .9"
3/4" on staff gauge dead
Schedule 40
1/4" wall thickness
.7.95" ID
.8.5" OD

#2 ARTESIAN
.29" on STAFF GAUGE 7.95 ID
8" CASING 8.3/4 OD
TRANSDUCER USED FOR MEAS.
1ST REG. 250 GPM no errors - not correct sound speed.
1 FP

#3 ARTESIAN
8" Inside
.12" water above lip

Artesian wells may be taking more than wells.

10/28/11

F+G

#3 Well - Deepaire - 20 HP NEWMAN PUMP.

12.75 OD

.285 wall

Sound speed 4780 - within +or- 2

54.6 signal strength

greater than 30+ more than 40

10.7 fps vel.

~~2400~~ gpm — 22,591 in 9 min.

2510 gpm — gallons

5.6 cfs

PANAMETRICS ULTRASONIC

#868 (MODEL #)

Calebrated in 2010

59

TOTAL - 15. ~~8~~ cfs

63-32695

1st recommendation – included all of the Fish and Game wells with the measurement for the 2 Patterson wells and another third well from a field exam previously conducted in 1991. Due to the equipment used in the measurement at the time the best measuring point was after the 3rd well. Fish & Game's wells were included in this recommendation. Following the objection filed for the 2nd recommendation further review and field exams were conducted and let to the 3rd recommendation as explained below under 3rd recommendation.

2nd recommendation - Strictly based on the well log submitted by Mr. Hosack, well driller, dating the wells as being completed in 1965. No one disagreed that this was the correct well log for the Patterson wells only that they had been drilled earlier. A deed was submitted dated 1964 with an objection from Nampa Meridian ID showing at that time the Andersons were selling the land to Nampa Meridian along with the two Patterson wells. Further information concerning the timing of the well logs, can be found in the file and this convinced the reviewer that a recommendation needed to be made.

3rd recommendation- Split Rights

63-32695A –

This right covers the two Patterson wells at the greatest amount measured. Well #1 measured 5.22 cfs in the fall, 2010. Then, Welll #1 measured 4.98 cfs in March, 2011. I chose the larger of the measurements 5.22 cfs to add with Well #2. Well #2 was measured in the fall, 2010 at 5.15 cfs. When the well was measured in March 2011 it was measured at 5.56 cfs. Again I took the larger of the measurements for Well No. 2. When Well No. 1 and 2 are added together they equal 10.78 cfs. Thus, the quantity limiter for 10.78 cfs when they are combined with the two other rights which include these wells 63-7879 and 63-9194. When the licenses were issued for 7879 & 9194 in 1991 they found 16.2 cfs coming from Well Nos. 1, 2, & 3. This reviewer used the 16.2 cfs in the first recommendation due to a lack of any other measurements. During our fall, 2010 field exam we measured well #3 which came out to be 5.6 cfs. With Well #'s 1 & 2 highest measurements totaling 10.78 cfs, it is not far off from the difference between the 16.2 cfs for all 3 measured in 1991 minus the 5.6 cfs measured for well #3 in October, 2010 equaling 10.6 cfs for the two Patterson wells. This shows that in 1991 the wells were producing within .18 cfs from the measurements in 2010 and 2011.

The reason that the Fish & Game wells were not included on this recommendation is due to:

1 – These wells were drilled for the fish hatchery in 1973 and 1978. Permit Nos. 63-7879 and 63-9194 which were later licensed were filed for 8 wells, 6 of which are on the hatchery property and 2 (Patterson wells) which are on NMID property.

The wells were drilled for fish propagation and even though the agreements give Nampa Meridian Irrigation District permission to have certain controls over the flows from the wells it does not give them a beneficial use water right to the wells. The beneficial use began after the wells were drilled in 1974 and 1978 which is later than the mandatory permit date for groundwater rights or 3-25-1963. The

agreements cover the water delivery situation which exists between Nampa Meridian and Fish and Game due to the water dynamics of this area. The agreements were made because Fish and Game developed the wells for fish production, filed the water rights, and what was needed was a water distribution agreement for the Patterson wells and other sources (in this case wastewater from the Fish & Game wells and wastewater from irrigation)

The 24 cfs was never proven to have ever solely come from the Patterson's wells. No information has been given to prove that amount was ever produced. Several different amounts have been spoke of over the years. The 24 cfs is the amount noted in the agreement in 1973, however, it is also noted that it not only comes from the Patterson wells, but also from other sources. The other sources are the wastewater from Nampa Meridian's system and from Fish & Game's other 6 wells. In 1973 Mr. Anderson wrote Water Resources concerning his future plans for the fish facility and referenced the approximate 14 cfs from the Patterson wells at that time. See letter dated 11-7-73 in file. Then, in 1989 there was a supplemental agreement written that was done because the artesian flows were too low at certain times of the year and Fish and Game were proposing installing pumps in the wells. In this agreement, between Fish and Game and Nampa Meridian, 12 cfs is the amount that cannot be exceeded from the pumping of the Patterson wells. The measurement in 1991 show approx. 10.6 cfs from the Patterson wells after Well #3 is subtracted out and our largest two measurements in 2010 and 2011 show 10.78 cfs. The remainder recommended under this right is from the three artesian wells located in the NWSW, S2 which flow directly into the Bray lateral and basically lie in the Bray lateral. These are on another person's land, however, they do not have any other water use or rights and are well casings that flow artesian flow into the Bray with no diversions other than for Nampa Meridian from the Bray lateral.

63-32695B –

This recommendation is for the remainder of the claimed cfs from wastewater sources tributary to the Wilson Drain. The Bray lateral and the Wilson Drain collect wastewater from the 6 Fish and Game wells after they go through the hatchery along with wastewater from their own system and possibly from other ditch entities wastewater south of this area delivering through the New York Canal system.

Within this complicated system of wastewater the Bray lateral water can flow into the Wilson Drain and the Wilson Drain wastewater can flow into the Bray lateral. There is wastewater from the wells flowing into the Bray lateral and Wilson Drain through headgate systems.

The agreements were made to manage this entire system in order for Nampa Meridian Irrigation District to not be deprived of wastewater that had been forming in the swampy area now known as Wilson ponds. Evidence of this swampy area can be seen as far back as 1939 aerial photos. This wastewater is used continuously throughout the downstream service areas for Nampa Meridian ID.

RECEIVED
JAN 27 2012
DEPARTMENT OF
WATER RESOURCES

2012 JAN 26 PM 05:58
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER RESETTING STATUS CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 63-32695

The Status Conference for this subcase, that was set for TUESDAY, JANUARY 31, 2012 at 10:00 AM (MT), is reset as follows:

FRIDAY, FEBRUARY 24, 2012 at 09:30 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number 215-446-0193 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JANUARY 26, 2012

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER RESETTING STATUS CONFERENCE was mailed on JANUARY 26, 2012, with sufficient first-class postage to the following:

NAMPA & MERIDIAN IRRIGATION
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

STATE OF IDAHO
Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
STATE OF IDAHO DEPARTMENT
Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

/S/ DIANA R DELANEY
Deputy Clerk

1973 License Agreement

In 1973, the IDFG property north of Locust Lane where the Nampa Fish Hatchery is located was owned by Byron and Sonya Anderson. In December of 1973 the Andersons entered a License Agreement with Nampa & Meridian Irrigation District (NMID) to enable the Andersons to use the water produced by the Patterson Wells to supply water for a new fish farm they planned to construct.

The License Agreement describes the Patterson Wells as "artesian wells," and acknowledges NMID's use of the wells "for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage." *Id.*, at 2. The Agreement provides that NMID and the Andersons "understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners' inches [24 cfs] of drainage water flowing from the Patterson Wells and from other sources." *Id.* at 6. The "other sources" are artesian wells that also discharge to the Bray Lateral.

NMID measures Bray Lateral flows a short distance downstream from the Patterson Wells. NMID's earliest records of Bray Lateral water measurements are from 1966. The high flows measured between 1966 and 1973 were recorded in measurement records from 1966 and 1967, which show highs of 1054 miner's inches (21.08 cfs) in June and July. These measurements are consistent with the 1200 miner's inch flow reported in the 1973 License Agreement.

The License Agreement explains the Andersons' intentions:

> WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the 'Anderson property') and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm. *Id.* at 3.

The License Agreement authorized the Andersons to use water flowing from the Patterson Wells for fish propagation (*id.* at 3-4) and to discharge into the Bray Lateral the water they use in their fish farm, including water from the Patterson Wells and new wells to be drilled by the Andersons. *Id.*, at 5. The Andersons agreed that NMID has the right to use water produced by the Anderson wells after the Andersons' use of that water. *Id.* at 8.

The License Agreement confirms that NMID uses the water for the benefit of its landowners and made it clear that the Andersons must not diminish the flow of water from the wells to the Bray Lateral.

> Anderson understands and agrees that the water flowing form the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation, by reason of being diverted into Anderson's fish propagation facilities. *Id.* at 5.

NMID was concerned about the potential loss of water diverted from the Patterson wells into the proposed fish farm, and about the potential that Anderson's new wells would decrease the artesian flow of water from the Patterson Wells. The License Agreement addressed these concerns through conditions to maintain and protect the continued flow of water to the Bray Lateral for delivery to NMID's landowners:

1. the Andersons' use is required to be nonconsumptive (*id.* at 4);
2. the Andersons are required to discharge into NMID's Bray Lateral the same quantity of water as the Andersons divert from the Patterson Wells (*id.*);
3. the wells drilled by the Andersons shall not diminish the flow of water from the Patterson Wells (*id.*);
4. if the flow of water from the Patterson Wells is diminished when the Anderson wells are producing, the Andersons are required to provide NMID sufficient water to make up for the reduction (*id.*);
5. NMID retained the right to control the flow of water from the Patterson Wells;
6. during the irrigation season, if the quantity of water discharged into the Bray Lateral is less than the quantity from the Patterson Wells, then NMID has to right to adjust the Andersons' diversion works to increase the flow to the Bray Lateral (*id.* at 5).

RECEIVED
SEP 30 2011
WATER RESOURCES
WESTERN REGION

Monthly Delivery Records

Bray Lateral 1-Head

1966 - 1973

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produced May 2011

RECEIVED
SEP 30 2011
WATER RESOURCES
WESTERN REGION

0004559

1966 - May
Roll 3741

Top No. _____ Lateral BRAY

Month May Year 1966 Weir 5 Ft.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1.05	1010		333	Rld	14.00		23.03
2	1.05	1010		439 Ervin	US	286.02		516.44
3	1.05	1010		395				
4	1.05	1010		418				
5	1.03	1010		405				
6	1.03	1010		534				
7	1.10	985		532				
8	1.10	985		533				
9	1.10	985		529				
10	1.10	985		530				
11	1.10	985		500				
12	1.10	985		508				
13	1.10	985		500				
14	1.10	985		500				
15	1.12	1052		560				
16	1.12	1010		560				
17	1.12	1010		485				
18	1.12	1010		485				
19	1.10	985		490				
20	1.12	1010		560				
21	1.12	1010		554				
22	1.12	1010		795				
23	1.12	1010		532				
24	1.12	1010		532				
25	1.12	1010		483				
26	1.12	1010		485				
27	1.12	1010		483				
28	1.12	1010		485				
29	1.12	1010		485				
30	1.12	1010		485				
31	1.12	1010		485				

BJ Hogan
Ditchrider

NAMPA & MERIDIAN IRRIGATION DISTRICT

NMID—Form No. 16

0 0 0 5 9 4

Top No. _____ Lateral BRAY

Month June Year 1936 Weir 5 Pl.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	11 1/2	1017						
2	11 1/2	1110						
3	11 1/2	1010			RIA	14.08		23.93
4	11 1/2	1013			US	216.82		318.44
5	11 1/2	1011						
6	11 1/2	1010						
7	11 1/2	1010						
8	11 1/2	1012						
9	11 1/2	1010						
10	11 1/2	1014						
11	11 1/2	1013						
12	11 1/2	1013						
13	11 1/2	1010						
14	11 1/2	1014						
15	11 1/2	1010						
16	11 1/2	1013						
17	11 1/2	1013						
18	11 1/2	1013						
19	11 1/2	1010						
20	11 1/2	1010						
21	11 1/2	1010						
22	11 1/2	1010						
23	11 1/2	1010						
24	11 1/2	1014						
25	11 1/2	1013						
26	11 1/2	1013						
27	11 1/2	1014						
28	11 1/2	1010						
29	11 1/2	1013						
30	11 1/2	1013						
31								

NAMPA & MERIDIAN IRRIGATION DISTRICT

R A Hogan
Ditchrider

Bray

NMID—Form No. 16

000727

1936 - July
Roll 3411

Top No. _____ Lateral BRAY

Month July Year 1936 Weir 5 Ft.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	11 9	1010						
2	11 7	1010			RAG	14.93		23.63
3	11 7	1010			03	216.82		510.44
4	11 8	1010						
5	11 8	1010						
6	11 8	1010						
7	11 8	1010						
8	11 8	1010						
9	11 8	1010						
10	11 8	1010						
11	11 8	1010						
12	11 8	1010						
13	11 8	1010						
14	11 8	1010						
15	11 8	1010						
16	11 8	1010						
17	11 8	1010						
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20	11 8	1010						
21	11 8	1010						
22	11 8	1010						
23	11 8	1010						
24	11 8	1010						
25	11 8	1010						
26	11 8	1010						
27	11 8	1010						
28	11 8	1010						
29	11 8	1010						
30	11 8	1010						
31	11 8	1010						

NAMPA & MERIDIAN IRRIGATION DISTRICT

B Z Hogan
Ditchrider

NMID—Form No. 16

Bray

00860

1966 - 1 Wash
Rel 3-9-66

Tap No. _____ Lateral BRAY

Month May Year 1966 Weir 5 Ft.

DAY	Gage	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	11 2	1010		[illegible]	Rid	14.98		23.93
2	11 2	1010		[illegible]	US	216.82		518.44
3	11 2	1010		[illegible]				
4	11 2	1010		[illegible]				
5	11 2	1010		[illegible]				
6	11 2	1010		[illegible]				
7	11 2	1010		[illegible]				
8	11 2	1010		[illegible]				
9	11 2	1010		[illegible]				
10	11 2	1010		[illegible]				
11	11 2	1010		[illegible]				
12	11 2	1010		[illegible]				
13	11 2	1010		[illegible]				
14	11 2	1010		[illegible]				
15	11 2	1010		[illegible]				
16	11 2	1010		[illegible]				
17	11 2	1010		[illegible]				
18	11 2	1010		[illegible]				
19	11 2	1010		[illegible]				
20	11 2	1010		[illegible]				
21	11 2	1010		[illegible]				
22	11 2	1010		[illegible]				
23	11 2	1010		[illegible]				
24	11 2	1010		[illegible]				
25	11 2	1010		[illegible]				
26	11 2	1010		[illegible]				
27	11 2	1010		[illegible]				
28	11 2	1010		[illegible]				
29	11 2	1010		[illegible]				
30	11 2	1010		[illegible]				
31	11 2	1010		[illegible]				

B. F. Hogan
Ditchrider

NAMPA & MERIDIAN IRRIGATION DISTRICT

NMID—Form No. 16

Bray

Monthly Delivery Record

missing at time of filming

Ride Eight

Year 1966

Month October

000597

1967 - APRIL
Roll 397

LATERAL COPY

DELIVERIES TO [redacted] Lateral

Location

Weir Width 5 1/4

DAY	GAUGE READING	MINERS INCHES	REMARKS: Canal Cubic Feet
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17	9 5	785	532
18	10	851	580
19	10	851	532
20	10	851	580
21	10	851	580
22	10	851	580
23	10	851	580
24	10	851	580
25	10 5	917	630
26	10 5	917	681
27	10 5	917	734
28	1 10	985	788
29	1 10	985	734
30	110	985	734
31			

0000724

1967 - May
Roll 397

LATERAL COPY

DELIVERIES TO: Bray — Lateral

*Location

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	105	917	485
2	105	917	580
3	105	917	439
4	105	917	535
5	105	917	485
6	105	917	439
7	105	917	439
8	105	917	481
9	105	917	484
10	105	917	484
11	105	917	484
12	105	917	484
13	105	917	484
14	105	917	439
15	105	917	325
16	105	917	439
17	105	917	484
18	105	917	439
19	105	917	484
20	105	917	481
21	105	917	484
22	105	917	484
23	105	917	531
24	105	917	580
25	105	917	580
26	105	917	531
27	105	917	531
28	105	917	531
29	105	917	439
30	105	917	439
31	105	917	439

O.K.

* Location is point from which water is measured to the head of the lateral listed on this line.

J. 1-67

0000976

1967 - June
Roll 397

LATERAL COPY

DELIVERIES TO: Gray Lateral

Location:

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	10.5	917	End of Gray
2	10.5	917	580
3	10.5	917	580
4	10.5	917	439
5	10.5	917	439
6	10.5	917	580
7	10.5	917	580
8	10.5	917	580
9	10.5	917	580
10	10.5	917	681
11	10.5	917	681
12	10.5	917	439
13	10.5	917	580
14	10.10	985	580
15	10.10	985	580
16	10.10	985	630
17	10.5	917	630
18	10.5	917	580
19	10.10	985	580
20	10.10	985	531
21	10.10	985	531
22	10.10	985	531
23	10.10	985	580
24	10.10	985	580
25	10.10	985	580
26	10.10	985	580
27	10.10	985	580
28	10.10	985	580
29	10.10	985	580
30	10.10	985	580
31			

Location is point from which water is measured to the head of the lateral listed on top line.

16-500-1-67

00122929

1757 - June - July
Roll 397

LATERAL COPY

DELIVERIES TO Lhiray Lateral

Location

Weir Width 25ft

DAY	GAUGE READING	MINERS INCHES			REMARKS	
1	10.5	917	115	1054	580	484
2	10.5	917	115	1054	580	484
3	10.5	917	115	1054	580	484
4	10.5	917	115	1054	630	110
5	10.5	917	115	1054	630	110
6	10.5	917	115	1054	580	110
7	10.5	917	115	1054	580	395
8	10	851	115	1054	630	395
9	10	851	115	1054	630	395
10	10	851	115	1054	630	395
11	10	851	115	1054	630	395
12	10	851	115	1054	630	395
13	10	851	115	1054	630	531
14	10	851	115	1054	630	487
15	10.5	917	115	1054	630	484
16	10.5	917	115	1054	630	580
17	10.5	917	115	1054	630	580
18	10.5	917	115	1054	630	487
19	10.5	917	115	1054	630	487
20	10.5	917	115	1054	630	487
21	10.5	917	115	1054	630	484
22	10.5	917	115	1054	630	484
23	10.5	917	115	1054	580	484
24	10.5	917	115	1054	580	484
25	10.5	917	115	1054	580	531
26	10.5	917	115	1054	580	531
27	10.5	1054	115	1054	580	667
28	10.5	1054	115	1054	580	580
29	10.5	1054	115	1054	580 max	580
30	10.5	1054	105	917	580	580
31			105	917	580	

Location point from which water is measured to the head of the lateral listed on top line

[redacted]

0014482

1967 - September
Roll 397

LATERAL COPY

DELIVERIES TO Bray Lateral

Location

Weir Width 5 ft.

DAY	GAUGE READING	MINER'S INCHES	REMARKS
1	1.10	985	End
2	1.10	985	630
3	1.10	985	620
4	1.10	985	630
5	1.10	985	630
6	1.10	985	630
7	1.10	985	630
8	1.10	985	630
9	1.10	985	630
10	1.10	985	630
11	1.10	985	630
12	1.10	985	630
13	1.10	985	630
14	1.10	985	630
15	1.10	985	630
16	1.10	985	630
17	1.10	985	630
18	1.10	985	630
19	1.10	985	630
20	1.10	985	630
21	1.10	985	630
22	1.10	985	630
23	1.10	985	630
24	1.10	985	630
25	1.10	985	630
26	1.10	985	630
27	1.10	985	630
28	1.10	985	630
29	1.10	985	630
30	1.10	985	630
31			

* Location is point from which water is measured to the head of the lateral listed on top line.

M 16 500 - 1-67

001607

1967 - October
Roll 397

LATERAL COPY

DELIVERIES TO [redacted] Lateral

*Location

Weir Width 3'

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.10	985	Cut 6.30
2	1.10	985	6.30
3	1.10	985	6.30
4	1.10	985	6.30
5	1.10	985	6.30
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

* Location is point from which water is measured to the head of the lateral listed on top line.

[redacted] T6 500 1-67

001732

1967 - August - September - October
Roll - 397

LATERAL COPY

DELIVERIES TO Lateral

Location

Weir Width

DAY	GAUGE READING	MINER INCHES	REMARKS							
1	105	917		531	105	917	630	105	917	630
2	105	917		531	105	917	630	105	917	630
3	105	917		531	105	917	630	105	917	630
4	105	917		531	105	917	630	105	917	630
5	105	917		531	105	917	630	105	917	630
6	105	917		531				105	917	630
7	105	917		531				105	917	630
8	105	917		531				105	917	630
9	105	917		531				105	917	630
10	105	917		531				105	917	630
11	105	917		531				105	917	630
12	105	917		531				105	917	630
13	105	917		531				105	917	630
14	105	917		531				105	917	630
15	105	917		531				105	917	630
16	105	917		531				105	917	630
17	105	917		531				105	917	630
18	105	917		531				105	917	630
19	105	917		531				105	917	630
20	105	917		531				105	917	630
21	105	917		531				105	917	630
22	105	917		531				105	917	630
23	105	917		531				105	917	630
24	105	342		110				105	917	630
25	105	342		110				105	917	630
26	105	342		110				105	917	630
27	105	917		681				106	917	630
28	105	917		681				105	917	630
29	105	917		681				105	917	630
30	105	917		681				103	917	630
31	105	917		681						

* Location is point from which water is measured to the head of the lateral listed on top line.

USBR FORM 14-500 - 1-67

0013433

1969 - May
R011:400

LATERAL COPY

BRAY LATERAL

DELIVERIES TO _____ Lateral _____

Location _____

Weir Width 5" Cut

End 4ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.0	851	End 4ft.
2	1.0	851	580
3	1.0	851	580
4	1.0	851	531
5	0.8	787	396
6	0.9	787	439
7	1.0	851	531
8	0.8	781	396
9	0.8	781	396
10	0.9	787	484
11	1.0	851	484
12	1.10	785	630
13	1.10	785	578
14	1.10	905	630
15	1.0	985	580
16	1.0	851	580
17	1.05	917	531
18	1.05	917	531
19	1.05	917	531
20	1.05	917	580
21	1.05	917	630
22	1.05	917	580
23	1.05	917	580
24	1.05	917	580
25	1.05	917	580
26	1.05	917	580
27	1.05	917	580
28	1.05	917	580
29	1.05	917	484
30	1.05	917	484
	1.05	917	484

...tion at point from which water is measured to the head of the lateral (land on top line...

0014464

1969 - July
Roll: 300

LATERAL COPY

GRAY LATERAL

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.05	917	End 4 ft
2	1.05	917	484
3	1.05	917	.96 630
4	1.10	985	.95 630
5	1.10	985	.95 630
6	1.10	985	.95 630
7	1.10	985	.95 630
8	1.10	985	.96 630
9	1.10	985	.98 634
10	1.10	985	1.00 651
11	1.10	985	1.00 651
12	1.10	985	1.00 651
13	1.10	985	1.00 651
14	1.10	985	.95 630
15	1.10	985	.95 630
16	1.10	985	.96 630
17	1.10	985	.95 630
18	1.10	985	.90 580
19	1.10	985	.90 580
20	1.10	985	.90 580
21	1.10	985	.90 580
22	1.10	985	1.00 651
23	1.10	985	1.00 651
24	1.10	985	.95 631
25	1.10	985	.95 631
26	1.10	985	.95 631
27	1.10	985	1.00 651
28	1.10	985	1.00 651
29	1.10	985	1.00 651
30	1.10	985	
31			

* Location is point from which water is measured to the head of the lateral listed on top line.

M 16 2M -4-68

0015 98

1969 - July
Roll: 300

LATERAL COPY

BRAY LATERAL

Weir Width 4 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS			
1	1.10	985	day	5:00	95	630
2	1.10	985	10 - 851	5:30	95	630
3	1.10	985			.75	630
4	1.10	985			95	630
5	1.10	985			95	630
6	1.10	985			.75	630
7	1.10	985			.95	630
8	1.00	851			.85	531
9	1.00	851			.85	531
10	1.00	851			.85	531
11	1.00	851			.85	531
12	1.00	851			.85	531
13	1.00	851			.85	531
14	1.00	851			.85	531
15	1.00	851			.85	531
16	1.00	851			.85	531
17	1.00	851			.85	531
18	1.00	851			.85	531
19	1.00	851			.85	531
20	1.00	851			.85	531
21	1.00	851			.85	531
22	1.00	851	Mrs. Shutt is ditch			
23	[illegible]	[illegible]	[illegible] 1.00 851		.85	531
24	[illegible]	[illegible]	1.00 851		.85	531
25	[illegible]	[illegible]	1.00 851		.85	531
26	[illegible]	[illegible]	1.00 851		.85	531
27	[illegible]	[illegible]	1.00 851		.85	531
28	[illegible]	[illegible]	1.00 851		.85	531
29	[illegible]	[illegible]	1.00 851		.85	531
30			.95 - 787		.75 - 439	
31			1.00 851		.95 631	

* Location is point from which water is measured to the head of the lateral listed on top line.

[illegible] 214--4-69

0001735

1969 - August
Roll : 300

LATERAL COPY

[redacted] STREAM

Weir Width 4 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
			Est. 4 ft
1	1.00	851	.90 580
2	1.00	851	.90 580
3	1.00	851	.90 580
4	1.00	851	.95 630
5	1.00	851	.95 630
6	1.00	851	.95 630
7	1.00	851	.95 630
8	1.00	851	.95 630
9	1.00	851	.95 630
10	1.00	851	.95 630
11	1.00	851	.95 630
12	1.00	851	.95 630
13	1.00	851	.95 630
14	1.00	851	.95 630
15	1.00	851	.95 630
16	1.00	851	.95 630
17	1.00	851	.95 630
18	1.00	851	.95 630
19	1.00	851	.95 630
20	1.00	851	.95 630
21	1.00	851	.95 630
22	1.00	851	.95 630
23	1.00	851	.95 630
24	1.00	851	.95 630
25	1.00	851	.95 630
26	1.00	851	.95 630
27	1.00	851	.95 630
28	1.00	851	.95 630
29	1.00	851	.95 630
30	1.00	851	.95 630
31	1.00	851	

* Location is point from which water is measured to the head of the lateral listed on top line.

16 2M--4-69

0018872

1969 - Sept - Oct
Roll - 300

GRAY LATERAL

LATERAL COPY

Sept

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS			
			Sept	Oct	End	4 ft
1	1.00	851	1.05 - 916	.95 - 630	.95	630
2	1.00	851	1.05 916	.94 670	95	630
3	1.00	851	1.05 916	.95 630	95	630
4	1.00	851	1.05 916	95 630	.95	630
5	1.00	851	1.05 916	.96 630	195	630
6	1.00	851	1.05 916	.96 630	.95	630
7	1.00	851	1.05 916	.96 630	.95	630
8	1.00	851	Water Off		95	630
9	1.00	851			.95	630
10	1.05	917			.95	630
11	1.05	917			.95	630
12	1.05	917			.95	630
13	1.05	917			.95	630
14	1.05	917			.95	630
15	1.05	917			.95	630
16	1.05	917			.95	630
17	1.05	917			.95	630
18	1.05	917			.95	630
19	1.05	917			.95	630
20	1.05	917			.95	630
21	1.05	917			.95	630
22	1.05	917			.95	630
23	1.05	917			.95	630
24	1.05	917			.95	630
25	1.05	917			.95	630
26	1.05	917			.95	630
27	1.05	917			.95	630
28	1.05	917			.95	630
29	1.05	917			.95	630
30	1.05	917			.95	630
31						

* Location is point from which water is measured to the head of the lateral listed on top line.

FORM 18 2M--8-69

0001054

1970 - April
Roll : 403

GRAY LATERAL

LATERAL
COPY

Weir Width 5 ft

REMARKS End 4 ft

DAY	GAUGE READING	MINERS INCHES	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			352
16	.60	390	395
17	.70	494	395
18	.70	494	312
19	.80	606	273
20	.80	606	312
21	.80	606	273
22	.75	549	273
23	.75	549	273
24	.80	606	352
25	.80	606	352
26	.80	606	312
27	.80	606	531
28	1.00	851	439
29	1.00	851	550
30	1.00	851	
31			

• Location is point from which water is measured to the head of the lateral listed on top line.

16 2M--4-69

0001189

1970 - May

Roll: 403

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	.95	785	.85 - 531
2	.95	785	.85 - 531
3	1.00	851	.95 - 439
4	1.00	851	.75 439
5	1.00	851	.80 484
6	1.00	851	.81 484
7	1.00	851	.80 484
8	1.05	917	.85 531
9	1.05	917	.85 531
10	1.05	917	.85 531
11	1.05	917	.85 531
12	1.05	917	.85 531
13	1.05	917	.85 531
14	1.05	917	.85 531
15	1.05	917	.85 531
16	1.05	917	.85 531
17	1.05	917	.85 531
18	1.05	917	.90 580
19	1.05	917	.80 484
20	1.05	917	.80 484
21	1.00	851	.75 439
22	1.00	851	.75 439
23	1.00	851	.80 484
24	1.00	851	.80 485
25	1.00	851	.80 485
26	1.00	851	.80 485
27	.95	785	.65 352
28	.95	785	.65 352
29	.95	785	.65 352
30	1.00	851	.80 484
31	1.00	851	.81 484

* Location is point from which water is measured to the head of the lateral listed on top line.

16 231--4-60

0013325

1970- June
Roll: 403

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES
1	1.00	851
2	1.00	851
3	1.00	851
4	1.00	851
5	1.00	985
6	1.00	985
7	1.00	985
8	1.00	985
9	1.00	985
10	1.00	985
11	1.00	985
12	1.00	985
13	1.00	985
14	1.00	985
15	1.00	985
16	1.00	985
17	1.00	985
18	1.00	985
19	1.00	985
20	1.00	985
21	1.00	985
22	1.00	985
23	1.00	985
24	1.00	985
25	1.00	985
26	1.00	985
27	1.00	985
28	1.00	985
29	1.00	985
30	1.00	985
31		

REMARKS

Moss Mutual ditch

End	4 ft
.80	484
.80	484
.80	484
.80	484
.85	531
.85	531
.85	531
.85	531
.85	531
.96	580
.96	580
.96	580
.85	531
.85	531
.85	531
.85	531
.85	531
.96	580
.96	580
.90	580
.96	580
.90	580
.90	580
.80	484
.80	484
.80	484
.80	484
.80	484
.80	484
.80	484

Location is point from which water is measured to the head of the lateral listed on top line.

0001462

1970 - July
Roll: 403

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS	End	4 ft
1	1.10	985		80	484
2	1.05	915		80	484
3	1.05	915		80	484
4	1.05	915		80	484
5	1.05	915		80	484
6	1.05	915		80	484
7	1.05	915		80	484
8	1.05	915		80	484
9	1.05	915		80	484
10	1.05	915		75	439
11	1.06	915		75	439
12	1.06	915		75	439
13	1.05	915	Measured in ditch	75	439
14	.95	787		70	395
15	1.10	985		90	530
16	1.10	985		90	530
17	1.10	985		90	530
18	1.10	985		90	530
19	1.10	985		90	530
20	1.10	985		90	530
21	1.10	985		90	530
22	1.10	985		90	530
23	1.10	985		90	530
24	1.10	985		90	530
25	1.10	985		90	530
26	1.10	985		90	530
27	1.10	985		90	530
28	1.10	985		90	530
29	1.10	985		90	530
30	1.10	985		90	530
31	1.10	985		90	530

* Location is point from which water is measured to the head of the lateral listed on top line.

2M--8-60

001597

1970 - Aug

Roll: 403

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS	cu ft
1	1.05	917.5	.85	531
2	1.05	917.5	.85	531
3	1.05	917.5	.85	531
4	1.05	917.5	.85	531
5	1.05	917.5	.85	531
6	1.05	917.5	.85	531
7	1.05	917.5	.85	531
8	1.05	917.5	.85	531
9	1.05	917.5	.85	531
10	1.05	917.5	.85	531
11	1.05	917.5	.85	531
12	1.05	917.5	.85	531
13	1.05	917.5	.85	531
14	1.05	917.5	.85	531
15	1.05	917.5	.85	531
16	1.05	917.5	.85	531
17	1.05	917.5	.85	531
18	1.05	917.5	.85	531
19	1.05	917.5	.85	531
20	1.05	917.5	.85	531
21	1.05	917.5	.85	531
22	1.05	917.5	.85	531
23	1.05	917.5	.85	531
24	1.05	917.5	.85	531
25	1.05	917.5	.85	531
26	1.05	917.5	.85	531
27	1.05	917.5	.85	531
28	1.05	917.5	.85	531
29	1.05	917.5	.85	531
30	1.05	917.5	.85	531
31	1.05	917.5	.85	531

* Location is point from which water is measured to the head of the lateral listed on top line.

R 251--4-69

0018664

1970 - October
Roll: 403

DRAY LATERAL

LATERAL COPY

Weir Width 5' ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.05	917	1/4 at End
2	1.05	917	1.00 GPI
3	1.05	917	1.00 GPI
4	1.05	917	1.00 GPI
5	1.05	917	1.00 GPI
6	1.05	917	1.00 GPI
7	1.05	917	1.00 GPI
8	OFF		OFF
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

* Location is point from which water is measured to the head of the lateral listed on top line

16 2A5--3-68

001584

1971 - April
Roll: 406

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1			End 4 ft
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19	.60	390	
20	.75	549	.50 - 236
21	.80	606	.26 - 448
22	.85	664	.42 - 338
23	.85	657	.75 - 457
24	.85	657	.25 - 439
25	.85	657	.5 - 352
26	.90	725	.5 - 352
27	.90	725	.70 - 395
28	.90	725	.74 - 430
29	.90	725	.70 - 396
30	.90	725	.70 - 395
31			.70 - 395

* Location is point from which water is measured to the head of the lateral listed on top line.

1971

0 0 1 7 1 2

1971 - May
Roll : 406

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS	
1	.95	787	.75	439
2	.95	787	.75	439
3	.95	787	.75	439
4	.95	787	.75	439
5	.95	787	.75	439
6	.96	787	.75	439
7	.96	787	.75	439
8	.95	787	.75	439
9	.95	787	.75	439
10	.90	785	.75	439
11	.95	787	.80	484
12	.95	787	.80	484
13	.95	787	.80	484
14	.95	787	.80	484
15	.95	787	.80	484
16	.95	787	.80	484
17	.95	787	.80	484
18	.95	787	.80	484
19	.95	787	.80	484
20	.95	787	.80	484
21	1.00	851	.85	531
22	1.00	851	.85	531
23	1.00	851	.85	531
24	1.00	851	.85	531
25	1.00	851	.85	531
26	1.00	851	.85	531
27	1.00	851	.85	531
28	1.00	851	.85	531
29	1.00	851	.80	1184
30	1.00	851	.80	484
31	1.00	851	.80	484

* Location is point from which water is measured to the head of the lateral listed on top line.

0018

1971 - June
Roll : 406

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.00	851	Moss Kill in ditch
2	1.00	851	
3	1.00	851	
4	1.00	890	
5	.80	606	
6	.85	664	
7	.85	664	
8	.85	664	
9	1.90	725	
10	.95	787	
11	.95	787	
12	.95	787	
13	.95	787	
14	.85	664	
15	.85	664	
16	.95	787	
17	.95	787	
18	.95	787	
19	.95	787	
20	.95	787	
21	.95	787	
22	1.00	851	
23	1.00	851	
24	.95	787	
25	.95	787	
26	.95	787	
27	.96	787	
28	1.00	851	
29	1.00	851	
30	1.00	851	
31			

4 ft End

.80 484
.80 484
.70 580
.60 312
.90 580
.90 580
.90 580
.70 580
.75 630
.90 580
.90 580
.90 580
.70 580
.85 484
.90 580
.95 630
.75 630
.75 630
.95 630
.100 851
1.50 851
.95 630
.95 630
.95 630
.95 630
1.00 851
1.00 851
1.00 851

* Location is point from which water is measured to the head of the lateral listed on top line

16 2M--4-69

1971 - July
Roll : 406

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.00	851	
2	1.00	851	
3	1.00	851	
4	1.00	851	
5	1.00	851	
6	1.00	851	
7	1.00	851	
8	1.00	851	
9	1.00	851	
10	1.00	851	
11	1.00	851	
12	1.00	851	
13	.80	606	Moss Field in
14	1.00	851	
15	1.00	851	
16	1.00	851	
17	1.00	851	
18	1.00	851	
19	1.00	851	
20	1.00	851	
21	1.00	851	
22	1.00	851	Pump Line Ditch in 12 cfs
23	1.00	851	
24	1.00	851	
25	1.00	851	
26	1.00	851	
27	1.00	851	
28	1.00	851	
29	1.00	851	
30	1.00	851	
31	1.00	851	

DAY	REMARKS
	Ditch up
	~~Ditch out~~ 96. - 63.
	95 - 630
	95 630
	95 630
	95 630
	95 630
	95 630
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	.80 484
	1.10 788
	1.10 788
	1.10 788
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681
	1.00 681

* Location is point from which water is measured to the head of the lateral listed on ten line

0010970

1971 - August
Roll : 406

00210

GRAY LATERAL

LATERAL
COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		
				Back	4 ft
1	1.00	851			681
2	1.00	851			681
3	1.00	851			681
4	1.00	851			681
5	1.00	851			681
6	1.00	851			681
7	1.00	851			681
8	1.00	851			681
9	1.00	851			681
10	1.00	851			681
11	1.00	851			681
12	1.00	851			681
13	1.00	851			681
14	1.00	851			681
15	1.00	851			681
16	.95	781		.95 - 6	531
17	.95	781		.95	531
18	.95	781		.95	531
19	.95	781		.95	531
20	.95	781		.95	531
21	.95	781		.95	531
22	.95	781		.95	531
23	.95	781		.95	531
24	.95	781		.95	531
25	.95	781		.95	531
26	.95	781		.95	531
27	.95	781		.95	531
28	.95	781		.95	531
29	.95	781		.95	531
30	.95	781		.95	531
31	.95	781		.95	531

* Location is point from which water is measured to the head of the lateral listed on top line.

M 16 251--8-69

00232

1971: September
Roll: 406

GRAY LATERAL

LATERAL COPY

Weir Width 1'-4"

DAY	GAUGE READING	MINERS INCHES	REMARKS	
1	.95	787	End 4'/-	.95 - 531
2	.95	787		.95 531
3	.95	787		.95 531
4	.95	787		.95 531
5	.95	787		.95 531
6	.95	787		.95 531
7	.95	787		.95 531
8	.95	787		.95 531
9	.95	787		.95 531
10	.95	787		.95 531
11	.95	787		.95 531
12	.95	787		.95 531
13	.95	787		.95 531
14	.95	787		.95 531
15	.95	787		.95 531
16	.95	787		.95 531
17	.95	787		.95 531
18	.95	787		.95 531
19	.95	787		.95 531
20	.95	787		.95 531
21	.95	787		.95 531
22	.95	787		.95 531
23	.95	787		.95 531
24	.95	787		.95 531
25	.95	787		.95 531
26	.95	787		.95 531
27	.95	787		.95 531
28	.95	787		.95 531
29	.95	787		.95 531
30	.95	787		.95 531
31				

* Location is point from which water is measured to the head of the lateral listed on top line

0023611

1971 - October
Roll: 406

BRAY LATERAL

LATERAL COPY

Weir Width 5'4"

DAY	GAUGE READING	MINERS INCHES	REMARKS	End 4 ft
1	.96	787		.96 - 580
2	.96	787		.96 - 580
3	.96	787		.96 - 580
4	.96	787		.96 - 580
5	.96	787		.96 - 580
6	.96	787		.96 - 580
7	.96	787		.96 - 580
8			78	677
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				

* Location is point from which water is measured to the head of the lateral listed on top line

M 16 25M--4-68

0017769

1972 - April
Roll: 409

FRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		
1			Cont 4/ft		
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17	.95	787			
18	.95	787	1.25	-	950
19	.95	787	1 .:		2.73
20	.90	725	1 .0	-	785
21	.90	725	90		5.80
22	.90	725	65		352
23	.90	725	.65		352
24	88	606	60		512
25	.90	725	.70		~~450~~ 395
26	.90	725	75		439
27	.90	725	.65		352
28	.90	725	.65		352
29	.90	725	.65		352
30	.90	725	.65		352
31			.65		352

* Location is point from which water is measured to the head of the lateral listed on top line.

FORM 16 251--4-69

0018808

1972 - May
Roll: 409

LATERAL COPY

BRAY LATERAL

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS	4th Ent
1	.90	725	.80	484
2	.95	787	.80	484
3	.95	787	.80	484
4	.95	787	.80	484
5	.95	787	.75	439
6	.95	787	.75	439
7	.95	787	.75	439
8	.90	725	.70	395
9	.90	725	.75	439
10	.90	725	.75	439
11	.90	725	.75	439
12	.90	725	.75	439
13	.90	725	.75	439
14	.90	725	.75	439
15	.90	725	.80	484
16	1.00	851	.80	484
17	1.00	851	.80	484
18	1.00	851	.80	484
19	1.00	851	.80	484
20	1.00	851	.80	484
21	1.00	851	.80	484
22	1.00	851	.80	484
23	1.00	851	.80	484
24	1.00	851	.80	484
25	1.00	851	.80	484
26	1.00	851	.80	484
27	1.00	851	.80	484
28	1.00	851	.80	484
29	1.00	851	.80	484
30	1.00	851	.75	395
31	1.00	851		

* Location is point from which water is measured to the head of the lateral listed on top line.

25M--4-69

1972- June
Roll: 409

00026

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	.85	787	
2	.95	987	
3	.85	664	
4	.85	604	
5	.85	664	
6	.90	725	Mrs Dirt is sick now
7	.76	725	
8	.90	725	
9	.96	725	
10	1.00	851	
11			
12			
13	1.00	851	
14	1.00	851	
15	1.00	851	
16	1.00	851	
17	1.00	851	
18	1.00	851	
19	1.00	851	
20	1.00	851	
21	1.00	851	
22	1.00	851	
23	1.00	851	
24	1.00	851	
25	1.00	851	
26	1.00	851	
27	1.00	851	
28	1.00	851	
29			
30			
31			

	.78	395
	.70	395
	.70	390
	.70	390
	.70	395
	.70	395
	.70	395
	.76	390
	.70	390
	.96	580
	.96	580
	.75	630
	.95	630
	.75	630
	.75	630
	.90	580
	.96	580
	.96	580
	.80	484
	.80	484
	.80	484
	.80	484
	.80	484
	.80	484
	.80	484
	.85	551
	.90	731
	.90	731
	.90	731

* Location is point from which water is measured to the head of the lateral listed on top line.

215--6-69

1972: July
Roll: 409

0021154

GRAY LATERAL

LATERAL
COPY

Weir Width 5 1/2"

DAY	GAUGE READING	MINERS INCHES	REMARKS		
1	1.05	917	End 4/6		
2	1.05	917		.85	531
3	1.07	934		.85	531
4	1.05	917		.85	531
5	1.05	917		.85	531
6	1.00	851		.85	531
7	1.00	851		.85	531
8	1.00	851		.85	531
9	.95	784		.85	531
10	1.05	917		.85	531
11	1.05	917		.90	580
12	1.01	851	Water Test	.85	531
13	1.00	851		.85	531
14	1.00	851		.90	580
15	1.00	851		.85	531
16	1.00	851		.85	531
17	1.00	851		.85	531
18	1.00	851		.85	531
19	1.00	851		.85	531
20	1.00	851		.85	531
21	1.00	851		.85	531
22	1.00	851		.85	531
23	1.00	851		.85	531
24	.95	784		.80	484
25	1.00	851		.80	484
26	1.00	851		.80	484
27	1.05	917		.80	484
28	1.05	917		.90	580
29	1.05	917		.90	580
30	1.05	917		.90	580
31	1.05	917		.96	627

* Location is point from which water is measured to the head of the lateral listed on top line.

16 2M--4-69

1972- August
Roll: 409

BRAY LATERAL

LATERAL COPY

Weir Width 3'-1"

DAY	GAUGE READING	MINERS INCHES	REMARKS		
1	.95	787		.75	439
2	.95	787		.75	439
3	.96	787		.75	439
4	1.00	851		.70	395
5	1.00	851		.70	395
6	1.00	851		.70	395
7	1.00	851		.70	395
8	1.00	851		.70	395
9	1.00	851		.75	439
10	1.00	851		.75	439
11	1.00	851		.75	439
12	1.00	851		.75	439
13	1.00	851		.75	439
14	1.00	851		.75	439
15	1.00	851		.75	439
16	1.00	851		.75	439
17	1.00	851		.75	439
18	1.00	851		.75	439
19	1.00	851		.75	439
20	1.00	851		.75	439
21	1.00	851		.75	439
22	1.00	851		.72	439
23	1.00	851		.72	439
24	1.00	851		.72	439
25	1.00	851		.75	439
26	1.00	851		.75	439
27	1.00	851		.75	439
28	1.00	851		.75	439
29	1.00	851		.75	439
30	1.00	851		.75	439
31	1.00	851		.75	439

* Location is point from which water is measured to the head of the lateral listed on top line.

16 2M--4-68

0024177

1972- September
Roll: 409

BRAY LATERAL

LATERAL COPY

DAY	GAUGE READING	MINERS INCHES	REMARKS	Weir Width 5 ft	
				End	4 ft
1	1.60	851		.75	439
2	1.60	851		.75	439
3	1.60	851		.75	439
4	1.60	851		.75	439
5	1.60	851		.75	439
6	1.60	851		.75	439
7	1.60	851		.75	439
8	1.60	851		.75	439
9	1.60	851		.75	439
10	1.60	851		.75	439
11	1.60	851		.75	439
12	1.60	851		.75	439
13	1.60	851		.75	439
14	1.60	851		.75	439
15	1.60	851		.75	439
16	1.60	851		.75	439
17	1.60	851		.75	439
18	1.60	851		.75	439
19	1.60	851		.75	439
20	1.60	851		.75	439
21	1.60	851		.75	439
22	1.60	851		.75	439
23	1.60	851		.75	439
24	1.60	851		.85	531
25	1.60	851		.85	531
26	1.60	851		.85	531
27	1.60	851		.85	531
28	1.60	851		.85	531
29	1.60	851		.85	531
30	1.60	851		.85	531
31				.85	531

* Location is point from which water is measured to the head of the lateral listed on top line

16 2SC--4-69

0002549

1972 - October
Roll: 409

BRAY LATERAL

LATERAL COPY

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		
1	1.60	851		.85	531
2	1.60	851		.85	531
3	1.60	851		.85	531
4	1.60	851		.85	531
5	1.60	851		.85	531
6	1.60	851		.85	531
7	1.60	851		.85	531
8	1.60	851		.85	531
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

* Location is point from which water is measured to the head of the latera[illegible] sited or top [illegible]



1973: May
Roll: 472

LATERAL COPY

BRAY LATERAL

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		Cond 4
1	.90	725		.50	236
2	.90	725		.60	312
3	.95	787		.65	352
4	1.00	851		.65	352
5	1.00	851		.80	484
6	1.00	851		.80	484
7	.90	725		.70	439
8	.90	725		.70	439
9	.90	725		70	439
10	.95	787		70	439
11	.95	787		70	439
12	.95	787		70	439
13	.95	787		70	439
14	.90	725		70	439
15	.80	661	Delete [illegible]	110	1641
16	.90	725		.70	439
17	.90	725		.70	439
18	.90	725		.70	439
19	.90	725		.55	273
20	.95	787		.60	312
21	.95	787		.60	312
22	.95	787		45	201
23	.95	787		50	236
24	.90	725		50	236
25	.90	725		50	236
26	.90	725		50	236
27	.90	725		50	236
28	.90	725		.50	236
29	.90	725		.90	110
30	.90	725		.90	110
31	.90	725		.90	110

* Location is point from which water is measured to the head of the lateral listed on top line.

RM--4-69

0019015

20 45

1973 - June
Roll 412

LATERAL COPY

BRAY LATERAL

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		
				End	4 ft
1	.60	370	Ck Iron Bell	.30	110
2	.75	549		.46	162
3	.75	549		.46	162
4	.75	549		.46	162
5	.80	606	moss Kill in ditch	.56	223
6	.85	664		.30	110
7	.75	549			Mon
8	.65	441	moss Kill in ditch from Fri	.50	236
9	.80	606		.50	236
10	.80	606		.50	236
11	.90	725		.70	345
12	.90	725		.75	352
13	.90	725		.95	439
14	1.00	851		.90	418
15	1.00	851		.80	484
16	1.00	851		.80	484
17	1.00	851		.80	484
18	1.00	851		.80	484
19	1.00	851		.80	484
20	1.00	851		.80	484
21	1.00	851		.80	484
22	~~1.00~~	~~851~~	1.05 - 917	.80	484
23	1.05	917		.80	484
24	1.05	917		.80	484
25	1.05	917		.80	484
26	1.05	917		.80	484
27	1.05	917		.80	484
28	1.05	917		.80	484
29	1.05	917		.80	484
30	1.05	917		.80	484
31					

* Location is point from which water is measured to the head of the lateral listed on top line.

0 0 2 1 7 7

1973 - July
Roll M12

LATERAL COPY

BRAY LATERAL

Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS		
1	1.05	917		.80	End 4 ft 484
2	1.03	917		.80	484
3	1.03	917		.80	484
4	1.03	917		.80	484
5	1.03	917		.80	484
6	1.03	917		.80	484
7	1.05	917		.80	484
8	1.05	917		.80	484
9	1.05	917		.80	484
10	1.05	917		.80	484
11	1.05	917		.80	484
12	1.05	917		.80	484
13	1.05	917		.80	484
14	1.05	917		.80	484
15	1.05	917		.80	484
16	1.05	917		.80	484
17	75	549	Measuring in	.80	484
18	1.05	917		.80	484
19	1.05	917		.80	484
20	1.05	917		.80	484
21	1.05	917		.80	484
22	1.05	917		.80	484
23	1.05	917		.80	484
24	1.05	917		.80	484
25	1.05	917		.80	484
26	1.05	917		.80	484
27	1.05	917		.80	484
28	1.05	917		.80	484
29	1.05	917		.80	484
30	1.05	917		.80	484
31	1.05	917		.80	484

* Location is point from which water is measured to the head [illegible]

6 [illegible]

2441

1973 September
Roll: 412

LATERAL COPY

BRAY LATERAL

Weir Width 5'

DAY	GAUGE READING	MINERS INCHES	REMARKS	Left	Rt
1	1.65	917		.80	434
2	1.65	917		.80	434
3	1.65	917		.80	434
4	1.65	917		.80	434
5	1.65	917		.80	434
6	.75	549	Rt Lateral pulled out at Spill	.75	138
7	.96	783		.75	439
8	~~1.00~~	~~851~~	95 787	.75	439
9	1.65	851		.80	434
10	1.65	851		.80	434
11	1.65	851		.80	434
12	1.65	851		.80	434
13	1.65	851		.80	434
14	1.65	851		.80	434
15	1.65	851		.80	434
16	1.65	851		.80	434
17	1.65	851		.80	434
18	1.65	851		.80	434
19	1.65	851		.80	434
20	1.65	851		.80	434
21	1.65	851		.80	434
22	1.65	851		.80	434
23	1.65	851		.80	434
24	1.65	851		.80	434
25	1.65	851		.80	434
26	1.65	851		.80	434
27	1.65	851		.80	434
28	1.65	851		.80	434
29	1.65	851		.80	434
30	1.65	851		.80	434
31					

* Location in point from which water is measured to the head of the lateral listed on top line.

0 0 2 5 7 2

1973 - October
Roll : 412

LATERAL COPY

BRAY LATERAL

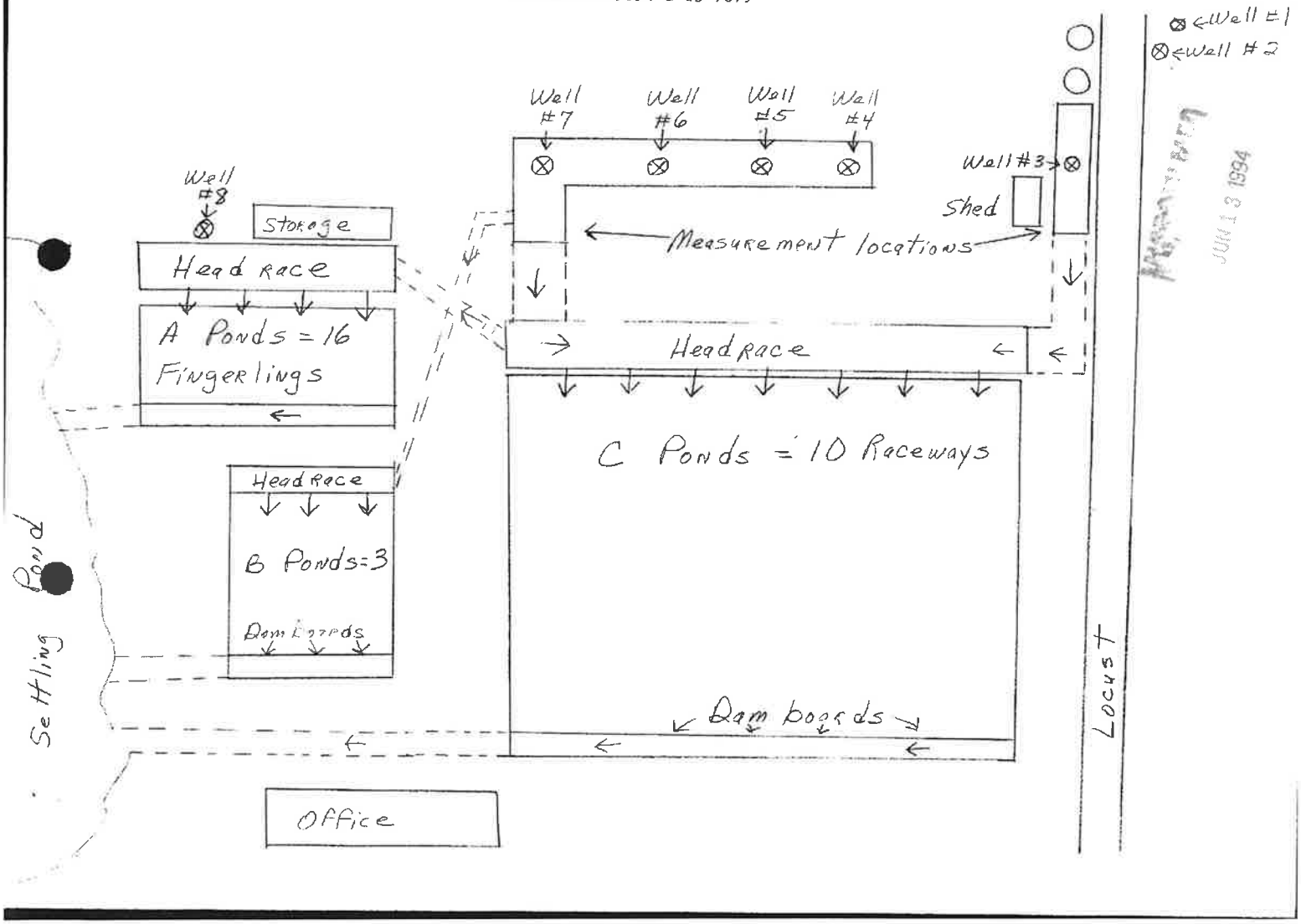
Weir Width 5 ft

DAY	GAUGE READING	MINERS INCHES	REMARKS
1	1.57	585	Cont +20
2	1.50	485	-120 - 484
3	1.69	85	-20 - 484
4	1.50	485	-20 - 484
5			-20 - 484
6			59
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

* Location at point from which water is measured to the head of the lateral listed on top line.

230--1-59

SYSTEM DIAGRAM
IDAHO FISH & GAME DEPT. NAMPA HATCHERY
PERMIT #63-9194 & 63-7879



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

Application No. G- 40705
Permit No. G- 32561
District No.

1. Name of Applicant: Nampa and Meridian Irrigation District, a municipal corporation
Postoffice address: 1503 1st St.So., Nampa County: Canyon State: Idaho

2. Quantity of water claimed: 8,000 gallons per minute or 17.82 cfs

(a) Rate of withdrawal in cubic feet per second or Idaho Miners' inches or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean from two wells of both wells

4. Location of point of diversion: is in the NW ¼ of the NW¼ of Section 11 Twp. 3 N. , Rge. 2 W. , B.M. County of Ada Canyon

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works: Wells

8. Estimated cost of works: $ 2664.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is years. Wells are now flowing into Bray Pick Up Lateral

11. If applicant is a corporation, give:

I (a) Date and place of incorporation:

(b) Amount of capital stock: $ None (c) Amount paid in: $ None

(d) Names and addresses of directors: Wm. Eyser, 1923 Hartman, Boise, Idaho; Dan Barker Route 3, Meridian, Idaho; Ray Patterson, Route 3, Nampa, Idaho;

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

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

(d) Other resources:

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

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 5/8 Miners Inches to the acre

(a) 8,000 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

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

Permit No. 63-32721
Withdrawn by NMID

Remarks:

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.

Lampa and Meridian Irrigation District
Applicant

By s/ Joseph C. Voight, Secretary *Agent*

Date of first receipt at Department of Reclamation: 9:00 A.M. October 6, 1965

Returned to applicant for correction: October 6, 1965

Corrected application received: October 22, 1965

Approval of State Reclamation Engineer

The number of this permit is G— 32561

Recorded in Book 11[illegible] Page 32561 Approved October 26, 1965

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

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control

One-fifth of the work above specified to be completed on or before April [illegible], 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 26, 1970

Witness my hand this 26th day of October, 1965

s/ RALPH W. THOMAS, Deputy
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th day of October, 1965.

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
Governor

12

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
[illegible]		[illegible]			10	10									40	40	[illegible]	[illegible]	[illegible]
		[illegible]							40	40	40	40	40	40	40	40	[illegible]	[illegible]	[illegible]
		21	15	35	40	40	40	40	5	35	35	5	40	15					[illegible]
		23	40	40	40	40	15	40	40	40	40	40	40	40	40	40	40	40	615
		29	40	40	40	40	40	40	40	40									[illegible]
		33	40	40	40	40									40	40	40	40	320
		34										26	19						[illegible]
																	TOTAL		[illegible]

ANDERSON, KAUFMAN AND ANDERSON
LAWYERS
IDAHO BUILDING
BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. SWEGERT

TELEPHONE 345-4881
POST OFFICE BOX 2773

October 5, 1965

RECEIVED
OCT 6 1965
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed herewith is application of Nampa and Meridian Irrigation District for permit to appropriate subterranean waters of the State of Idaho, which please file in your office.

The 8,000 gallons per minute of water applied for converts to 17.82 cubic feet per second.

I am enclosing check in the amount of $9.25 in payment of your filing fee.

Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By Richard Anderson
Richard Anderson

RA/bc
encls.

31561

October 6, 1965

RE: Application No. G-60795

Nampa and Meridian Irrigation District
1503 First Street South
Nampa, Idaho

Gentlemen:

Returned herewith is the above noted application for permit to divert 17.82 c.f.s. from two wells. We are retaining the filing fee of $9.25.

Kindly show the description of the lands to be irrigated on page #2. The lands under the Gray Pick Up Lateral are not known in this office. Also outline the area on the general p of your district.

Please return the application within 60 days or it will be treated as a new application.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:ja

cc: Anderson, Kaufman & Anderson

Encl: Permit application
Maps (2)

Enclosed herewith please find receipt No. G-2869 in the amount of $9.25 pertaining to the above letter.

32561

November 1, 1965

Re: Permit No. G-32561

Nampa Meridian Irrig. Dist.,
1503 1st St. So.,
Nampa, Idaho.

Gentlemen:

We enclose Permit No. G-32561 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9869 which was issued covering payment in the amount of $2.25 for the filing fee of the above mentioned permit. ~~Was mailed to Eugene Anderson on October 6, 1965.~~

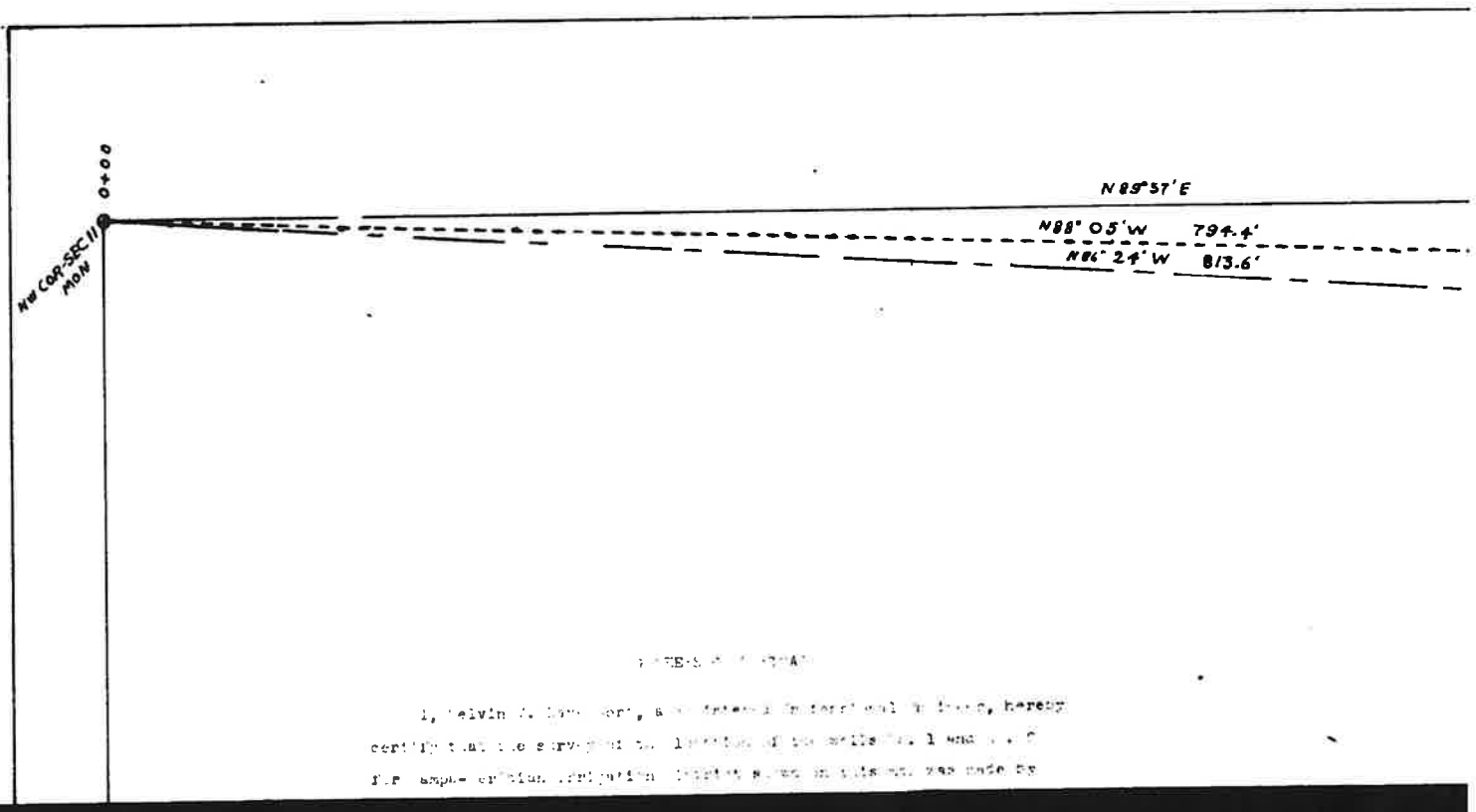
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

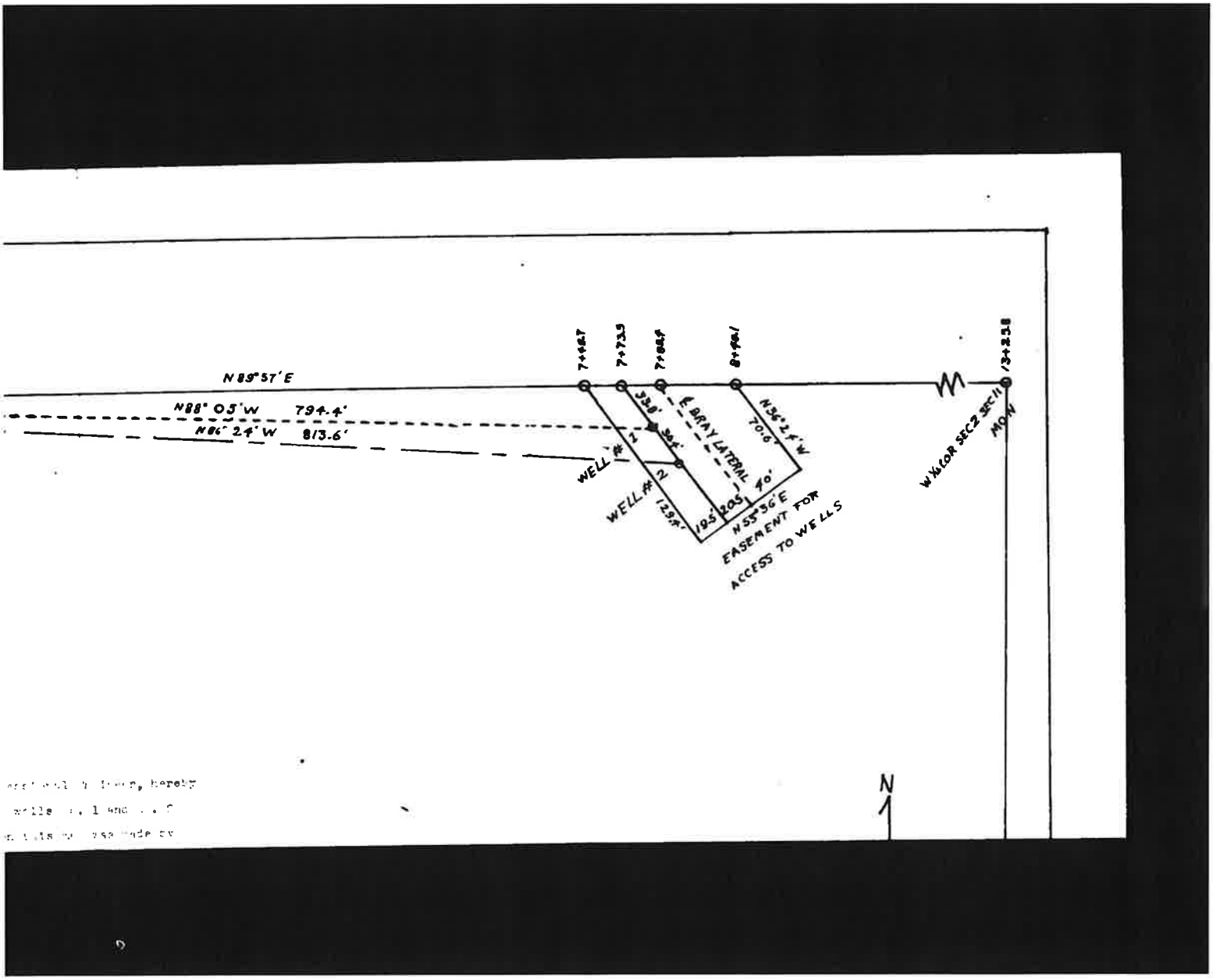
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

32561



I, Melvin [illegible], a [illegible] in [illegible], hereby certify that the survey [illegible] and the map [illegible] for example [illegible] was made by


N89°57'E
N88° 05'W 794.4'
N86° 24'W 813.6'
7+427
7+733
7+884
8+561
13+258
338'
384'
E. BRAY LATERAL
70.6'
N36°2'W
70'
WELL #2
WELL #1
129.4'
195
205
N55°36'E
EASEMENT FOR
ACCESS TO WELLS
W¼COR SEC 2 SEC 11
MDM
N

[redacted]

[redacted]

me or under my supervision on August 27, 1964 and this map shows the correct location of the wells according to the survey.

Melvin V. Davenport

Melvin V. Davenport
Registered Professional Engineer
September 9, 1965

1322'

NW COR SEC 10-SEC 11

[redacted]

[redacted]

...gust 27, 1964 and this map shows the

...cording to the survey.

Melvin V. Davenport

...lvin V. Davenport
...gistered Professional Engineer
...ptember 7..., 1965

Permit Map No. 32561
As Approved
OCT 26 1965
CARL E. TAPPAN
State Reclamation Engineer

T 2N R 2W

1325.5'

NW¼COR SEC 11

To accompany an application to appropriate the public waters of the State of Idaho, for irrigation.

DAVENPORT ENGINEERS
BOX 131, CALDWELL, IDAHO - 459-3158

SURVEY FOR
NAMPA-MERIDIAN
IRRIGATION DISTRICT

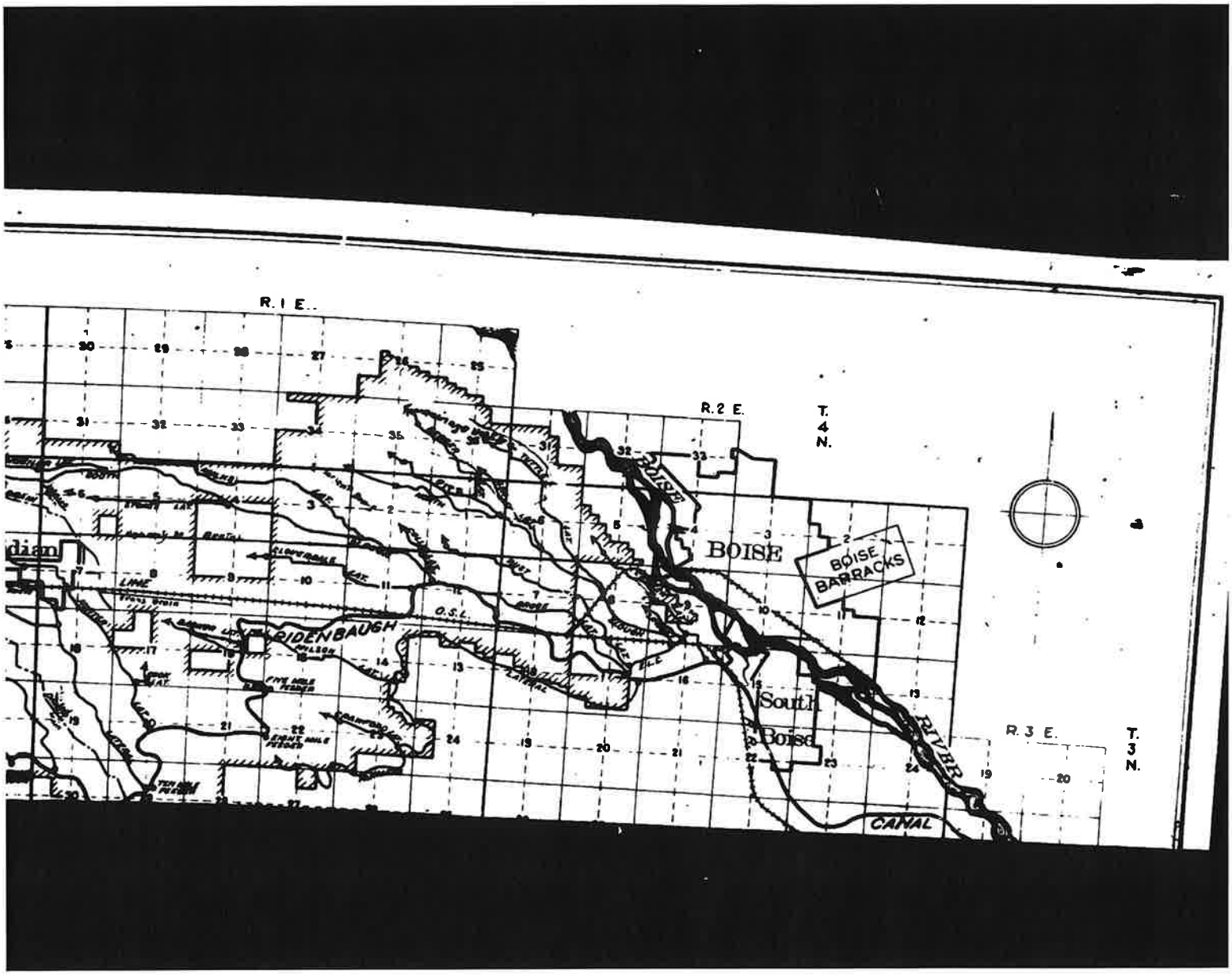
LOCATION OF WELLS

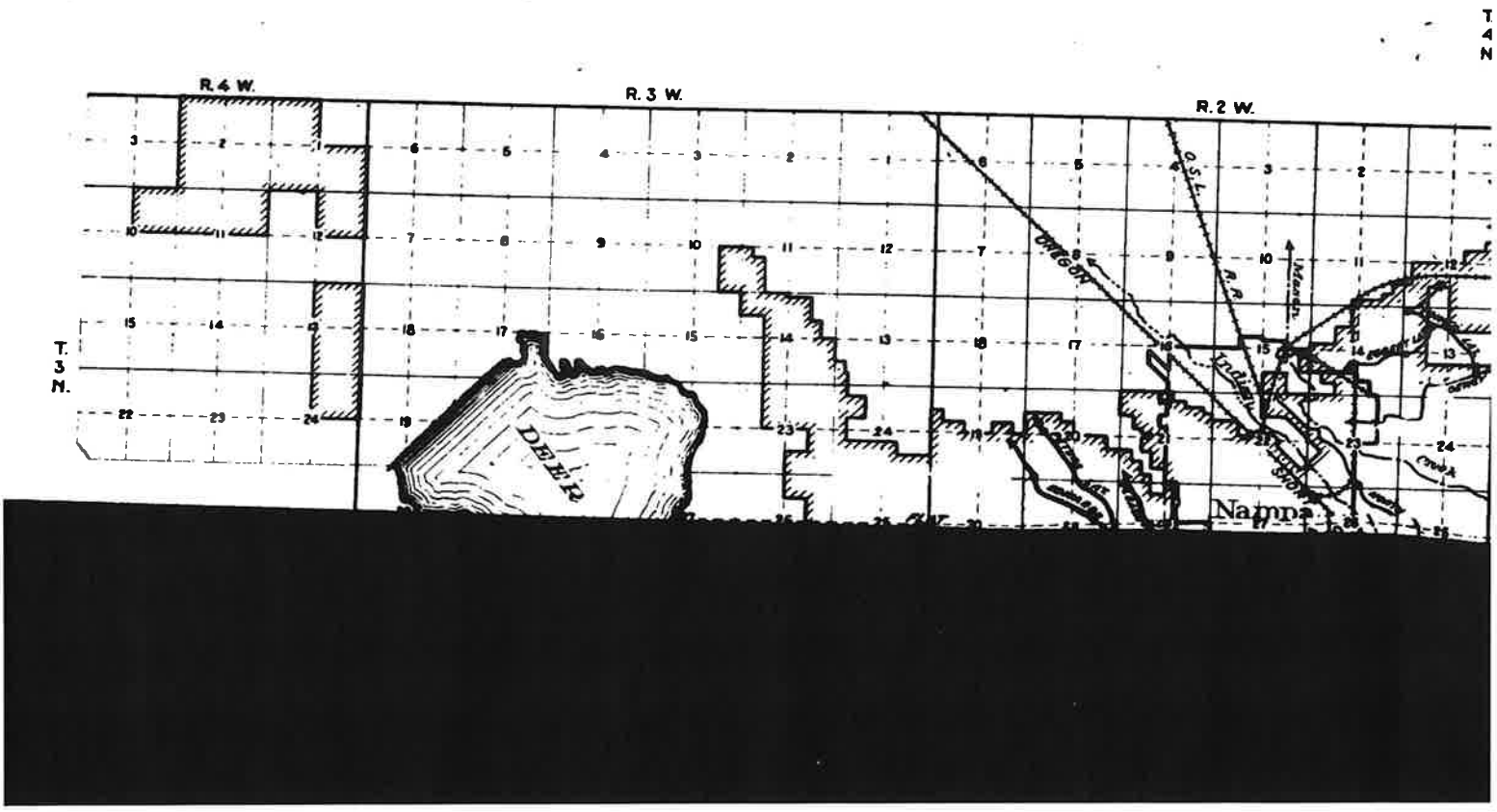
DRAWN BY OLG SCALE: 1"=50'
APPROVED BY MVD DATE 9-29-65
DRAWER F.B. 340

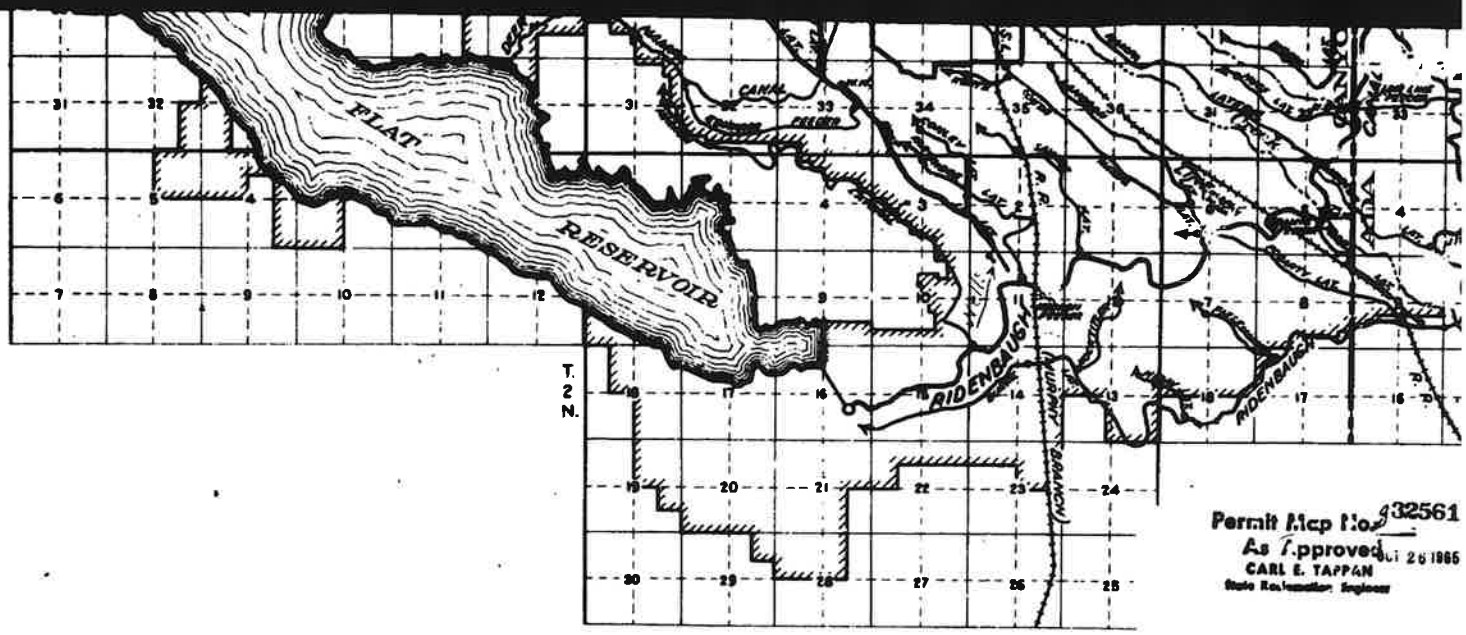
T2N - R1W - SEC 11

32561

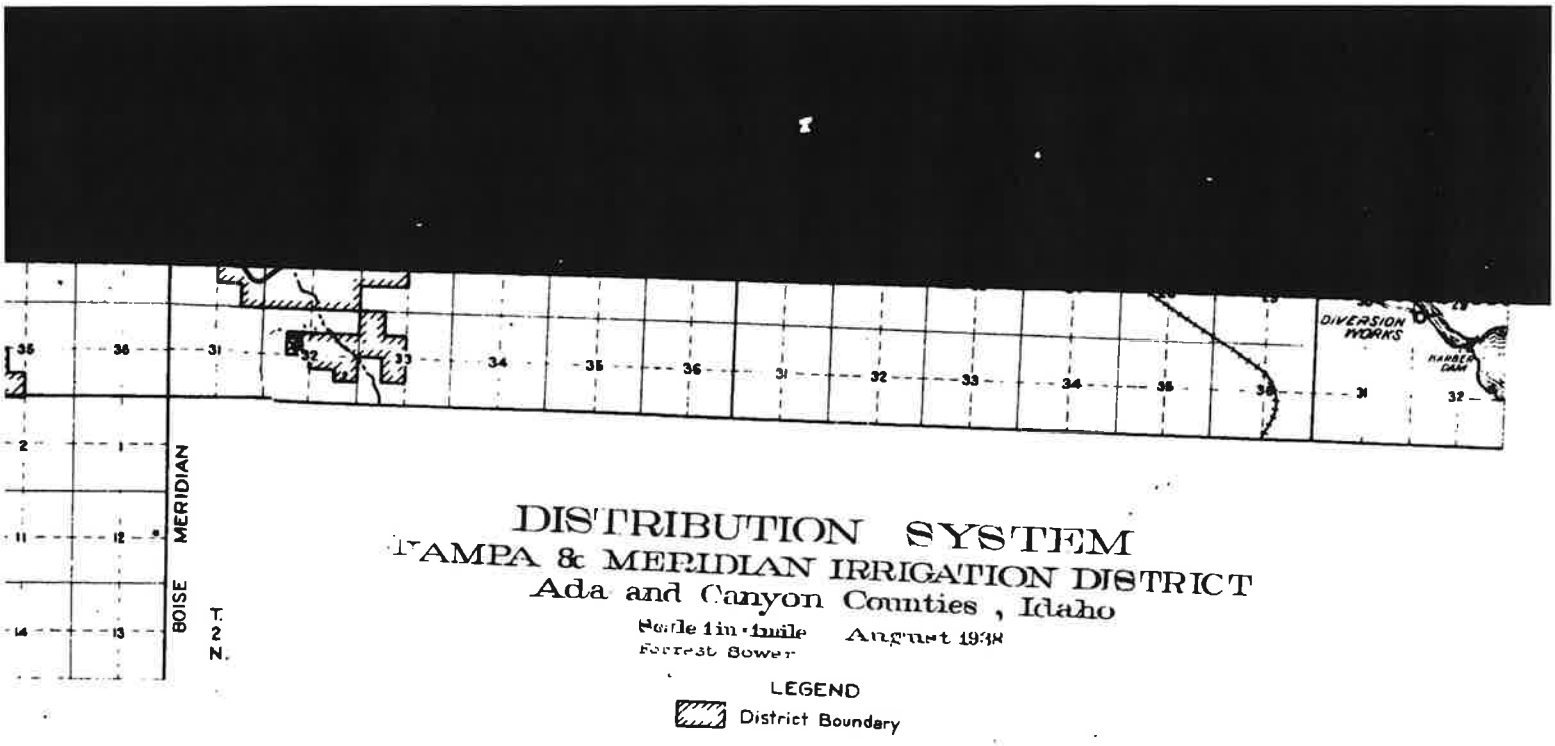
[redacted]


R. 1 E.
R. 2 E.
T. 4 N.
BOISE
BOISE BARRACKS
RIDENBAUGH
South Boise
R. 3 E.
T. 3 N.
CANAL


R. 4 W.
R. 3 W.
R. 2 W.
T. 3 N.
T. 4 N.
DEER
Nampa
O.S.L. R.R.
Indian
Mason
Creek



Permit Map No. 32561
As Approved OCT 26 1965
CARL E. TAPPAN
State Reclamation Engineer



DISTRIBUTION SYSTEM
TAMPA & MERIDIAN IRRIGATION DISTRICT
Ada and Canyon Counties, Idaho

Scale 1 in. = 1 mile August 1938
Forrest Bower

LEGEND
District Boundary

31561

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Nampa and Meridian Irrigation District, 1503 1st St. So., Nampa, Idaho, has received an approved permit No. G-32561, 63-3471 issued by the Idaho State Reclamation Department authorizing the diversion of 14.82 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 6, 1965 and the permit was approved October 26, 1965. Water is to be diverted by wells from a point within the SW1/4SW1/4, Sec. 11, T. 3 N, R. 3 W, B.M., Canyon County to be used for irrigation in the S1/2NE1/4, SE1/4, Sec. 23; S1/2SW1/4, S1/2, Sec. 26; NE/2, SW1/4, Sec. 35; Sec. 25; NE/2, Sec. 29; E1/2, Sec. 32; W1/2SW1/4, Sec. 34, T. 3 N, R. 2 W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before October 26, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

May 21, 28, 1970

AFFIDAVIT OF PUBLICATION

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

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

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

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

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

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

4. That said notice was published the following dates:

May 21, 28, 1970

Subscribed and sworn to before me this

28th day of May, 19 70

Notary Public, Residing at Nampa, Idaho

63-3471
32561

...sworn.

...and at ...y-one

...ness ...y of ...that ...by of ...been ...any- ...es, a

...copy.

...ature ...and

...Irrigation District

...FIRST STREET SOUTH • NAMPA, IDAHO 83651

REGISTERED
3052

RECEIVED
AUG 20 1970
Department of Water Administration

State of Idaho
Department of Water Administration
Donald J McEldowney
Appropriation Supervisor
Statehouse Annex 2
Boise, Idaho 83707

63-3041
32501

WITHDRAWAL OF APPLICATION
AND
REQUEST FOR CANCELLATION OF PERMIT

FROM: Nampa and Meridian Irrigation District
Address: 1503 1st Street South
Nampa, Idaho 83651

TO: Department of Water Administration
Address: Statehouse
Boise, Idaho 83707

Re: Application No. G40705
Permit No. G32561

Nampa and Meridian Irrigation District, the applicant named in the above numbered Application, hereby withdraws such Application, and respectfully requests that Permit No. G32561 be cancelled and terminated by the Department of Water Administration of the State of Idaho.

Dated: August 14, 1970.

NAMPA AND MERIDIAN IRRIGATION DISTRICT

By: _____
Chester [illegible], Jr., President

ATTEST: _____
Joseph C. Wright, Secretary

IN THE MATTER OF PERMIT [illegible]

in the name of [illegible]

District, Jolliet [illegible]

WATER MODIFYING REQUIREMENTS FOR COMPLETION OF PERMIT TO APPROPRIATE WATER

WHEREAS, the [illegible] Legislature made certain amendments to the Idaho Water Law; and,

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

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

WHEREAS, Permit No. 63-3471 was issued previous to that date;

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

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 49th Idaho Legislature.

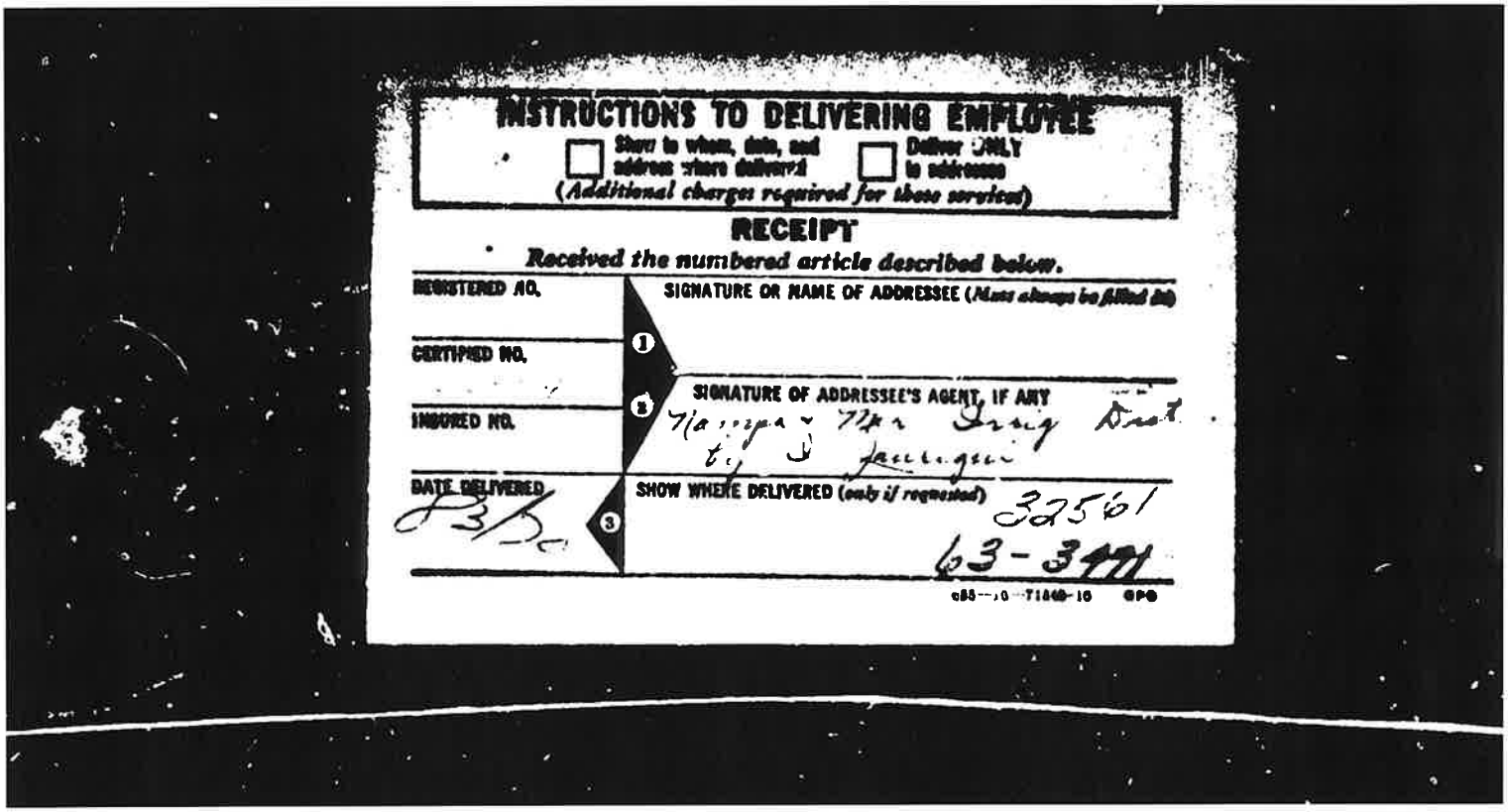
2. The conditions of the above-numbered permit are modified as follows:

   a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 22nd day of [illegible], 1970.

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG



INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

DATE DELIVERED

1 SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

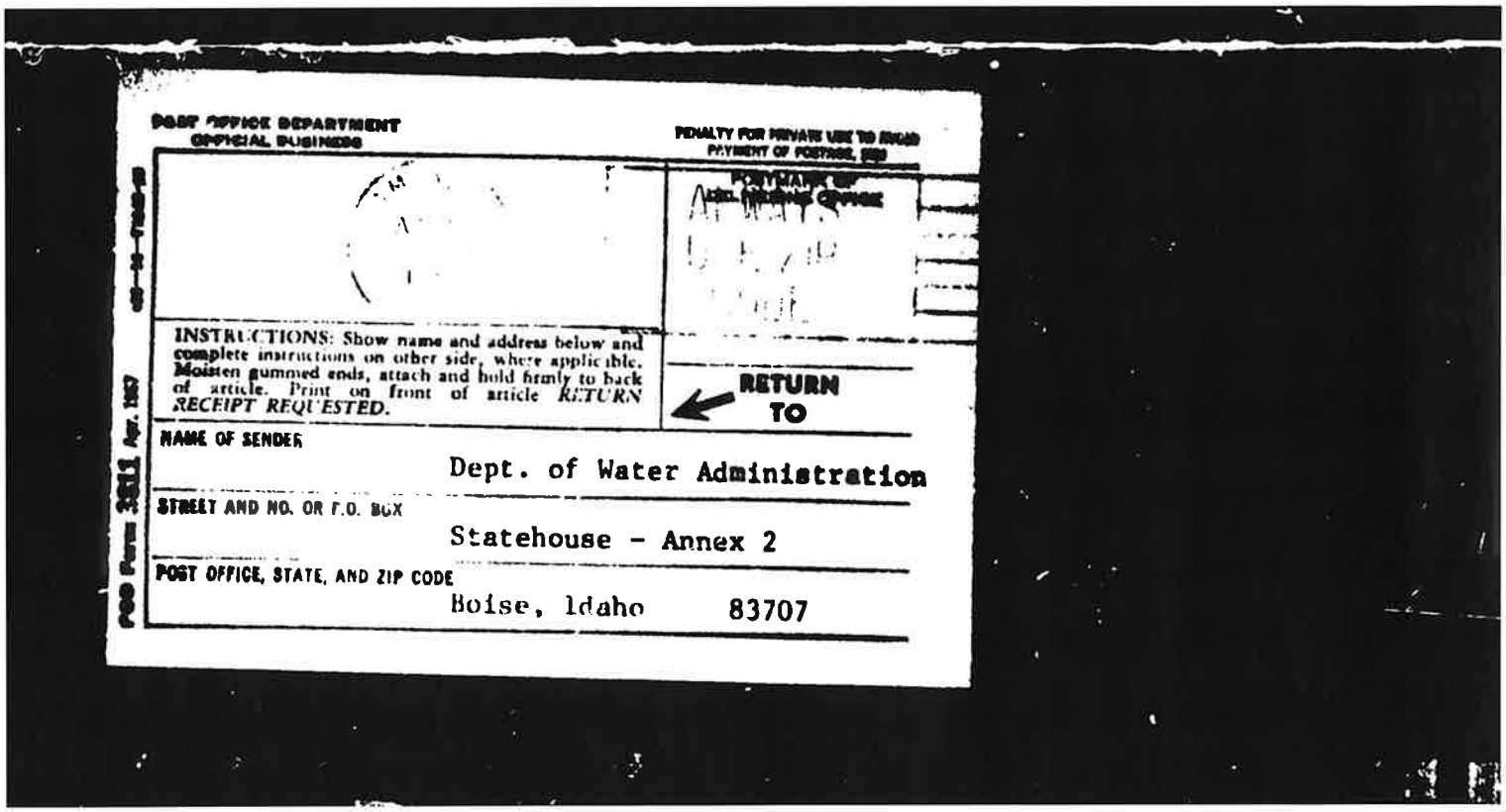
2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3 SHOW WHERE DELIVERED (only if requested)

32561

63-3111

o85—10—71848-16 GPO



POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMARK OF ISSUING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article *RETURN RECEIPT REQUESTED.*

RETURN TO

NAME OF SENDER

Dept. of Water Administration

STREET AND NO. OR P.O. BOX

Statehouse - Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

POD Form 3811 Apr. 1957

July 31, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irri. Dist.
1503 - 1st St. So.
Nampa, Idaho 83651

Gentlemen:

One of the conditions of the approval of your Permit No. G-32561/63-3471 was that proof of application of the water to beneficial use be submitted to this office on or before October 26, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204 Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

Director

Enc: Proof affidavit
[illegible]:DR

CERTIFIED MAIL

#22054

3471

July 6, 1970

Re: Permit No. G-32561/63-3471

Hampa & Meridian Irrigation Dist.
1903 - 1st Street South
Hampa, Idaho 83651

ATTN: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until October 26, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

63-3471
32561

Nampa & Meridian Irrigation District

BOARD OF DIRECTORS
[illegible]

OFFICERS
PRESIDENT
[illegible]
VICE PRESIDENT
[illegible]
SECRETARY OF THE BOARD
[illegible]
SUPERINTENDENT
[illegible]

1 July 1970

Donald W McEldowney
Appropriation Supervisor
State of Idaho
Dept of Reclamation Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr McEldowney:

Affidavit of publication for the notice of existing water permit relative to Permit Number G-32561/63-3471 was mailed to the district by the Idaho Free Press. I mail it to you herewith.

Yours truly,

Joseph C Voight
Secretary of the Board

cc: Chester Eggers, Jr
Clarence I Yensen
E P Blanksma

JCV/va



June 29, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation Dist.
1503-1st Street South
Nampa, Idaho 83651

ATTENTION: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 26, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Idaho Free Press, P.O. Box 88, Nampa, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McIldowney
Appropriation Supervisor

[redacted]

May 8, 1970

Re: Permit No. G-32561/63-3471 - Nampa and Meridian Irr. Dist.

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

Gentlemen:

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

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

The expense of the publication is to be paid by the Nampa and Meridian Irrigation Dist., 1503 - 1st St. So., Nampa, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DB
Enclosures (2)

P.S. Please find enclosed purchase order no. 14573. Please complete it and send it to the Nampa & Meridian Irrigation District.

32561
G-3471

May 8, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation Dist.
1503-1st Street South
Nampa, Idaho 83651

ATTENTION: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

The legal notice for the above referenced permit is being published in the Idaho Free Press, Nampa, Idaho on May 21 and May 28, 1970.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DS

32561
63-3471

Nampa & Meridian Irrigation District

RECEIVED

Department of Reclamation

6 May 1970

R Keith Higginson
State Reclamation Engineer
Reclamation Department
614 State St
Boise ID 83702

Dear Keith:

Herewith is signed authorization for advertisement in the matter of our Permit No 63-3471 Also Herewith is our Purchase Order No 14573 by which you may order publication in the Idaho Free Press and which will properly identify the bill upon its receipt here.

Yours truly,

Joseph C Voight
Secretary of the Board

cc: Board of Directors
Edward J Schmit, Water Superintendent

JCV:LL
Enclosures



33561
63-3471

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Nampa and Meridian Irrigation District, 1503 1st St. So., Nampa, Idaho has received an approved permit No. G-32561/63-3471 issued by the Idaho State Reclamation Department authorizing the diversion ~~storage~~ of 14.82 cubic feet per second ~~acre-feet~~ of water from a groundwater source, subject to all prior rights. The priority to be established under this permit is October 6, 1965 and the permit was approved October 26, 1965. Water is to be diverted by wells from a point within the NW¼SW¼, Sec. 11, T. 2 N, R. 2 W, B. M., Canyon County to be used for irrigation in the S½NE¼, SE¼, Sec. 19; S½NW¼, S½, Sec. 20; N½, SW¼, Sec. 21; Sec. 28; E½, Sec. 29; E½, Sec. 33; W½SW¼, Sec. 34, T. 3 N, R. 2 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before October 26, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho Free Press, Nampa, Idaho on May 21 and May 28, 1970.

State Reclamation Engineer: Permit No. 63-3471

Per conversation at 14573

You are hereby authorized to have the attached notice published at my expense in Idaho Free Press of Nampa, Idaho;

for [illegible] in which the wells are situated.

[illegible] Nampa, Idaho

April 23, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation District
1503 - 1st Ave. So.
Nampa, Idaho

Gentlemen:

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

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

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

Very truly yours,

Donald W. McKidcumey
Appropriation Supervisor



APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40705
Permit No. G- 32561
District No.

1. Name of Applicant: Nampa and Meridian Irrigation District, a municipal corporation
   Postoffice address: 1503 1st St.So., Nampa County: Canyon State: Idaho
2. Quantity of water claimed: 8,000 gallons per minute or 17.82 cfs
   (a) Rate of withdrawal in cubic feet per second or Idaho Miners' inches or gallons per minute
   (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean from two wells
4. Location of point of diversion is in the NW ¼ of the NW¼ of Section 11 of both wells
   Twp. 3 N. , Rge. 2 W. , B.M., County of Ada Canyon
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.
   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.
7. Kind of works: Wells
8. Estimated cost of works: $ 2600.00
9. (a) Is reservoir to be used? No
   (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years. Wells are now flowing into Bray Pick Up Lateral
11. If applicant is a corporation, give:
    I. (a) Date and place of incorporation:
    (b) Amount of capital stock: $ None (c) Amount paid in: $ None
    (d) Names and addresses of directors: Wm. Aymer, 1923 Hartman, Boise, Idaho; Dan Barker Route 2, Meridian, Idaho; Ray Patterson, Route 3, Nampa, Idaho;
    II. The financial resources of the applicant are (a) Cash on hand: $
    (b) Treasury stock: (c) Bonds to be issued:
    (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 5/8 Miners Inches to the acre

    (a) 3,000 ~~(cubic feet per second, inches or gallons per minute)~~ gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

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

Relinquished

63-2071

Exception

BE IT KNOWN THAT The undersigned hereby makes application for permit to [illegible] Idaho as herein set forth.

Range and Exception [illegible]

By s/ Joseph C. Voight, Secretary Agent

Date of first receipt at Department of Reclamation: 9:00 A.M. October 6, 1965

Returned to applicant for correction: October 6, 1965

Corrected application received: October 22, 1965

Approval of State Reclamation Engineer

The number of this permit is G— 32561

Recorded in Book 114 Page 32561 Approved October 26, 1965

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

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 26, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 26, 1970

Witness my hand this 26th day of October, 1965

s/ RALPH W. THOMAS, Deputy
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th day of October, 1965

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
3 N	2 W	19			10	10									40	40	40	40	180
		20							40	30	40	40	40	40	30	40	40	40	380
		21	15	35	40	40	40	40	5	35	35	5	40	15					345
		28	40	40	40	40	15	40	40	40	40	40	40	40	40	40	40	40	615
		29	40	40	40	40	40	40	40	40									320
		33	40	40	40	40									40	40	40	40	320
		34										26	19						45
																	TOTAL		2205

Relinquished

AFFIDAVIT OF PUBLICATION

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

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

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

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

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

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

4. That said notice was published the following dates:

May 21, 28, 1970

Subscribed and sworn to before me this

28th day of May, 19 70

Notary Public, Residing at Nampa, Idaho

NOTICE OF [illegible] WATER PERMIT

Notice is hereby given that Nampa and Meridian Irrigation District, 1503 1st St. So., Nampa, Idaho, has received an approved permit No. G-32561(63-3471 issued by the Idaho State Reclamation Department authorizing the diversion of 14.82 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 6, 1965 and the permit was approved October 26, 1965. Water is to be diverted by wells from a point within the NW1/4NW1/4, Sec. 11, T. 2 N, R. 2 W, B.M., Canyon County to be used for irrigation in the S1/2NE1/4, SE1/4, Sec. 19; S1/2NW1/4, S1/2, Sec. 20; N1/2, SW1/4, Sec. 21; Sec. 28; N1/2, Sec. 29; E1/2, Sec. 33; W1/2SW1/4, Sec. 34, T. 3 N, R. 2 W, B.M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before October 26, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

May 21, 28, 1970

Nampa & Meridian Irrigation District
1503 FIRST STREET SOUTH • NAMPA, IDAHO 83651

REGISTERED
3052

State of Idaho
Department of Water Administration
Donald F. McEldowney
Appropriation Supervisor
Statehouse Annex 2
Boise, Idaho 83707

RECEIVED
AUG 20 1970
Department of Water Administration

RECEIVED
AUG 20 1970

WITHDRAWAL OF APPLICATION
AND
REQUEST FOR CANCELLATION OF PERMIT

FROM: Nampa and Meridian Irrigation District
Address: 1503 1st Street South
Nampa, Idaho 83651

TO: Department of Water Administration
Address: Statehouse
Boise, Idaho 83707

Re: Application No. G40705
Permit No. G32561

Nampa and Meridian Irrigation District, the applicant named in the above numbered Application, hereby withdraws such Application, and respectfully requests that Permit No. G32561 be cancelled and terminated by the Department of Water Administration of the State of Idaho.

Dated: August 14, 1970.

NAMPA AND MERIDIAN IRRIGATION DISTRICT

By: _____
Chester Eggers, Jr., President

ATTEST: _____
Joseph C. Voight, Secretary

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO G-32561/63-3471)
in the name of Nampa & Meridian Irrigation)
District, 1503-1st Ave. So., Nampa, Idaho)

ORDER MODIFYING REQUIREMENTS FOR COMPLETION OF PERMIT TO APPROPRIATE WATER

WHEREAS, the 1967 Idaho Legislature made certain amendments to the Idaho Water Law; and,

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

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

WHEREAS, permit No 63-3471 was issued previous to that date;

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

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature

2. The conditions of the above-numbered permit are modified as follows:

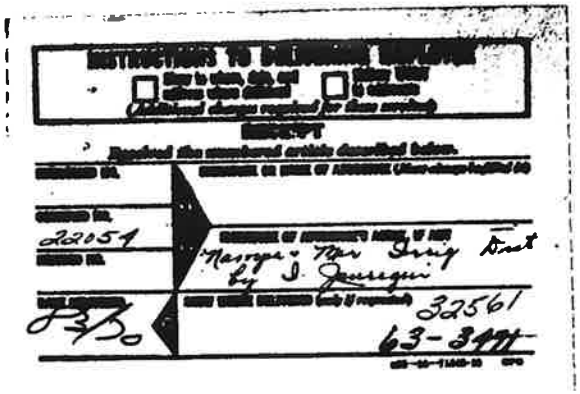
   a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

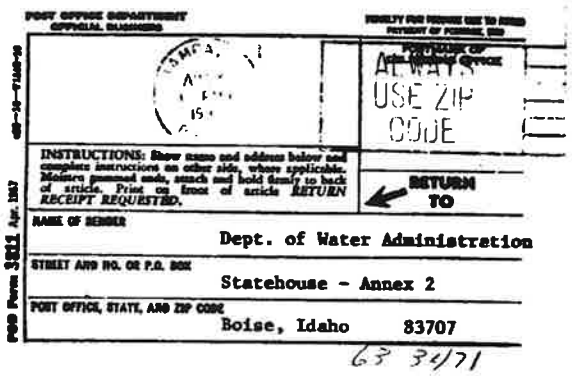
Dated this 22nd day of January, 1970.

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG

32561
63-3471


22051
32561
63-3111



POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

POSTMASTER OF Atlanta Municipal Office

AIR MAIL
USE ZIP CODE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article *RETURN RECEIPT REQUESTED.*

RETURN TO

NAME OF ADDRESSEE
Dept. of Water Administration

STREET AND NO. OR P.O. BOX
Statehouse - Annex 2

POST OFFICE, STATE, AND ZIP CODE
Boise, Idaho 83707

POD Form 3811 Apr. 1967 403-10-67140-10

63 3/4/71

July 31, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irri. Dist.
1503 - 1st St. So.
Nampa, Idaho 83651

Gentlemen:

One of the conditions of the approval of your Permit No. G-32561/63-3471 was that proof of application of the water to beneficial use be submitted to this office on or before October 26, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

Director

Enc: Proof affidavit
REH:DR

CERTIFIED MAIL

63-3471
32561

July 6, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation Dist.
1503 - 1st Street South
Nampa, Idaho 83651

ATTN: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit Since proof of beneficial use of the water is not required until October 26, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

G-32561

ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH • PHONE 466-7861 • NAMPA, IDAHO 83651

RECEIVED

JUL 576

BOARD OF DIRECTORS
CLARENCE I YENSEN
E P (BERT) BLANKSMA
CHESTER EGGERS JR

OFFICERS
PRESIDENT
CHESTER EGGERS, JR
VICE PRESIDENT
CLARENCE I YENSEN
SECRETARY OF THE BOARD
JOSEPH C VOIGHT
WATER SUPERINTENDENT
ELMER J SCHMIT

1 July 1970

Donald W McEldowney
Appropriation Supervisor
State of Idaho
Dept of Reclamation Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr McEldowney:

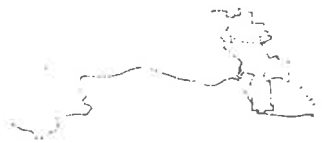
Affidavit of publication for the notice of existing water permit relative to Permit Number G-32561/63-3471 was mailed to the district by the Idaho Free Press. I mail it to you herewith.

Yours truly,

Joseph C Voight
Secretary of the Board

cc: Chester Eggers, Jr
Clarence I Yensen
E P Blanksma

JCV/va



63-3471

APPROXIMATE IRRIGATED ACRES
RIDENBAUGH LANDS-23,476
BOISE PROJECT LANDS-40,000

June 29, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation Dist.
1503-1st Street South
Nampa, Idaho 83651

ATTENTION: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 26, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Idaho Free Press, P.O. Box 88, Nampa, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

G-32561
63-3471

May 8, 1970

Re: Permit No. G-32561/63-3471 - Nampa and Meridian Irr. Dist.

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

Gentlemen:

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

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

The expense of the publication is to be paid by the Nampa and Meridian Irrigation Dist., 1503 - 1st St. So., Nampa, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enclosures (2)

P.S. Please find enclosed purchase order no. 14573. Please complete it and send it to the Nampa & Meridian Irrigation District.

32512
63-3471

May 8, 1970

Re: Permit No. G-32561/63-3471

Nampa & Meridian Irrigation Dist.
1503-1st Street South
Nampa, Idaho 83651

ATTENTION: Joseph C. Voight
Secretary of the Board

Dear Mr. Voight:

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You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

32561
63-3471

ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH • PHONE 466-7861 • NAMPA, IDAHO 83651

RECEIVED
MAY 8 1970
Department of Reclamation

BOARD OF DIRECTORS
CLARENCE I YENSEN
C P (BERT) BLANKENAU
CHESTER ROGERS, JR

6 May 1970

1970 OFFICERS
PRESIDENT
CHESTER ROGERS, JR
VICE PRESIDENT
CLARENCE I YENSEN
SECRETARY OF THE BOARD
JOSEPH C VOIGHT
WATER SUPERINTENDENT
EDWARD J SCHMIT

R Keith Higginson
State Reclamation Engineer
Reclamation Department
614 State St
Boise ID 83702

Dear Keith:

Herewith is signed authorization for advertisement in the matter of our Permit No 63-3471 Also herewith is our Purchase Order No 14573 by which you may order publication in the Idaho Free Press and which will properly identify the bill upon its receipt here.

Yours truly,

Joseph C Voight
Secretary of the Board

cc: Board of Directors
Edward J Schmit, Water Superintendent

JCV:LL
Enclosures



April 23, 1970

Re: Permit No. G-32561/65-3471

Nampa & Meridian Irrigation District
1503 - 1st Ave. So.
Nampa, Idaho

Gentlemen:

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

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

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

Very truly yours,

Donald D. McEldowney
Appropriation Supervisor

DDM/DG
Enc: Order
Advertising package

G-32561

RECEIVED

MAY 8 1970

Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Nampa and Meridian Irrigation District, 1503 1st St. So., Nampa, Idaho has received an approved permit No. G-32561/63-3471 issued by the Idaho State Reclamation Department authorizing the diversion ~~storage~~ of 14.82 cubic feet per second ~~acre feet/ year/~~ of water from a groundwater source, subject to all prior rights. The priority to be established under this permit is October 6, 1965 and the permit was approved October 26, 1965.

Water is to be diverted by wells from a point within the NW¼NW¼, Sec. 11, T. 2 N, R. 2 W, B. M., Canyon County

to be used for irrigation in the S½NE¼, SE¼, Sec. 19; S½NW¼, S½, Sec. 20; N½, SW¼, Sec. 21; Sec. 28; N½, Sec. 29; E½, Sec. 33; W½SW¼, Sec. 34, T. 3 N, R. 2 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before October 26, 1971. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho Free Press, Nampa, Idaho on May 21 and May 28, 1970.

State Reclamation Engineer: Permit No. 63-3471

Per our order # 14573

You are hereby authorized to have the attached notice published at ~~my expense~~ in the Idaho Free Press of Nampa, Idaho; published in the county in which the works are situated.

(Signature)
Nampa & Meridian Irrigation District

1503 First Street South, Nampa, Idaho 83651
(Address)
6 May 1970
(Date)

63-3471

November 1, 1965

Re: Permit No. G-32561

Nampa Meridian Irrig. Dist.,
1503 1st St. So.,
Nampa, Idaho.

Gentlemen:

We enclose Permit No. G-32561 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~We also enclose~~ Departmental Receipt No. G-9869 which was issued covering payment in the amount of $ 9.25 for the filing fee of the above mentioned permit. ~~Was mailed to Eugene Anderson on October 6, 1965.~~

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

63-2171

32561

October 6, 1965

RE: Application No. G-40795

Nampa and Meridian Irrigation District
1503 First Street South
Nampa, Idaho

Gentlemen:

Returned herewith is the above noted application for permit to divert 17.82 c.f.s. from two wells. We are retaining the filing fee of $9.25.

Kindly show the description of the lands to be irrigated on page #2. The lands under the Gray Pick Up Lateral are not known in this office. Also outline the area on the general map of your district.

Please return the application within 60 days or it will be treated as a new application.

Very truly yours,

RALPH W. TIBBS, Deputy
State Reclamation Engineer

RWTsejw

cc: Anderson, Kaufman & Anderson

Encl: Permit application
Maps (2)

Enclosed herewith please find receipt No. G-9869 in the amount of $9.25 pretaining to the above letter.

32561

ANDERSON, KAUFMAN AND ANDERSON
LAWYERS
IDAHO BUILDING
BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

TELEPHONE 342-4681
POST OFFICE BOX 873

October 5, 1965

RECEIVED
OCT 6 1965
Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed herewith is application of Nampa and Meridian Irrigation District for permit to appropriate subterranean waters of the State of Idaho, which please file in your office.

The 8,000 gallons per minute of water applied for converts to 17.82 cubic feet per second.

I am enclosing check in the amount of $9.25 in payment of your filing fee.

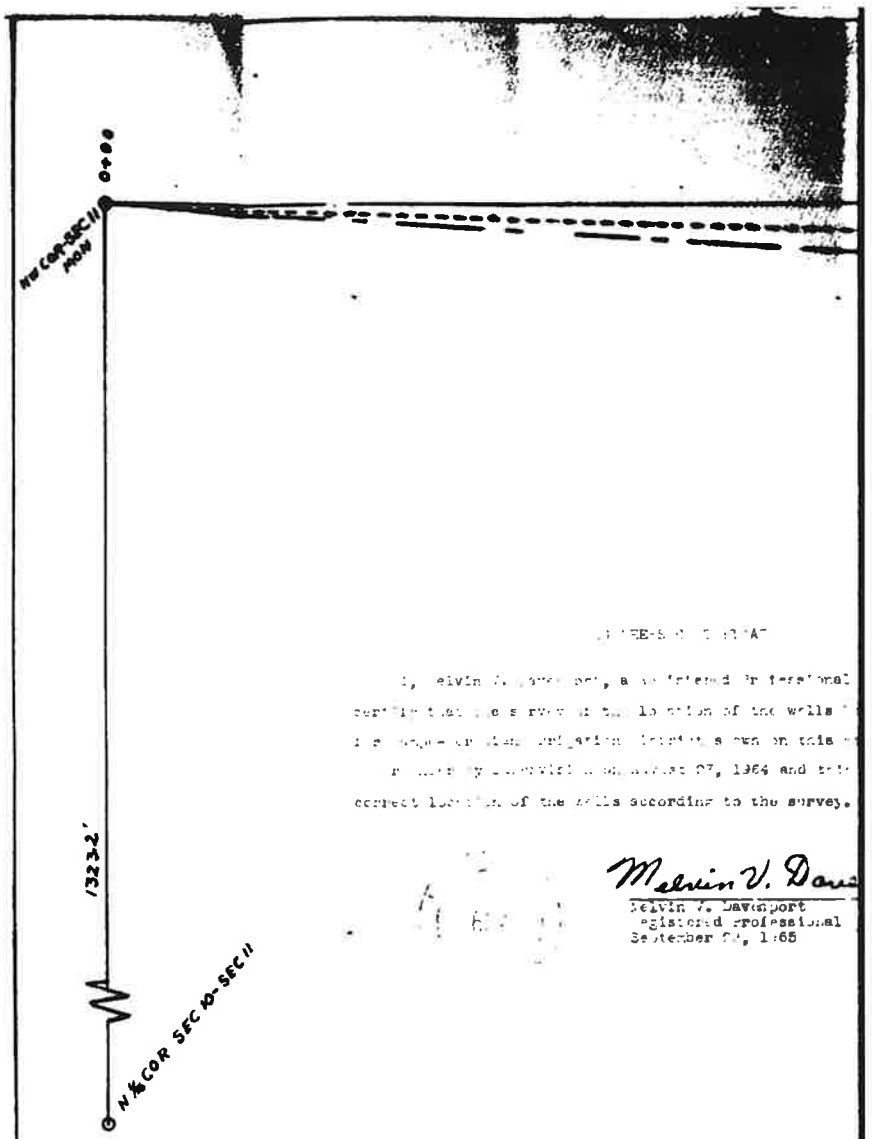
Yours very truly,

ANDERSON, KAUFMAN AND ANDERSON

By Richard Anderson
Richard Anderson

RA/bc
encls.

31 [illegible]



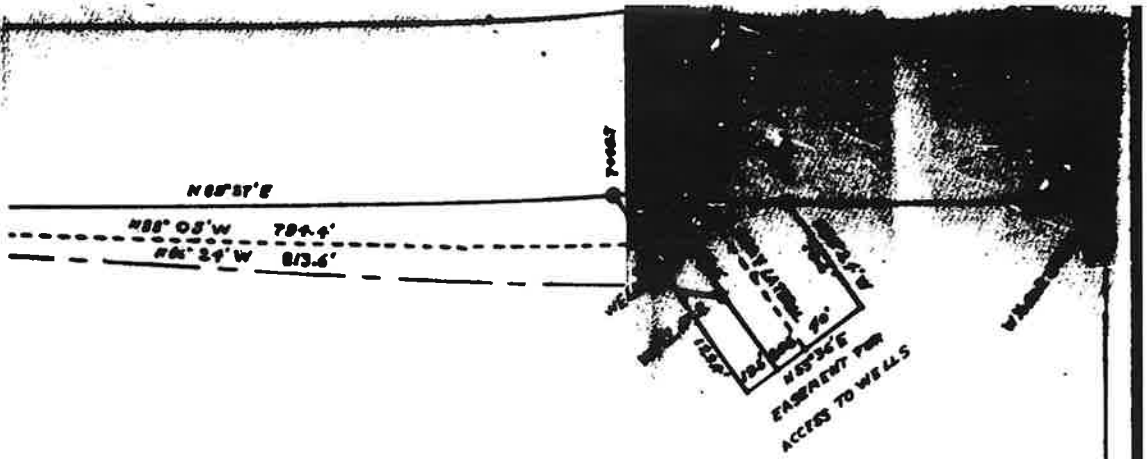
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correct l[illegible]c[illegible]t[illegible]on of the wells according to the survey.

Melvin V. Dave

Melvin V. Davenport
Registered Professional
September [illegible], 1965

63-



N

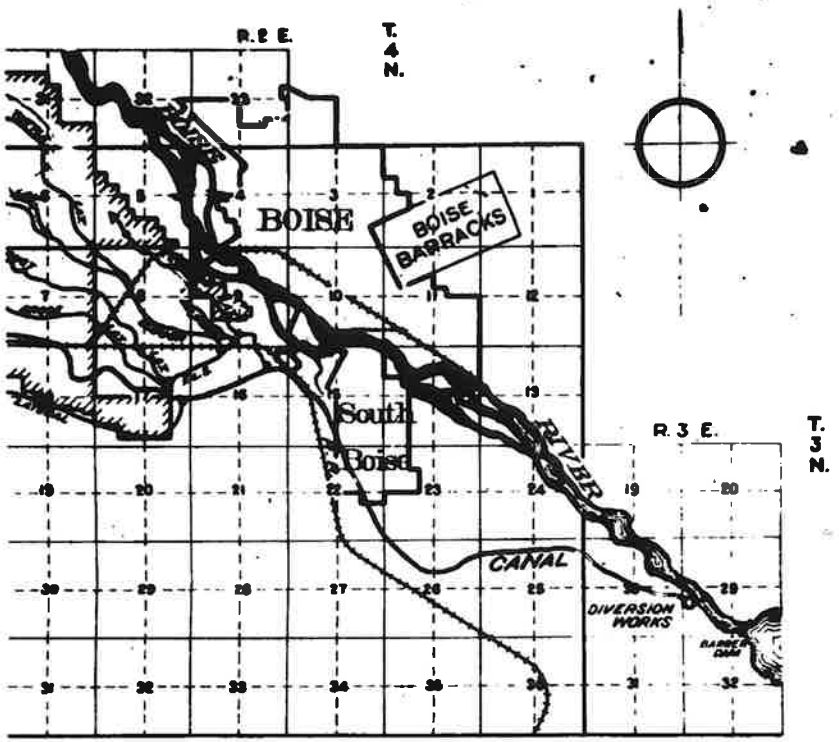
1323.5'

NW COR SEC 11

Permit Map No. 32561
As Approved OCT 26 1965
CARL E. TAPPAN
State Reclamation Engineer

T 2N R 2W

DAVENPORT ENGINEER
BOX 131, CALDWELL, IDAHO - 459-513
SURVEY FOR
NAMPA-MERIDIAN
IRRIGATION DISTRICT
LOCATION OF WELLS
DRAWN BY OLG SCALE 1"=80
APPROVED BY RVD DATE 9-28-
DRAWER
T2N- R2W- SEC 11



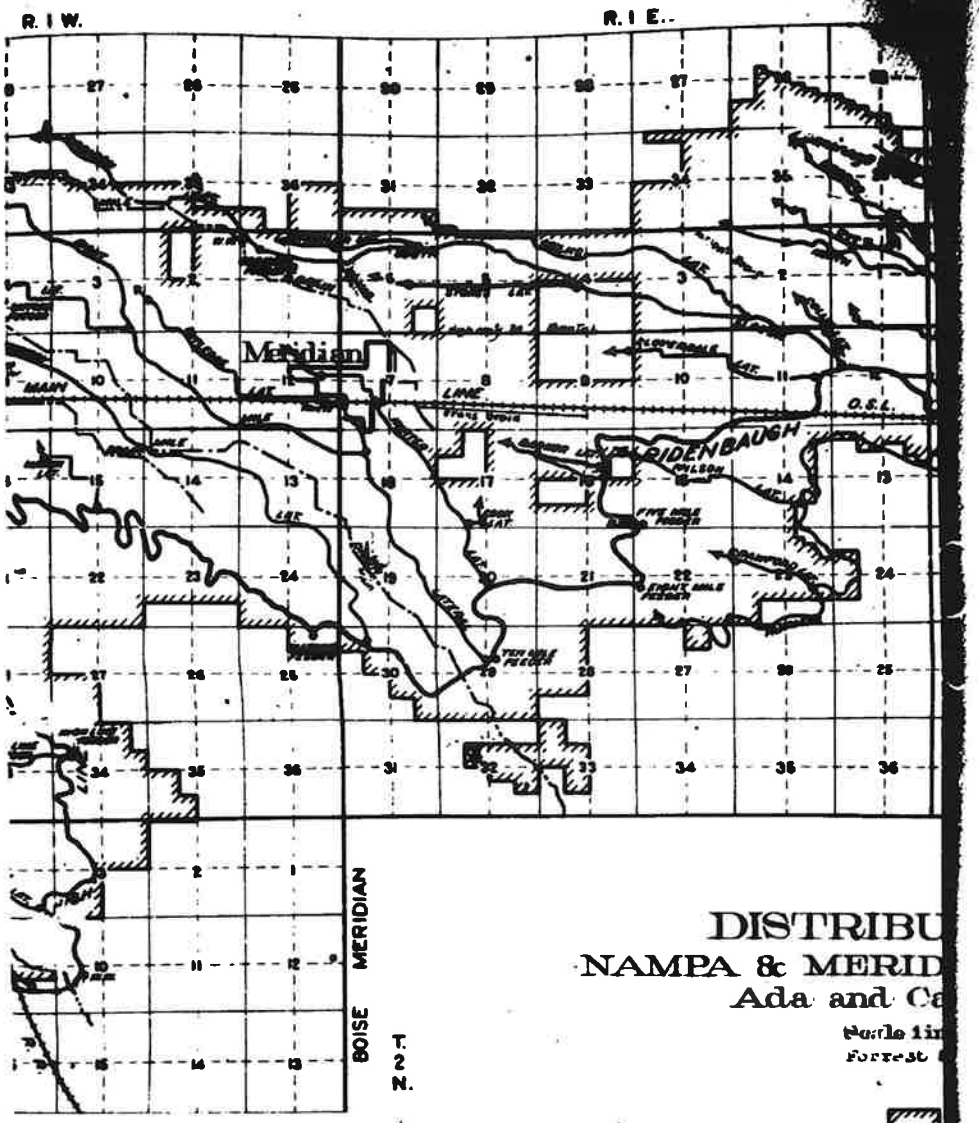
TION SYSTEM
IAN IRRIGATION DISTRICT
unyon Counties , Idaho

: Scale August 1938
Sower

LEGEND

District Boundary

63-3471
3d 561
J.P.

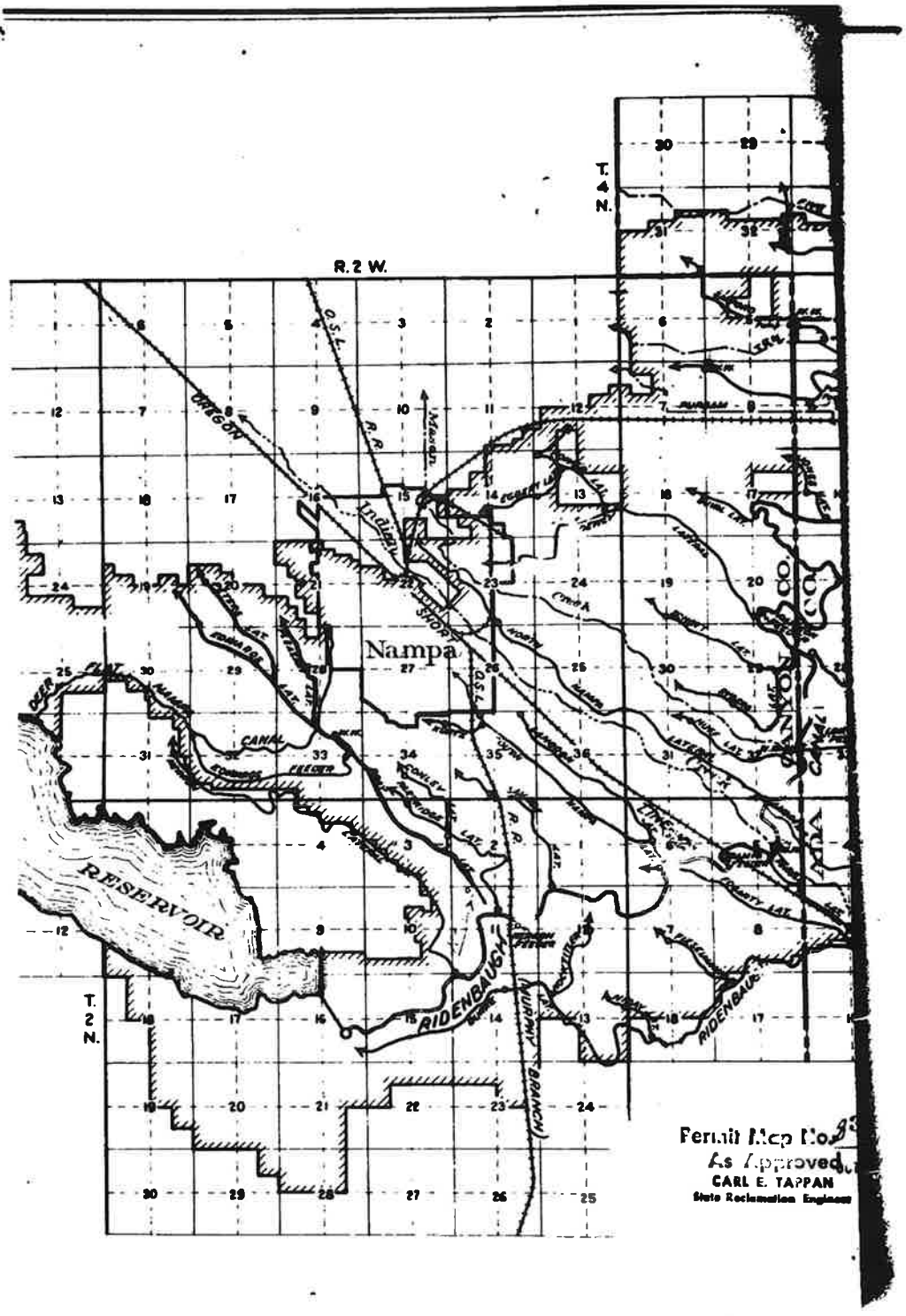


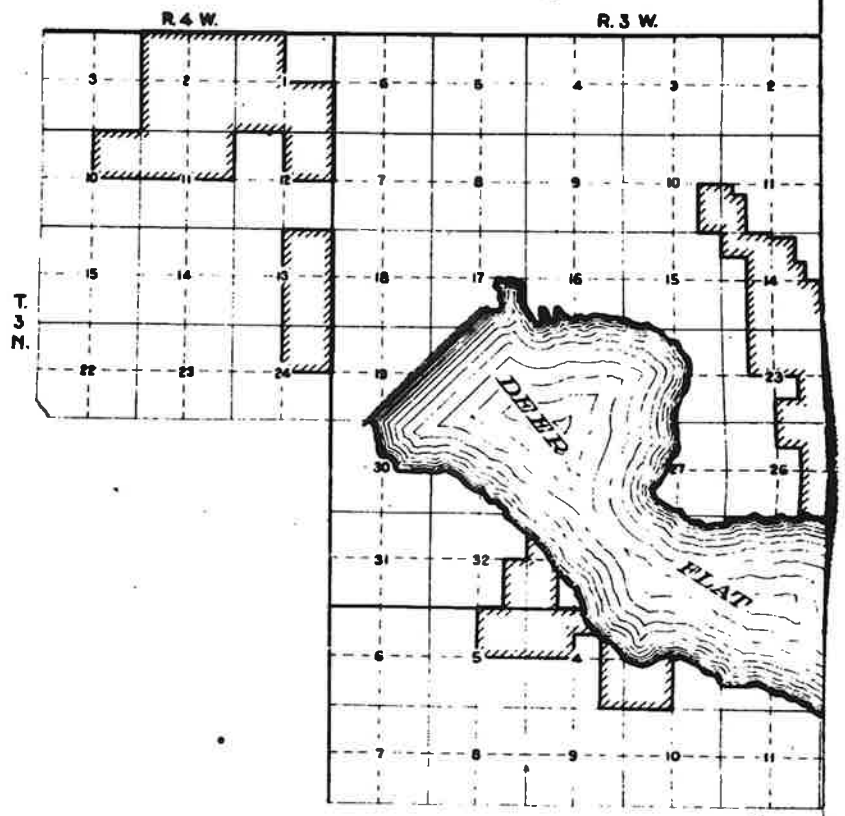
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NAMPA & MERID
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Forrest

12561

26 1965

63-3171


R. 2 W.
T. 4 N.
T. 2 N.
Nampa
RESERVOIR
RIDENBAUGH
Permit Map No.
As Approved
CARL E. TAPPAN
State Reclamation Engineer


R. 4 W.
R. 3 W.
T. 3 N.
DEER
FLAT

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-7136

NAME AND ADDRESS:

MILTON A SLAVIN
116 N CENTER ST
SALMON ID 83467

ROBERTA A SLAVIN
116 N CENTER ST
SALMON ID 83467

SOURCE:

Source:	Tributary:
CARMEN CREEK	SALMON RIVER

QUANTITY: 0.540 CFS ~~0.580 CFS~~

94.500 AFY

Use of water under this right when combined with Rights 75-0059 and 75-0058 shall not exceed a total diversion rate of 0.54 cfs for irrigation.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation.

PRIORITY DATE: 04/24/1979

POINT OF DIVERSION:

~~T22N R22E S8 SESWSW~~
~~Within LEMHI County~~

T22N R22E S8 SWSWSE
Within LEMHI County

~~T22N R22E S8 SESWSW~~
~~Within LEMHI County~~

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	0.540 CFS 94.50 AFY
	~~4/01 11/01~~	~~0.580 CFS~~

PLACE OF USE: IRRIGATION within LEMHI County

T22N R22E S07 SENE 1.0

~~T22N R22E S07 NESE 9.0~~

T22N R22E S07 Lot 10 NESE 9.0

~~T22N R22E S07 SESE 2.0~~

T22N R22E S07 Lot 12 SESE 1.0

T22N R22E S08 NWSW 1.0

T22N R22E S08 SWSW 15.0

~~T22N R22E S08 SWSW 18.0~~

27 ACRES TOTAL

~~29 ACRES TOTAL~~

Use of water under this right when combined with Rights 75-0059 and 75-0058 shall not exceed a total irrigation of 27 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License ~~Permit~~

Right 75-2118 is also diverted through the point of diversion described above.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75D.

~~Use of water under this right is supplemental to all existing water rights with the same purpose and place of use.~~

~~A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.~~

IDFG SPRINGS
WILSON DRAIN RT.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11256

Priority: February 20, 1990 — Maximum Diversion Rate: 31.07 CFS
Maximum Diversion Volume: 22494.0 AF

This is to certify, that STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83720 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 1990; and has submitted Proof of Beneficial Use on February 1, 1993. An examination indicates that the works have a diversion capacity of 31.070 cfs of water from:

WILSON DRAIN — tributary to INDIAN CREEK
SPRINGS — tributary to WILSON DRAIN

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
RECREATION	01/01 to 12/31	31.07 CFS	22494.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENESE, Sec. 3, Township 02N, Range 02W
NWNESE, Sec. 3, Township 02N, Range 02W
NESESE, Sec. 3, Township 02N, Range 02W
CANYON County

PLACE OF USE: RECREATION

TWN	RGE	SEC		
02N	02W	3	NESE	SESE

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 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.

MAR 28 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11256

CONDITIONS OF APPROVAL AND REMARKS

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. Use of water under this right shall be non-consumptive.
8. Recreation use is for public, recreational fishing.
9. Place of use is also known as Wilson Ponds.

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 21st day of MARCH, 1996.

Acting for KARL J. DREHER, Director

MAR 28 1996

SYSTEM DESCRIPTION 63-11256

A series of man-made ponds and enhanced marshy areas has been developed as a public recreation area (aka Wilson Ponds) adjacent to the new Fish and Game Region III office. The diversion is a concrete control structure on Wilson Drain which is situated to collect discharge flows from the Nampa Hatchery. The hatchery is located across the road to the east, and flows cross the road through a buried culvert before entering the diversion structure, hence, flows have entered the drainage and source is Wilson Drain.

At the diversion structure, a 4' regulated culvert discharges to the ponds and there is a 6' culvert overflow to Wilson Drain. Springs in the ponds provide an unknown proportion of additional flows. Flows are routed through a small pool and marsh, then separated into two separate stocked pools. Exit flows from the pools pass through concrete spillways and are returned to Wilson Drain approximately 2000 feet downstream from the diversion.

Flows through the facility were measured by taking head readings over flashboards in the spillway control structures. A similar method is used to measure flows at Nampa Hatchery (see 63-07879 and 63-09194). A flashboard setup with concrete sidewalls assimilates a rectangular contracted weir, except that the weir crest is flat and contraction occurs only behind the crest. It was found during the Hatchery exam that a flashboard weir head reading, when used with the rectangular contracted weir discharge table, yields flows approximately 10% in excess of actual flows. Accordingly, all calculated flows from this exam have been adjusted down by 10%.

At the time of the exam, flows through the ponds were down due to maintenance problems with the fish screens at the pond spillways. Head readings were taken at the time of the exam. To estimate maximum flows, approximated head readings were taken from the high water marks on the concrete sidewalls. Adjusted flow at time of exam was 13.79 cfs. Approximated maximum flow (adjusted) is 31.07 cfs. Because of the lengths of the flashboard crests (10 and 22 feet) the expanded Cone's formula was used instead of the weir table to calculate discharges (see data sheet).

Approximated maximum flow through Wilson Ponds may be supported by the maximum flows found at the Nampa Hatchery, since these are the primary contributor to the flows in Wilson Ponds. A maximum adjusted flow of 36.19 cfs was found for the hatchery facility during the previous exams.

RECD
MAR 2 8

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-11256

1. Owner: STATE OF IDAHO DEPT OF FISH & GAME Phone No. 334 3730

Current Address: PO BX 25 BOISE ID 83720

2. Accompanied by: SCOTT GRUNDER EXAM DATE: 5/10/94

Address: REGION III OFFICE Phone No. 887 6729

Relationship to Permit Holder: Environmental Biologist

3. Source: Wilson Drain Springs tributary to Indian Creek Wilson Drain

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-2388, 8940, 11705

2. Other water rights with the same point of diversion: 63-11705, 8940

RECEIVED
JAN 0 3 1995
Department of Water Resources

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	SE	3	2N	2W	Canyon	Site Visit, USGS Map
*			NE	SE	3	2N	2W	Canyon	

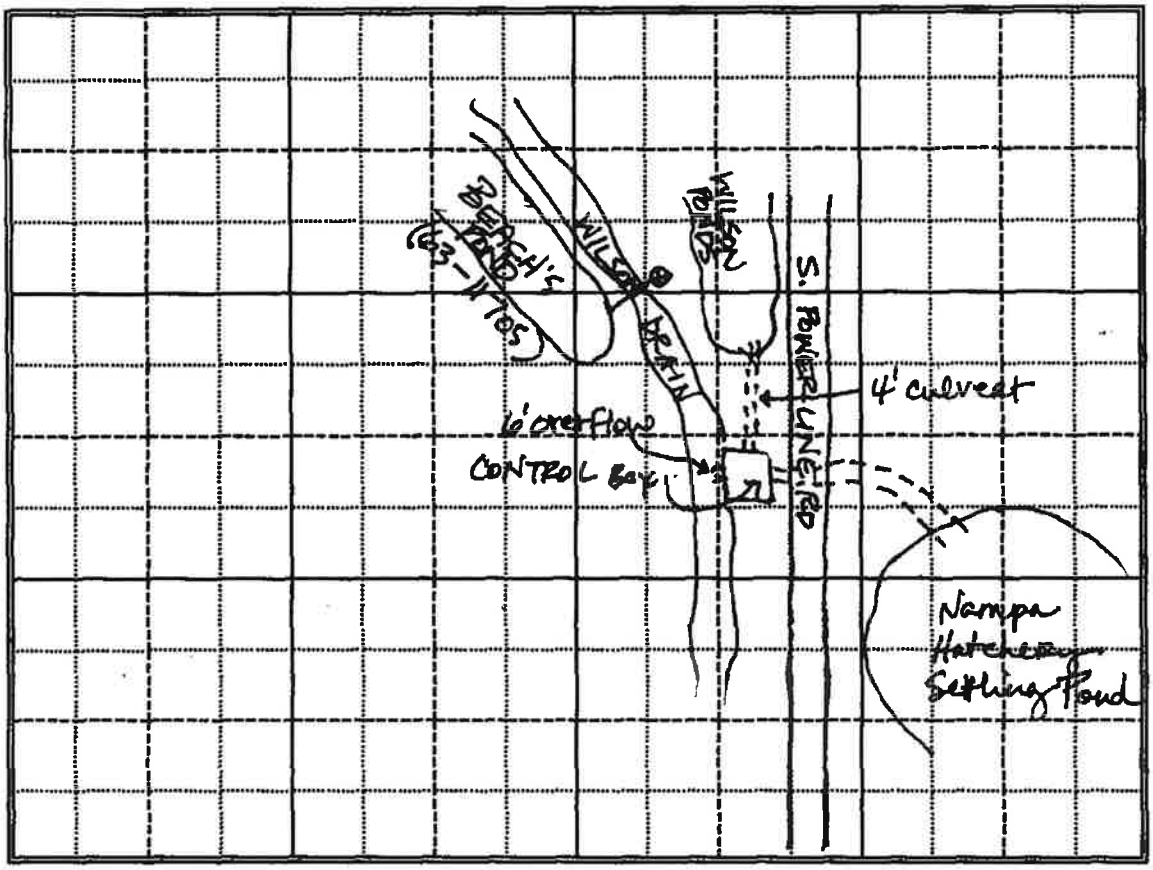
2. Place(s) of Use: Indicate Method of Determination Above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	2W	3													R			R	

RECEIVED
MAR 28 1996

* See adjustment memo. RC

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



Scale: 1" = NTS.

Copy of USGS Quadrange 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

*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:** Flashboard weir method (see system description) at pond outlets

MAR 2 8 1996

E. NARRATIVE/REMARKS/COMMENTS See also attached System description

Development is known as Wilson Ponds. Pond "D" (See project map) was not developed under this permit. The existing pond to the west of Wilson drain is under 63-11705, and operated separately from a groundwater source.

Overlaps: 63-11705 - Separate source/use (F&G project)
63-8940 - groundwater, Separate acres in SESE

Use under this right is non-consumptive.

No storage required. Facility volume is approx. 25 AF (5 ac surface x avg 5' depth). Even at minimum flows of 13 cfs, facility will fill in 24 hrs (13 x 1.9835 = 25.8 AF)

Have conditions of permit approval been met? \ yes ___ no

MAR 28 1996

F. FLOW CALCULATIONS \ Additional Computation Sheets Attached

Measured Method:

31.07 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Recreation: 31.07 x 365 x 1.9835 = 22,494 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Recreation	1/1	12/31	31.07	22494 AFA
		Totals:		

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

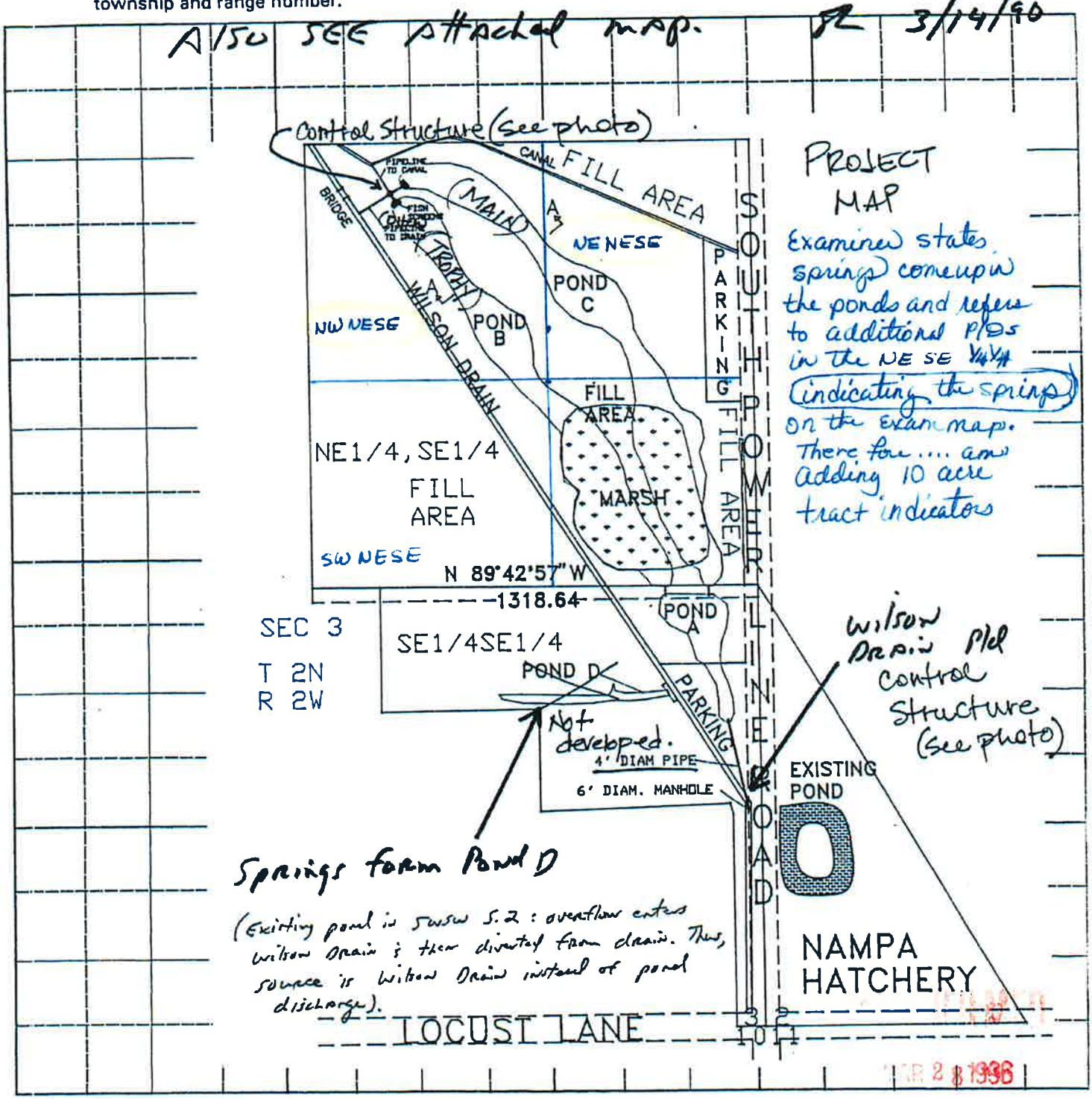
Field Examiner's Name Cindy J Hodges Date 11/17/94

Reviewer _____ Date _____

SEAL

MAR 28 1996

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.~~ 1 inch equals 400 feet

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.

Leaf VanDe Bogart
F & G. Engineer (Applicant)

BC

63-11256

Chronological Development of
Water Right Nos. 63-32695, 63-7879, 63-9194 and 63-11256

Summary

The Patterson Wells, the wells owned by the Idaho Department of Fish and Game (IDFG), the Nampa Fish Hatchery and the Wilson Ponds are all located in an area where seepage from the nearby NMID lands and irrigation canals operated by or for the benefit of NMID supply an overabundance of ground water. Drainage of water from this seeped area into NMID's drainage and water delivery systems since 1916 is well documented. Drainage efforts began with the construction of the Wilson Drain in 1916 and progressed with the drilling of multiple wells in various locations beginning in 1919 and continuing through the 1970s. The Patterson Wells were the largest of these wells, producing by themselves over 20 cfs that was discharged directly into the Bray Lateral. The quantity of seepage water produced by the Patterson Wells and from other locations in the seeped area, up to 24 cfs, was sufficient for NMID to discontinue supplying the Bray Lateral directly from the Ridenbaugh Canal.

The Nampa Fish Hatchery has significantly diminished the flow of seepage/ground water from the Patterson Wells and the other locations in the seeped area that have supplied seepage/ground water to the Bray Lateral. IDFG placed pumps in the Patterson wells so that they no longer produce water without pumping. The six IDFG wells drilled within a few hundred feet of the Patterson Wells draw water directly from the Patterson Well water supply. Consequently, the Patterson Wells, which originally produced over 20 cfs, were recently measured by IDWR to produce only 10.78 cfs. According to IDWR, the Bray Lateral which once received up to 24 cfs from the Patterson Wells and other locations in the seeped area (likely other wells drilled in the area), today receives less than 12 cfs from these sources.

When IDFG's predecessor-in-interest, Byron Anderson, proposed to NMID in 1973 that NMID permit him to use the Patterson Wells to supply water to a new fish hatchery and drill five (5) new wells within a few hundred feet from the Patterson Wells, NMID was well aware of the likely impact of Anderson's proposal on NMID's water supply. NMID would not have agreed to allow Anderson/IDFG to use the Patterson if the result would be to cut NMID's water supply and water right in half. The impacts of Anderson's proposal were anticipated and resolved in the 1973 License Agreement by (1) allowing NMID to use the water pumped by the IDFG wells and (2) including conditions to ensure that the NMID's water supply would not be diminished by the fish hatchery's operations. The 1973 License Agreement, and its 1989 Supplement, have thus prevented the otherwise injurious impact of the Nampa Fish Hatchery to NMID's water supply. All of the water pumped by IDFG has been continuously delivered to the Bray Lateral, with overflow discharged to the Wilson Drain. NMID's water supply was not been diminished, though the manner in which the water is diverted and delivered to NMID has changed.

This is a classic case for an accomplished transfer to add points of diversion under I.C. § 42-1425. Recognizing this change through an accomplished transfer in the Snake River Basin Adjudication (SRBA) is analogous to IDWR amending the IDFG permits and issuing licenses for

water right nos. 63-7879 and 63-9194 to add the Patterson Wells as points of diversion to each IDFG water right. Adding the IDFG wells as points of diversion for NMID's water right no. 63-32695 accurately describes NMID's use of seepage/ground water since 1962 to supply the Bray Lateral.

The source of NMID's water right should be defined to accurately reflect its use of the seepage/ground water since 1962. NMID's right to recover this seepage/ground water is established by Idaho statute and a long history of Idaho case law. *See, e.g.*, I.C. § 42-228; *U.S. v. Haga*, 276 F. 41, 43 (1921); *Sebern v. Moore*, 44 Idaho 410, 418, 258 P. 176, 178 (1927); *Reynolds Irr. Dist. v. Sproat*, 70 Idaho 217, 222, 214 P.2d 880, 883 (1950); *Hidden Springs Trout Ranch v. Haterman Waterusers, Inc.*, 101 Idaho 677, 680, 619 P.2d 1130, 1133 (1980).

While Anderson's construction of the fish hatchery and IDFG's construction of the Wilson Ponds have significantly altered the use of the seepage/ground water after it is pumped from the ground and before it reaches the Bray Lateral, their uses have not altered the true source of water to the Bray Lateral. That source was and is ground water resulting from seepage from the nearby canals that are operated by or for the benefit of NMID, as well as seepage from the irrigation of surrounding lands within NMID's boundaries.

In its Amended Director's Report, the Idaho Department of Water Resources (IDWR) has bifurcated NMID's claim no. 63-32695 into nos. 63-32695A and 63-32695B, to recommend approximately half of the 24 cfs as waste water, tributary to Wilson Drain. This is inaccurate. Presumably, IDWR recommended this source based on the source identified in IDFG's water right no. 63-11256 for the Wilson Ponds. As discussed below, none of the water flowing through the Wilson Ponds comes from or flows through the Wilson Drain. As explained by IDWR's Beneficial Use Field Report for water right no. 63-11256, aside from a nominal quantity of water that may arise from the former marshy area where the Wilson Ponds are now located, the predominant source of water for the Wilson Ponds is the seepage/ground water pumped by the Patterson Wells and IDFG wells. Indeed, the Wilson Ponds water right was licensed for the same quantity of water that was measured to flow through the Nampa Fish Hatchery during the beneficial use field examination.

The flow of water from to the Bray Lateral over time can be depicted as follows:

Until 1962: Boise River –> Ridenbaugh Canal –> Bray Lateral

1962 to 1976: Boise River –> Ridenbaugh & New York Canals –> Seepage –> Patterson Wells & other –> Bray Lateral

1976 to 1992: Boise River –> Ridenbaugh & New York Canals –> Seepage –> Patterson Wells & other –> Nampa Fish Hatchery –> Bray Lateral

1992 on: Boise River –> Ridenbaugh & New York Canals –> Seepage –> Patterson Wells & other –> Nampa Fish Hatchery –> Wilson Ponds –> Bray Lateral

For these reasons, claim no. 63-32695 should not be bifurcated into two water rights. The right should be recommended and decreed as a single right for 24 cfs from the seepage/ground water source NMID has consistently used since 1962. The source should be described as either "wastewater" or as "groundwater," and in either case should include a remark to explain that the water supply is seepage from the nearby Ridenbaugh Canal, New York Canal, associated delivery laterals, and from irrigation of nearby lands in NMID. The water right should be decreed with language that preserves NMID's right to use water from the Patterson Wells and the IDFG wells under the priorities of its Boise River natural flow rights and storage water rights pursuant to state law.

1. 1919-Present: Seepage Source

The land in the vicinity of the Patterson Wells (fka Hosack Wells) in sections 2, 3, 10 and 11 in T2N, R2W, B.M. was historically water-logged as a result of seepage from nearby canals and irrigation of nearby lands within NMID. Nearby canals include NMID's Ridenbaugh Canal and delivery laterals, and the New York Canal, operated by the Boise Project Board of Control, to deliver storage and natural flow water to the five Boise Project irrigation districts, including NMID, that are entitled to receive the water pursuant to contracts with the United States, Bureau of Reclamation (USBR).

Documents recently obtained from Record Group 115, Records of the Bureau of Reclamation U.S. National Archives and Records Administration, Rocky Mountain Branch, Denver, Colorado, verify that the source of groundwater diverted by the Patterson Wells and the IDFG wells is seepage from these nearby canals. Early in the 20th century, seepage from the delivery and use of water on lands in NMID (as well as in other areas of the Boise Valley) resulted in extensive water-logging, causing large tracts of land to be unusable for cultivation and other beneficial uses. To provide drainage for the water-logged lands and to recover the seepage water for beneficial use on lands within NMID, in 1915 NMID entered an agreement with USBR for USBR to construct a drainage system consisting of several large drains running through NMID in Ada and Canyon Counties. (**Attachment 1.**) Construction began in 1916, including construction of the Wilson Drain originating near the modern-day Nampa Fish Hatchery and running northwest through the City of Nampa.

Seepage and the resulting water-logging of the area where the Nampa Fish Hatchery and the Wilson Ponds are now located was of particular concern. Construction of the Wilson Drain in 1916 did not provide sufficient drainage to reclaim all of the "seeped area" that was mapped in 1916 and 1917 in **Attachment 2**. This map shows the seeped area at an elevation of 2514 to 2510 feet, 36 to 40 feet lower than the Ridenbaugh Canal at an elevation of 2550 feet a short distance to the southeast where the canal takes a 90 degree turn to the south. It also shows the head end of the Wilson Drain and the Bray Lateral, which at that time took water directly from the Ridenbaugh Canal. A subsequent sketch showing the "wet lands" during the 1918 irrigation season shows that the seeped area had increased in size, extending along both sides of the Wilson Drain and extending further southward toward the Ridenbaugh Canal and the New York Canal (identified in the map as the "Main South Side Canal"). (**Attachment 3.**) The 1918 wet lands included properties owned decades later by Allen Hosack, the Andersons and IDFG.

During its April 8, 1919 meeting, the NMID Board of Directors authorized NMID's Secretary to meet with USBR to discuss the "seepage conditions of the property near the Wilson Drain in sections 2, 3, 10 and 11, T.2N., R.2W., . . . and make arrangements if possible to co-operate with the owners of the land affected and with [USBR] to relieve the lands above described of the seepage water affecting them." (**Attachment 4**.)

In a June 25, 1919 letter (**Attachment 5**), the Drainage Engineer for USBR wrote the following regarding "seepage development on the Upper Wilson Drain south of Nampa."

> Seepage on the Upper Wilson Drain is very much worse than in previous years and probably over one hundred acres is now badly affected. In the study of existing ground water data, it seems probable that the seepage water is an accumulation of irrigation and canal losses on the higher surrounding areas and that the Deer Flat Reservoir losses have little or no effect on this area. The deep percolating seepage water finds its way into the porous lava beds which underlie the higher areas as well as in the immediate vicinity of the seeped tract and causes water-logging by direct upward pressure.

The Drainage Engineer explained the rationale for drilling wells to provide drainage for the seepage:

> It seems probable that no relief could be afforded by ordinary drainage means since the present water-logged condition extends to the banks of the present deep drain and the proposed method of drilling deep wells under the lava rock is believed to be a proper method of accomplishing drainage. It seems probable that a considerable flow can be developed by such wells since there is available at grade elevations of the Wilson drain approximately a maximum head of 20 feet. This head is understood to be some 5 to 8 feet greater than existed on the wells in the Twin Falls area, which has been successfully drained by wells and where flows of from 25 to 50 inches were developed in 6-inch deep wells. Contracts have been let for drilling wells in this area and it is understood that $600 is available for the work.

Enclosed with the June 25, 1919 letter was a 1912 map of the drainage system, including the Wilson Drain, as it was proposed prior to construction. The 1912 map was modified to indicate the approximate location of the "Seepage on Upper Wilson Drain."

The District's engineer, John Sharp, recently reviewed the aforementioned correspondence and maps, and confirms that the elevation drop from the Ridenbaugh Canal to the seeped area is sufficient to cause seepage from the Canal to produce water-logging in the seeped area by direct upward pressure through the lava rock, as explained by the USBR Drainage Engineer in 1919. It is Mr. Sharp's opinion that this seepage has continued to be the source of ground water in the seeped area, including the ground water diverted by the Patterson Wells.

Efforts to drain the seeped area by drilling three 6-inch wells began as early as 1919, as explained in an August 16, 1919 USBR letter regarding "seepage conditions of upper end of Wilson

Drain." (**Attachment 6**.) The locations of the wells are depicted in a map enclosed with the letter. In the wells, lava rock was encountered a short distance below the surface, and a large water-bearing seam was encountered at a depth of 45 to 65 feet. The combined flow of the wells was approximately 6.5 cfs.

The drilling of the three wells was discussed in the 1919 "Annual Project History of Boise Project." (**Attachment 7**.) Improvement in the wet condition of the area was observed. The 1919 irrigation season was very dry, and little irrigation water was applied in the area after the end of August. Flow from the wells diminished significantly thereafter in September and October.

The 1920 "Annual Project History" (**Attachment 8**) contains the following discussion of seepage conditions at the head of the Wilson Drain:

> As mentioned in the 1919 Project History, since the construction of the Wilson Drain by the Government for the Nampa & Meridian Irrigation District, a portion of the land adjacent to the upper end of the drain remained water-logged. Despite the fact that three flowing wells were drilled in the area in the early fall of 1919, and four more in the spring of 1920, the seepage conditions remained bad. Five more wells were drilled in the late fall of 1920, and these five at the present time are flowing more than the seven previously drilled. At the end of the year all of the wells were flowing a total of 10 cubic feet per second. It will take some time to see what effect the additional wells have in draining this area.
>
> The flow of these wells is into the constructed Wilson Drain, from which a feeder canal diverts at the lower end to water the lands of the Notus extension. Thus, if the constructed flowing wells are not effective in draining the seeped area referred to, they will be put to beneficial use in the irrigation of new lands. If they do drain this area, they will serve the double purpose of drainage and irrigation.

The seeped area continued to be water logged during the ensuing decades. In 1961, Allen Hosack, a well driller, acquired the portion of the seeped area in section 11, T2N, R2W, B.M., south of East Locust Lane. During the late 1950s and early 1960s, Mr. Hosack drilled several wells on his property, including the two wells which later came to be known as the Patterson Wells, to drain his water-logged land into NMID's drainage and water delivery system. NMID agreed to share the costs of drilling these wells and carry the drained seepage water in its irrigation and delivery system.

The hydrology and hydrogeology of this area in terms of ground water supply have not changed appreciably since 1916. The Ridenbaugh and New York Canals remain approximately 40 feet higher in elevation a short distance to the southeast of the "seeped area," much of which is where the Nampa Fish Hatchery and Wilson Ponds are now located. Water seeps from these unlined canals and delivery laterals, and from NMID lands, into the aquifer through porous lava rock formations. The elevation differential between these large canals and the IDFG property creates pressure, resulting in what have sometimes been referred to as "artesian" ground water flows. The drilling of wells and the installation and use of pumps by Anderson and IDFG, as well as the construction and operation of the Nampa Fish Hatchery and the Wilson Ponds, has reduced and

controlled the seepage conditions that have been observed since 1916, so that productive use is made of the land in the "seeped area."

2. 1962-Present: Quantity

The Hosacks' land was water logged by seepage. Minutes of the June 6, 1962 meeting of NMID's Board of Directors indicate that Mr. Hosack and NMID had been working together for some time prior to the meeting to drill and maintain drainage wells on Mr. Hosack's property:

> Allen Hosack requested the Board to do further drainage work on his property located on South Power Line Road south of Nampa. He stated that some of the wells need attention and that he would pay the cost of drilling more wells if the District would pay for the necessary material and fuel. The Board promised to meet with him at a later time and look it over. (**Attachment 9.**)

Minutes of the July 2, 1963 meeting of the NMID Board of Directors show that Mr. Hosack again discussed existing and proposed drainage wells on the Hosack property:

> Mr. A.E. Hosack asked the District to pay one half the cost of about a half dozen more wells in his property in NW1/4 Section 11, Township 2 North Range 1West. Mr. Barker suggested that, if the whole Board is willing, the District reimburse him for half the cost of one more well or $250.00 on one well, whichever amount is the smaller. — the size of the well to be 16" the same as the one just drilled. Mr. Wymer expressed his doubt that wells are the answer and Mr. Patterson suggested that the District agree to one more well but no more unless good result is experienced.
>
> Mr. Wymer moved that the District pay Mr. Hosack $250.00 as its share of the cost of drilling another 16" inch well and that if that does no good the District will do nothing further toward drainage in the NW1/4 NW1/4 Section 11 Township 2 North Range 1 West. Mr. Patterson seconded this motion and it was passed unanimously. (**Attachment 9.**)

Mr. Hosack filed with IDWR well driller reports for four wells he drilled in the NWNW of section 11, T2N R 2W, B.M. (**Attachment 10.**) The report for the Patterson Wells describes two 16" wells, 99 feet deep and **producing a total of 9,100 gpm or 20.22 cfs**. As with the wells drilled by USBR in 1919, the report shows that Mr. Hosack encountered lava rock at relatively shallow depths, and encountered "broken lava rock" from 60 to 99 feet where he encountered "flowing water." The report states that the wells flowed into the Bray Lateral.

Mr. Hosack filed two other well driller's reports for two deeper drainage wells in the NWNW sec. 11 T 2N R 2W to much deeper depths, one producing 2,500 gpm (5.56 cfs), and one producing 2,000 gpm (4.44 cfs).

Prior to the construction of a fish farm by the Andersons during the early 1970s, IDFG's predecessors-in-interest, the Patterson Wells discharged directly into the Bray Lateral. The approximate location of the pipeline and discharge to the Bray Lateral are shown in **Attachment 11**.

In 1964, Mr. Hosack transferred ownership of the Patterson Wells and the land on which they are located to NMID. To protect the flow of water from the Patterson Wells to NMID, the deed transferring ownership to NMID contained the following provision:

> [Hosacks] covenant and agree not to construct, or permit the flow nor extraction of water from, any well in the northwest quarter of the northwest quarter of section 11, Township 2 North, Range 2 West, Boise Meridian, outside the area hereinbefore conveyed, which shall reduce the flow from either of the two wells on the area hereinbefore conveyed and this covenant shall be a covenant running with said described premises . . .. (**Attachment 12.**)

Drainage from the Patterson Wells and other locations in the seeped area (likely some of the additional wells drilled by USBR, Hosack and others) was recovered by NMID in the Bray Lateral, and measured at the current point of measurement west of South Powerline Road. The ground water supply was ample enough for NMID to discontinue diverting water from the Ridenbaugh Canal into the Bray Lateral.

As was the case in 1919, the 1960s efforts to drain the seeped area were not entirely successful. Mr. Hosack appeared before the NMID Board again in September of 1966 to request more drainage work on his property. (**Attachment 9.**)

NMID records from the 1960s show flows of up to 1054 miner's inches (21.08 cfs) from these sources measured in the Bray Lateral at the current weir located a short distance west of the South Powerline Road and the Nampa Fish Hatchery property. (**Attachment 14.**) The 1973 License Agreement between NMID and the Andersons documents 800 miner's inches (16 cfs) from the Patterson Wells and 1200 miner's inches (24 cfs) collectively from the Patterson Wells and other locations.

The following evidence substantiates a total of 24 cfs from the Patterson Wells, the IDFG Wells and the and other locations in the seeped area identified in IDWR's Amended Recommendation:

> Well driller's report for the Patterson Wells, showing total production in 1965 of 20.22 cfs (**Attachment 10.**)
>
> October 6, 1965 Application for Permit filed by NMID for Patterson wells for 17.82 cfs, explaining that the "wells are now flowing into Bray Pick Up Lateral." The application was approved October 26, 1970, and was withdrawn August 14, 1970. (**Attachment 13.**)

1966 Bray Lateral measurements showing flows up to 1054 miner's inches (21.08 cfs). (**Attachment 14.**)

1973 Bray Lateral measurements showing flows up to 917 miner's inches (18.34 cfs). (**Attachment 14.**)

September 22, 1973 plans entitled "Trout Farm, Byron V. Anderson - Meridian, Idaho", showing 800 miner's inches (16 cfs) from NMID. (**Attachment 15.**)

Undated draft License Agreement between NMID and Andersons, page 4, containing the following sentence: "In that regard, the parties understand and agree that the District heretofore has utilized said Wilson Drain for the transmission of approximately 800 miners' [sic] inches [16 cfs] of drainage water flowing from the Patterson Wells." (Note: the reference to the Wilson Drain should be to the Bray Lateral.) (**Attachment 16.**)

October 29, 1973 letter from William F. Ringert to Joseph C. Voight, NMID Secretary, explaining change in draft License agreement between NMID and Andersons: "The last paragraph on page 4 has been revised to increase the District's capacity from 800 miners inches [16 cfs] to 1200 miners inches [24 cfs] and to provide that water from other sources, as well as from the Patterson Wells, is included in that 1200 inches [24 cfs]." (**Attachment 17.**)

December 18, 1973 License Agreement between NMID and the Andersons, page 6 stating that "the parties understand and agree that the District heretofore has utilized said Bray lateral for the transmission of as much as 1200 miners' [sic] inches [24 cfs] of drainage water flowing form the Patterson Wells and from other sources," and Exhibit A, showing 800 miner's inches (16 cfs) from NMID. (**Attachment 18.**)

1980 Bray Lateral measurements showing flows up to 1192 miner's inches (23.64 cfs). (**Attachment 14.**)

1987 Bray Lateral measurements showing flows up to 1054 miner's inches (21.08 cfs). (**Attachment 14.**)

1989 Bray Lateral measurements showing flows up to 1125 miner's inches (22.50 cfs). (**Attachment 14.**)

2006 Bray Lateral measurements showing flows up to 1150 miner's inches (23.00 cfs). (**Attachment 14.**)

3. The 1973 License Agreement

Drainage and use of the seeped area identified by USBR in 1919 was fundamentally altered by construction of a fish farm by IDFG's predecessors-in-interest, Byron and Sonya Anderson.

In 1973, Byron Anderson planned to build a fish hatchery on his land bordered by South Power Line Road to the west, Locust Lane to the south, and the Bray Lateral running diagonally from the southeast to the northwest. He asked NMID for permission to use water from the Patterson Wells before it discharged to the Bray Lateral, he proposed to drill additional wells within a few hundred feet of the Patterson Wells, and he asked for permission to discharge all the water he used to the Bray Lateral. The plans he submitted to NMID show water requirements of 1,200 miner's inches (24 cfs) to 1.800 miner's inches (36 cfs). (**Attachment 15**.) The plans show that an estimated 800 miner's inches (16 cfs) would come from NMID's Patterson Wells, and 400 to 1,000 miner's inches would come from his proposed "new wells." The plans show water flowing from the wells, through raceways, discharge of a "fish pond," and then discharged from the pond to the Bray Lateral to the east (mislabeled in the plans as the Wilson Drain) and under South Powerline Road to the west.

NMID and the Andersons entered a License Agreement on December 18, 1973 based on the plans Mr. Anderson submitted. (**Attachment 18**.) A version of the plans is attached as Exhibit A. The License Agreement permitted Anderson to use all of the water produced by the Patterson Wells for fish propagation (*Id.* at 3-4). NMID authorized the Andersons to discharge into the Bray Lateral the water they would use in their fish farm, including water from the Patterson Wells and new wells to be drilled by the Andersons. *Id.*, at 5. The Andersons agreed that NMID has the right to use water produced by the Anderson wells after the Andersons' use of that water. *Id.* at 8.

The Agreement confirmed NMID's use of the water for the benefit of its landowners:

> Anderson understands and agrees that the water flowing form the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that **it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation, by reason of being diverted into Anderson's fish propagation facilities**. *Id.* at 5 (emphasis added).

Regarding the quantity of water flowing in the Bray Lateral, the License Agreement states: "the parties understand and agree that the District heretofore has utilized said Bray lateral for the transmission of as much as 1200 miners' [sic] inches [24 cfs] of drainage water flowing form the Patterson Wells and from other sources." Because Mr. Anderson's plans called for a flow of up to 36 cfs through his hatchery, the License Agreement requires him to increase the capacity of the Bray Lateral as necessary to carry flow over 24 cfs. (*Id.* at 6).

Like the 1964 Deed from Hosack, the Agreement includes conditions to maintain and protect the continued flow of water to the Bray Lateral for delivery to NMID's landowners:

1. the Andersons' use is required to be nonconsumptive (*id.* at 4);
2. the Andersons are required to discharge into NMID's Bray Lateral the same quantity of water as the Andersons divert from the Patterson Wells (*id.*);
3. the wells drilled by the Andersons shall not diminish the flow of water from the Patterson Wells (*id.*);
4. if the flow of water from the Patterson Wells is diminished when the Anderson wells

are producing, the Andersons are required to provide NMID sufficient water to make up for the reduction (*id.*);

5. NMID retained the right to control the flow of water from the Patterson Wells (*id.*);
6. during the irrigation season, if the quantity of water discharged into the Bray Lateral is less than the quantity from the Patterson Wells, then NMID has to right to adjust the Andersons' diversion works to increase the flow to the Bray Lateral (*id.* at 5);
7. the construction, maintenance and repair of Anderson's water diversion, transmission and discharge facilities shall "not interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners" (*id* at 9).

The Andersons agreed to "indemnify and keep indemnified the district from all claims of any of its landowners from damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson . . ." *Id.* at 9.

During 1973, the year the License Agreement was executed, Bray Lateral measurements were as high as 18.34 cfs. (**Attachment 14.**)

4. 1973-1982, Anderson's Permit Applications & Well Drilling

On October 4, 1973, while the terms of the 1973 License Agreement were being finalized, Mr. Anderson filed with IDWR an application for permit for 5 wells to divert 25 cfs for fish propagation. (**Attachment 19.**) The application identified the "two Patterson drainage wells" as "other water rights use for the same purposes as described above." In support of the application, Mr. Anderson referenced and submitted to IDWR a draft of the License Agreement. (**Attachment 19.**) IDWR approved the permit on November 9, 1973 and assigned it no 62-7879.

Mr. Anderson began drilling wells in 1974, encountering similar lava rock and broken lava rock subsurface conditions that had been encountered by USBR in 1919, and by Mr. Hosack during the 1950s and 1960s. (**Attachment 19**, well driller's reports.) A well interference complaint was filed shortly after the wells were drilled (but not controlled), demonstrating the impact of the Anderson wells on local ground water levels. Mr. Anderson completed drilling in 1976.

On November 14, 1978, Mr. Anderson submitted to IDWR proof of beneficial use showing use of 25 cfs from the 5 wells he drilled. (**Attachment 19.**) Mr. Anderson referenced NMID's use of the water discharged from the raceways and the retention pond he built. As shown in the plans for his fish farm, water was discharged directly from his retention pond to the Bray Lateral through an outlet at the northeast corner of the pond.

On December 8, 1978, Mr. Anderson filed a second application for an additional well in the SWSW Sec 2, T2N, R2W to divert an additional 5 cfs, in which he again referenced the 1973 License Agreement with NMID. IDWR approved the application, and assigned it no. 63-9194. (**Attachment 20.**)

Two years later, during 1980, Bray Lateral measurements were as high as 23.64 cfs (1182 miner's inches).

5. 1982 IDFG Acquisition of the Anderson Fish Farm

In 1982, Mr. Anderson assigned the permits to Rainbow Farms, Inc., which then conveyed the fish farm property and facilities to IDFG by warranty deed dated April 7, 1982. **(Attachment 19.)** An addendum to the deed includes all rights of the Andersons to the 1973 License Agreement, "for the nonconsumptive use of certain water from the [NMID's] Patterson Wells and of certain physical facilities owned by said district," and water right permit nos. 63-7879 and 63-9194. The addendum also states that the conveyance is subject to: "Terms and conditions of Contracts between United States of America and [NMID]; and said district and individual owners pertaining to water rights for irrigation."

6. 1989 Supplemental License Agreement

In 1989, after the Idaho Department of Fish and Game (IDFG) purchased Mr. Anderson's property, IDFG entered a Supplement to the 1973 License Agreement to authorize IDFG to install pumps in the Patterson Wells "in order to increase the discharge from the wells during periods of low artesian flow, which occur during certain portions of the year." **(Attachment 21** at 1-2.)

The Supplemental License Agreement provides:

1. "Unless otherwise expressly provided herein, all terms, conditions and requirements of the 1973 License Agreement remain in full force and effect and control the operation of the Patterson Wells and the use of the water from the Patterson Wells." (*Id.* at 2, ¶5.)

2. "The pumps shall be installed, operated, repaired and replaced in such manner as not to interfere in any way or to any extent with the flow of water from the wells at such times as the pumps, or either of them, are not in operation, in order to insure that the District shall receive the full quantity of water required by it for delivery to its landowners served by the Bray lateral and to insure that the drainage function of the wells is carried out properly." (*Id.* at 3, ¶7.)

4. "The combined discharge of the pumps shall not exceed 600 miners inches [12 cfs] and the separate discharge from each pump shall not exceed 300 miners inches [6 cfs]." (*Id.* at 3, ¶9.)

5. "The parties acknowledge and agree that the wells constitute part of the integrated irrigation and drainage system of the District, and that there may be times when the needs of the Department with respect to the use of water from the wells might not coincide with the drainage requirements or irrigation requirements of the District. For that reason, the Department agrees that it shall not operate the pumps at any time or in any manner when the effect of such pumping would not conform to the

irrigation or drainage requirements of the District. The District disavows any purpose or intention to authorize the extraction of water from either well except in accordance with the District's irrigation and drainage requirements." (*Id.* at 3-4, ¶10.)

6. "The pumps shall be installed at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners." (*Id.* at 4-5, ¶12.)

7. "[T]he Department agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of drainage or impairment of the flow of irrigation water in the Bray Lateral which may be caused by the installation, operation, repair or replacement of the pumps . . .. Furthermore, the department acknowledges its responsibility fairly to compensate any landowner in the District for damages to the landowner's crops, livestock or property resulting from reduction in the flow or discharge of water from the Patterson Wells caused by the installation, operation, repair or replacement of the pumps." (*Id.* at 5, ¶13.)

The above-quoted paragraph limiting the combined discharge of the Patterson Well pumps to 12 cfs was not intended to diminish the total supply of water to the Bray Lateral from the Patterson Wells and the IDFG wells below 24 cfs. This paragraph pertains only the discharge of the pumps, which were intended "to increase the discharge from the wells during periods of low artesian flow, which occur during certain portions of the year." This paragraph does not limit the total discharge from the Patterson Wells, nor does it limit the total flow of water from the Patterson and IDFG wells to the Bray Lateral which, during 1989, the year the Supplement to the 1973 agreement was entered, was as high as 22.50 cfs. (**Attachment 14.**) As with the 1973 License Agreement, this paragraph reflects concern that the discharge of water to the Bray Lateral not exceed its capacity.

7. 1991 Beneficial Use Field Exam for Permit Nos. 63-7879 and 63-9194

IDWR conducted a beneficial use field examination for permit nos. 63-7879 and 63-9194 on June 4,1991. The examiner (Mel Shulte) found IDFG diverting and using water from eight wells, six on the IDFG property and NMID's two Patterson Wells. (**Attachments 19, 20.**)

None of the eight wells was individually measured. Included with the report are descriptions of each of the eight pumps. The combined horsepower of the Patterson Wells pumps is 60, roughly equal to the combined 62.5 horsepower of the pumps for the other six wells. A diagram shows water diverted from the Patterson Wells conveyed to two towers, from which the water is conveyed through a concrete channel that also received water from IDFG "well #3" with one of the smaller pumps. The examiner measured flow through that channel to be 16.2 cfs, and also measured flow through a channel that conveyed water diverted from the five other IDFG wells to be 15.68 cfs. It is not possible to determine from the report whether and to what extent well #3 contributed to the 16.2 cfs flow at the time of measurement.

At the same time, IDFG measured the discharge from the raceways. IDWR measured a total flow through the facility of 31.88 cfs, and IDFG measurements showed 35.41 cfs. These measurements represented the total flow from the 6 IDFG wells plus NMID's Patterson Wells. Based on these measurements, the examiner recommended the permitted amounts of 25 cfs for water right no. 63-7879 and 5 cfs for water right no. 63-9194.

In his report, the examiner identified the Patterson wells as well #1 and well #2. The report gives no indication that the examiner understood that the Patterson Wells and the water diverted from the Patterson Wells were owned and used by NMID, or that the examiner took account of the 1973 License Agreement. The report states that permit nos. 63-7879 and 63-9194 "use the same sources," including the Patterson Wells. In fact, neither permit identified the Patterson Wells as points of diversion. As previously mentioned, the permit application identified the "Patterson drainage wells" to "[d]escribe any other water rights use for the same purposes as described above." The report narrative states: "Permits 63-9194 and 63-7879 will be amended to add all eight P/D's to each permit." There is no indication in the report that NMID would be notified of the examiner's proposal to include the Patterson Wells as points of diversion for the IDFG rights.

8. 1994 Permit Amendment and Licensure

Consistent with the beneficial use field report, License Review Checklists prepared nearly three years later on March 31, 1994 call for permit nos. 63-7879 and 63-9194 to be amended to add the Patterson Wells as points of diversion for IDFG's rights. There is no indication in the checklists that NMID would be contacted regarding the proposed amendment of the IDFG permits.

On April 11, 1994, IDWR sent IDFG applications to amend permit nos. 63-7879 and 63-9194 to add the Patterson Wells as points of diversion for IDFG's rights. IDFG signed the applications to amend its permits on April 29, 1994, and IDWR approved them ten days later on May 9th, 1994. On that same day, May 9th, IDWR issued license nos. 63-7879 and 63-9194 to IDFG, including the Patterson Wells as points of diversion. The licenses make no mention of NMID's ownership of the Patterson Wells or the water diverted from it, or the 1973 License Agreement. There is no indication that NMID was notified at any time that the permit amendment had been filed or approved, or that licenses had been issued, and there is no indication that notice of the amendment had been published. (**Attachments 19, 20.**)

9. 1990-Present, Wilson Ponds

On February 20, 1990, IDFG filed with IDWR a permit application for 50 cfs to provide water for proposed recreational fishing ponds to be located directly across South Powerline Road from the Nampa Fish Hatchery. (**Attachment 22.**) The ponds were to be located in the northwesterly portion of the seeped area identified by USBR in 1919. A drawing that accompanied the application shows a "marsh" which continued to exist because of the historically documented seepage from nearby canals.

The application originally identified the source of the water as "Pond Discharge" from the Nampa Fish Hatchery. This was crossed out and replaced by the words "Wilson Drain Springs."

Notwithstanding this nominal change, the application's description and delivery system diagram explain and show that the primary water supply for the ponds would come from the Nampa Fish Hatchery settling pond. The application identifies the 30 cfs from permit nos. 63-7879 and 63-9194 as other water rights used for the same proposed public fishing ponds. The application explains that NMID approval was required for the application to be approved by IDWR, and that after flowing through the proposed ponds, the water would be discharged either to the Wilson Drain or to the Bray Lateral.

During 1990, IDFG submitted plans for the proposed fish ponds to NMID for approval. (**Attachment 23.**) The plans show that water discharged directly to the Bray Lateral from the northeast side of the Nampa Fish Hatchery settling pond would instead be discharged through a pipe at the northwest side of the settling pond through a pipe running under South Powerline Road into the proposed fish ponds, with overflow discharging to NMID's Wilson Drain. The plans do not include any means of diverting water from the Wilson Drain into the proposed ponds, and none has ever been installed. This would require pumping, as the Wilson Drain water level is several feet below the elevation of the ponds.

On November 13, 1990, NMID attorney sent a letter to IDWR in reference to the IDFG permit application, in which he explained:

> As is the case with several of the drains and drainage wells of [NMID], the water from the Patterson Wells is regarded as part of the District's original appropriations of water from the Boise River, Claims nos. A-63-00199B and A63-00200B, with is recaptured by the District within its boundaries. (**Attachment 22.**)

On September 24, 1991, NMID and IDFG entered a License Agreement to allow IDFG to move the discharge of water from the Nampa Fish Hatchery to NMID's Bray Lateral from the direct discharge on northeast side of the settling pond to the discharge at the northwest end of the proposed recreational fish ponds, to become known as the "Wilson Ponds." (**Attachment 24.**) The License Agreement allowed IDFG a make a second use of the water diverted from the Patterson Wells and the IDFG wells, first through the fish hatchery, and then through the Wilson Ponds, before the water was ultimately discharged into the Bray Lateral, with overflow discharged to the Wilson Drain. The primary source of water for NMID's Bray Lateral continued to be the Patterson Wells and the IDFG wells. To protect NMID's water supply for the Bray Lateral, NMID may terminate the License Agreement if IDFG's operation of the Wilson Ponds adversely affects the supply of water to the Bray Lateral. (**Attachment 24** at 11-12, ¶ 8.)

On November 12, 1991, IDFG submitted the License Agreement to IDWR in support of its application.

IDWR issued permit no. 63-11256 to IDFG on February 12, 1992.

IDFG submitted proof of beneficial use to IDWR on February 1, 1993, claiming use of 50 cfs from "springs."

IDWR conducted a beneficial use field examination on May 10, 1994. The Beneficial Use Field Report incorrectly identifies the source as "Wilson Drain Springs" tributary to "Indian Creek Wilson Drain." Nonetheless, the system description narrative, diagram and photographs clearly show that the source of water for the fish ponds is the discharge from the Nampa Fish Hatchery.

> A series of man-made ponds and enhanced marshy areas has been developed as a public recreation area (Aka Wilson Ponds) adjacent to the new Fish and Game Region III office. The diversion is a concrete control structure on Wilson Drain which is situated to collect discharge flows from the Nampa Hatchery. The hatchery is located across the road to the east, and flows cross the road through a buried culvert before entering the diversion structure, hence, flows have entered the drainage and source is Wilson Drain.
>
> At the diversion structure, a 4' regulated culvert discharges to the ponds and there is a 6' culvert overflow to Wilson Drain. Springs in the ponds provide an unknown proportion of additional flows. Flows are routed through a small pool and marsh, then separated into two separate stocked pools. Exit flows from the pools pass through concrete spillways and are returned to Wilson Drain approximately 2000 feet downstream from the diversion.

In the preceding excerpt, the examiner incorrectly stated that flows from the hatchery entered Wilson Drain prior to entering the Wilson Ponds. This has never been the case. As previously stated, the Wilson Drain is several feet below the level of the diversion structure. While overflow discharges to Wilson Drain, no water from the hatchery enters the Wilson Drain before entering Wilson Ponds.

The examiner derived and recommended a quantity of 31.07 cfs for the Wilson Ponds water right based on the flow through the Nampa Fish Hatchery. In her report she explained: "Approximated maximum flow through Wilson Ponds may be supported by the maximum flows found at the Nampa Hatchery, since these are the primary contributor to the flows in Wilson Ponds."

On March 21, 1996, IDWR issued license no. 63-11256 to IDFG for 31.07 cfs from "Wilson Drain Springs" as recommended by the examiner.

After the completion of the Wilson Ponds in 1992/1993, there have been no additional modifications to the diversion, delivery and use of water from the Patterson Wells and the IDFG Wells by NMID and IDFG. IDFG continues to make use of the well water first in the Nampa Fish Hatchery and then through the Wilson Ponds before discharging the water to the Bray Lateral, with overflow discharging to the Wilson Drain. As was the case in 1919, the source of this water continues to be seepage from nearby canals and irrigated lands within NMID's boundaries.

10. NMID Lands Served by the Bray Lateral

Approximately 404 acres within NMID receive water directly from the Bray Lateral. The Bray Lateral also provides water for the lower half of NMID's Edwards lateral system, for

approximately 759 acres. NMID delivers 1" to the acre while under river flow to all district lands. The minimum requirement for these 1163 acres is 1163 miner's inches, or 23.26 cfs. Water delivered through the Bray Lateral also supplements the Partridge Lateral and the Conley Lateral late in the irrigation season when NMID receives water from storage. In addition, NMID is mindful that lands which formerly received water from the Bray that have been excluded may be reinstated, requiring additional flow through the Bray.

9-28-11

MEMO TO FILE

From: Jan Shurte

63-32695

1st recommendation – included the two Patterson well measurements along with a 3rd well measurement from a field exam previously conducted in 1991 for Fish and Game's Right No. 63-9194. Due to the equipment used in the measurement at the time the best measuring point was down the pipeline after the 3rd well (Fish & Game well) comingled with the Patterson well's flow. This is addressed again below for the recommendation on 63-32695A. Fish & Game's wells were not included in this recommendation.

2nd recommendation - Strictly based on the well log submitted by the well driller, Hosack, showing the wells as being completed in 1965. This 1965 date was past the mandatory permit date of 3-25-1963 and the right was recommended as disallowed.

Objection resolution: NMID submitted an objection to the disallowal along with a 1964 deed showing that the Anderson were selling the land to NMID along with the two Patterson wells. This cast doubt on the well log's starting and ending date being 1965. The wells must have existed prior to 1965 in order for them to have been sold with the land in 1964. Further information concerning the timing of the well logs can be found in the file. Based on this information the right could be recommended and the following recommendations were made.

3rd recommendation- Split Rights

63-32695A –

This right covers the two Patterson wells at the largest amount measured during the field exams in the fall of 2010 and spring of 2011. Well #1 measured 5.22 cfs in the fall, 2010. Well #1 was measured again in March, 2011 showing 4.98 cfs produced. I chose the larger of the measurements, or 5.22 cfs for the recommendation. Well #2 was measured in the fall, 2010 at 5.15 cfs. Well #2 was again measured in March 2011 producing 5.56 cfs. Again I took the larger of the measurements , or 5.56 cfs, for Well No. 2. When Well No. 1 and 2 are added together they equal 10.78 cfs. This 10.78 cfs is reflected in the the total combined quantity condition for this right and Right Nos. 63-7879 and 63-9194. When the licenses were issued for 7879 & 9194 in 1991 they found 16.2 cfs coming from Well Nos. 1, 2, & 3. This reviewer used the 16.2 cfs in the first recommendation due to a lack of any other measurements. During our fall, 2010 field exam we again measured well #3 which came out to be 5.6 cfs. With Well #'s 1 & 2 highest measurements totaling 10.78 cfs, the difference between the 16.2 cfs for all 3 wells measured in 1991 minus the 5.6 cfs measured for well #3 in October, 2010,is 10.6 cfs which is not far from the 10.78 cfs measured for just the two Patterson wells in 2010 and 2011. This shows that in 1991 the wells were producing .18 cfs less than in 2010 and 2011.

The reason that the Fish & Game wells were not included on this recommendation is due to:

1 – These wells were drilled for the fish hatchery in 1973 and 1978. Permit Nos. 63-7879 and 63-9194 which were later licensed were filed for 8 wells, 6 of which are on the hatchery property and 2 (Patterson wells) which are on NMID property.

The wells were drilled for fish propagation and even though the agreements purport to give Nampa Meridian Irrigation District permission to have certain controls over the flows from the wells it does not give them a beneficial use water right to the wells. The beneficial use began after the wells were drilled in 1974 and 1978 which is later than the mandatory permit date for groundwater rights or 3-25-1963. The agreements cover the water delivery situation which exists between Nampa Meridian and Fish and Game due to the water dynamics of this area. The agreements were made because Fish and Game developed the wells for fish production, filed the water rights, and what was needed was a water distribution agreement for the Patterson wells and other sources (in this case wastewater from the Fish & Game wells and wastewater from irrigation)

The 24 cfs was never proven to have ever solely come from the Patterson's wells. No information has been given to prove that amount was ever produced. Several different amounts have been spoken of over the years. The 24 cfs is the amount noted in the agreement in 1973, however, it also notes that the 24 cfs not only comes from the Patterson wells, but also from "other sources" which are not defined in the agreement. The other sources may include the wastewater from Nampa Meridian's system and from Fish & Game's other 6 wells. In 1973 Mr. Anderson wrote Water Resources concerning his future plans for the fish facility and referenced the approximate 14 cfs from the Patterson wells at that time. See letter dated 11-7-73 in file. Then, in 1989 there was a supplemental agreement between NMID and cFish and Game that was done because the artesian flows were too low at certain times of the year and Fish and Game were proposing installing pumps in the wells. In this agreement 12 cfs is the amount that cannot be exceeded from the pumping of the Patterson wells. The measurement in 1991 show approx. 10.6 cfs from the Patterson wells after Well #3 is subtracted out and our largest two measurements in 2010 and 2011 show 10.78 cfs. The remaining 1.1 cfs recommended under this right is from the three artesian wells located in the NWSW, S2 which flow directly into the Bray lateral and basically lie in the Bray lateral. This totals the 11.88 cfs recommended. These three artesian wells are on another person's land and they do not have any other water use or water rights. They consist of various sized well casings extending 2' above the marshy area which have artesian flows into the Bray lateral. The only diversion out of the Bray lateral prior to the measuring point is for Nampa Meridian into the Partridge lateral.

63-32695B –

This recommendation is for the remainder of the claimed cfs from wastewater sources tributary to the Wilson Drain. The Bray lateral and the Wilson Drain collect wastewater from the 6 Fish and Game wells after they go through the hatchery along with wastewater from their own system and possibly from other ditch entity's wastewater south of this area delivering through the New York Canal system.

Memo for NMID vs Fish and Game – 63-7879. 9194 & 32695

Originally recommended water right 63-32695 for 16.2 cfs with a 6/6/1962 priority date based on minutes from a NMID meeting with the landowner (driller) who wanted to drill more drainage wells due to the saturation of the soil from the NMID irrigation water coming into the area.

An objection was filed by NMID to the water right for the source, quantity, place of use, other provisions necessary and explanatory material. Another objection was filed by BLM for the place of use for NMID which has been resolved and a response was filed by the State of Idaho on behalf of the Idaho Dept of Fish and Game which has an agreement with NMID over the wells originally recommended.

During my research for the objection filed by NMID, along with the amended claim filed claiming not only the Patterson wells that the agreement with Fish and Game is on, but also all of the Fish and Game wells covered under F & G's water right nos. 63-7879 and 9194 along with 3 different flowing artesian wells, I investigated well logs in this area and found a well log which is for the Patterson wells dated 1970 with a 1965 date as to when both of the wells were drilled. Based on this new found information, I disallowed the water right due to being outside the mandatory irrigation season.

Information was submitted by the attorneys for NMID showing that indeed wells were drilled for drainage before 1965 and even after 1965. The scenario shown by Mr. Steenson, attorney for NMID is that in 1964 the property owner, who also happened to be the well driller, sold the property to NMID along with the two Patterson wells. If this was the case, then it would indicate that the wells were drilled prior to the date put on the well drilling report dated 1970. See Mr. Steenson's letter dated May 24, 2011 for further details.

The current situation is that it appears there is not enough evidence to warrant disallowal of this right based on the well log submitted by Mr. Hosack (property owner and well driller). The Dept did have a push for well drillers to file all old well logs in the late 60s and early 70s which probably prompted Mr. Hossack to file several well logs at that time. The fact that he sold the land in 1964 to NMID with two wells indicates the date on the well log submitted, and used to disallow the claim, may not be able to stand up in court. Therefore, this right can be recommended, however, other changes have been discovered during the investigation due to the objection.

The original recommendation was made based on a measurement conducted in 1991 by Mel Schulte in which he measured the two Patterson wells and also included a 3rd well due to the inability of making a measurement, at that time, without inclusion of that well. The total amount measured from these three wells was 16.2 cfs. Thus, without any other measurement I recommended 16.2 cfs for this right originally.

However, during the field exam conducted on 10-28-2010, Patterson well #1(eastside) measured 5.22 cfs, Patterson Well #2 (Westside) measured 5.15 cfs for a total of 10.37 cfs. We then measured the third well included in the 1991 measurement and measured 5.6 cfs. These measurement were done using

ultrasound water measuring devices. When you add up all 3 well measurements the total is 15.97 cfs which does come very close to the amount measured for all 3 in 1991 (16.2 cfs). However, the 1962 priority date is only for the two Patterson wells and therefore the recommendation can only be for the 10.37 cfs amount measured for those two wells. The wells were claimed as accomplished transfers, additional points of diversion and the district feels it maintains what was originally historically available for their system, thus the filing. They would like to add the additional cfs from the Fish and Game wells to their water right, up to 24 cfs. What I need to do is find out if this is possible and whether we need information on how much of that is wastewater or if there is any natural flow that could have been coming in there in the beginning.

The claim was also amended to add several 3 artesian wells which still need evidence of priority and measurements.

Draft of July 24, 1914

THIS AGREEMENT made this 1st day of June, 1915, between the UNITED STATES OF AMERICA, acting for this purpose by the Secretary of the Interior, under the provisions of the Act of Congress of June 17, 1902 (32 Stat. 388) known as the Reclamation Act, and acts amendatory thereto or supplementary thereto, and the Act of Congress of February 21, 1911, (36 Stat. L. 925), the party of the First Part, hereinafter called the United States, and the NAMPA & MERIDIAN IRRIGATION DISTRICT, an Irrigation District organized under the laws of the State of Idaho, and located in Canyon and Ada Counties, Idaho, acting for the purposes of this contract under authority of Title 14 of the Idaho Revised Codes, including Sections 2396, 2397, and 2398, the party of the second part, hereinafter called the District-

WITNESSETH - That,

WHEREAS, the District includes within its boundaries about Twenty-four Thousand Five Hundred Fifty-seven (24,557) acres of irrigated land, Twenty-two thousand six hundred twelve (22,612) acres of which are entitled to receive water from the District; the remainder being irrigated with water from the Settlers' and New York Canals; and whereas, the District owns and controls that certain canal known as the Ridenbaugh Canal through which water is supplied from Boise River to the lands

DRAINAGE DECLARATION

of the District for irrigation and domestic purposes, and whereas, the natural flow of Boise River which the District is entitled to divert under its priorities and appropriations, is insufficient during the latter part of said irrigation season to furnish a complete water supply for the lands of the District, and the District desires to secure a certain amount of stored water in order to furnish its land owners and water users a more complete water supply during the low water periods of the irrigation season, and

WHEREAS, the ground water table is rising in the District and in places is already close to the surface, so that a large part of the lands of the District are likely to become permanently ruined and incapable of producing crops, or bearing any share of the expense of the District, unless a drainage system is promptly provided; and whereas, it is believed that such a drainage system will reclaim considerable areas which cannot now be cultivated successfully on account of such seepage conditions, and will check the spread of such seepage conditions, and save other large areas which are now threatened with destruction from the same causes; and

WHEREAS, the United States is now constructing, under the provisions of the Reclamation Act, that certain irrigation project known as the Boise Project, including the Arrowrock and Deer Flat storage reservoirs, and a portion of the lands of the

District have been subscribed to said projectby the individual owners of such lands; and

WHEREAS, it is believed that under existing conditions the only way in which the additional water supply and drainage system required by the District can be secured promptly and at a cost which the land owners of the District can afford to pay, is by means of a contract between the District and the United States, under the provisions of the Acts of Congress s of June 17, 1902 (32 Stat. 388) and February 21, 1911 (36 Stat. L., 925) and Title 14 of the Idaho Revised Codes.

NOW, THEREFORE, it is hereby agreed-

1. That as a part of the general drainage system of its Boise Project, the United States will construct for the Nampa & Meridian Irrigation District, a drainage system to a total cost of Five Hundred Fifty-seven Thousand Dollars, (($557,000). The location of the drains, to be constructed, is shown on the map attached hereto and marked Exhibit "A", it being understood that in general drains numbered "one" on the said map will be constructed first, drains numbered "two" will be constructed next, drains numbered "three" will be constructed last, so far as said limit of expenditure will allow such work to go, such drainage system to have sufficient capacity in its main drains to carry the seepage water flowing into the District from the lands lying above the

District and drainage into it, as well as that originating in the District itself, the Supervising Engineer in charge of such construction shall have the right to make changes in the alignment of the drains shown on the attached map, and in grades and cross-sections, where such changes shall be found in his judgment to be necessary or desirable to increase the efficiency or economy of the system. It is understood that in case any part of the work shown on the said map shall prove unnecessary for the benefit of District lands, such part may be omitted by mutual consent of the parties hereto. It is fully understood that the United States is to expend only Five Hundred Fifty-seven Thousand Dollars ($557,000), including cost of preliminary work in drainage construction for the District, under this contract, and to stop when such limit of expenditure has been reached. It is not expected that the lands of the District can be completely drained at this cost nor a drainage system extended to each farm unit, but that only a number of principal drains will be constructed with which individual and community farm drains can be connected.

2. That for the purposes of this contract, irrigable lands in the District which are now entitled to 5/8 of a miner's inch of water or more per acre, out of the present water rights of the District, or of the Settlers' District or through ownership of stock in the New York Canal Company,

are considered as old water right lands and referred to herein under that name; irrigable lands in the District which have no water right from the District or the Settlers' District, and have not been irrigated through ownership of stock in the New York Canal Company, are considered as project lands and referred to herein under that name, and irrigable tracts of land in the District which are entitled to some water from the present water rights of the District, or of the Settlers' District or through ownership of stock in the New York Canal Company, but less than 5/8 of an inch per acre, shall be considered as old water right lands to the extent of the number of acres for which the water right of such tract will provide 5/8 of an inch per acre, and project lands as to the remainder thereof.

3. That the District will pay to the United States for that portion of the above described drainage work in the District, equitably chargeable to the old water right lands in the District, the sum of Two Hundred Sixty-six Thousand Dollars ($266,000), in the same number of annual installments not less than ten (10) and same percentage of the total in each annual installment as is fixed by the Secretary of the Interior for the lands of the Boise Project in his Public Notice announcing the construction charge for the Boise Project, the first installment to be due and payable one (1) year after the day on which said Public Notice for the Boise

Project is issued by the Secretary of the Interior, and one installment on the same day of each year thereafter until all installments are paid, and will use the taxing power of the District and all the powers and resources of the District to collect said sums of money and pay the same to the United States when due,. The benefits of the expenditures of said sum of Two Hundred Sixty-six Thousand Dollars ($266,000) for drainage shall be apportioned among the old water right lands of the District. No portion of said sum of Two Hundred Sixty-six Thousand Dollars ($266,000) shall be apportioned to the project lands in the District but the balance of the said sum to be expended on drainage works in the District as provided in paragraph 1 hereof shall be charged to the general expense of the Boise Project and the project lands in the District shall pay the construction, operation and maintenance charges provided in paragraphs 11 and 12 hereof.

4. That after the construction thereof, the District will maintain said drainage system in good serviceable condition, at its own expense, and shall charge the cost thereof to the old water right lands in the District in the proportion which the amount ofconstruction cost chargeable to the old water right lands in the District, to-wit, Two Hundred Sixty-six Thousand Dollars ($266,000), bears to the total construction cost, to-wit, Five Hundred Fifty-seven Thousand

Dollars ($557,000), and will charge the balance to the United States. In case the District shall fail or neglect to maintain said drainage system in good serviceable condition, the United States may maintain or repair the same and charge the cost thereof to the District, which cost the District will promptly pay.

5. The right to water developed in the drainage system herein provided for shall belong to the Boise Project and the old water right lands of the District, and be divided between said Boise Project and said old water right lands of the District in the same proportion as the cost of the drainage system herein provided, and the drains to be constructed under this contract shall be subject to use by the lands of the Boise Project whether outside or inside the District, as well as the old water right lands of the District.

6. That the District will pay to the United States the sum of Twenty-four Thousand Eight Hundred Forty Dollars for storage capacity in Arrowrock Reservoir- a reservoir to be constructed by the United States on Boise River in Boise and Elmore Counties, Idaho, and to have a capacity of between 200,000 and 250,000 acre feet and the United States will provide for the District that portion of the total storage capacity of Arrowrock Reservoir which Twenty-four Thousand Eight Hundred Forty Dollars

is of the total cost of said reservoir, and will deliver at the downstream end of the outlets of the Arrowrock Reservoir, for the District each year after the completion of said reservoir, the same proportion of the stored water available from said reservoir at such times after three (3) days notice from the District to the United States officer in charge, and in such quantities as the District may direct not in excess of the District's proportionate part of the available outlet capacity. The total cost of said reservoir will be determined and stated by the Secretary of the Interior in his Public Notice of the charges to be made for the Boise Project, and to include all cost and expenses of whatsoever nature or kind for the purpose of, growing out of, in connection with, or resulting from the construction of said reservoir including engineering expenses and overhead charges, and such interest, if any, as may be payable on account of advances under the provisions of the Act of Congress of June 25, 1910 (36 Stat. L. 835), or other legislation by Congress.

7. The said sum of Twenty-Four Thousand Eight Hundred Forty Dollars shall be paid by the District to the United States in the same number of annual installments not less than ten (10) and same percentage of the total in each annual installment as is fixed by the Secretary of the Interior for the lands of the Boise Project in his Public Notice announcing the construction

charge for the Boise Project, the first installment to be due and payable one (1) year after the day on which said Public Notice for the Boise Project is issued by the Secretary of the Interior and one installment on the same day of each year thereafter until all installments are paid; and the District will use the taxing power of the District, and all the powers and resources of the District to collect said sums of money, and pay the same to the United States when due, and will also pay each year its proportionate share of the cost of operation and maintenance of said reservoir and delivery of water therefrom, as announced by the Secretary of the Interior.

8. No interest will be charged on any of the said installments for drainage work, or stored water, or money to be paid to the United States for operation and maintenance, on account of the drainage works or stored water, until due; but any part thereof which may remain unpaid after the same is due shall bear interest from maturity until paid at ten per cent (10%) per annum, and the United States shall not be obliged to deliver or turn out for the District any stored water while the District is in default on any of the payments herein provided to be made by the District to the United States.

9. The District agrees to distribute the amount of

water delivered to it by the United States under this cont in full compliance with the provisions of said Reclamation Act of June 17, 1902, and the rules and regulations thereunder, and to use and distribute the same only upon the lands within the District, and in compliance with the provisions of Section 2 of the Act of Congress of February 21, 1911 (36 Stat. L. 925) known as the Warren Act.

10. The stored water from Arrowrock Reservoir hereinabove agreed to be purchased by the District, shall be diverted from Boise River through the canal system of the District and delivered to old water right lands in the District to supplement the water supply of such lands at times when the natural flow of Boise River is insufficient, and the benefits and cost of such stored water shall be apportioned to such lands; Provided, however, that no portion of said stored water is to be delivered, and no part of the cost thereof apportioned to those old water right lands of the District to which the first priority right of the District has been allotted under the classification of lands as to priority, which has been made by the District, it being considered that the lands having the first priority right need no stored water.

11. For the project lands in the District, the United States will provide both storage capacity in the reservoirs

of the United States and carrying capacity in the United S Canal System of the Boise Project, and each year after the completion of the Arrowrock Reservoir, will deliver to the District for distribution to the project lands in the District lying under the canal system of the District, as nearly as practical, the same proportionate share per acre of the water actually available from said works of the United States, both flood water and stored water, as is provided for similar lands in the United States Boise Project, outside of the District except as otherwise provided in paragraph 12 hereof, but not more, however, than is needed for beneficial use on said land, and for the project lands in the District lying above the canal system of the District a similar water supply will be furnished directly by the United States through the laterals and canals of the United States. The water supply for the project lands in the District shall be carried through the Main Canal of the United States Boise Project, and that portion for the project lands lying under the canal of the District delivered to the District at convenient points in the District where laterals or distributing canals from the canal system of the United States reach or cross the canal of the District, and will there be received by the District and distributed by the District to the project lands in the District entitled to the use thereof; under the provisions of a certain contract for the distribution

of water, between the parties hereto, dated April 1, 1909, it being understood that the said certain contract shall remain in effect until such time as a new contract shall be mutually agreed upon by the parties hereto, providing for a different method of distribution of water and division of the cost of distribution.

12. The District will promptly apportion to the project lands in the District a total of Three Million Three Hundred four thousand five hundred ($),304,500) Dollars, being a charge of Seventy-five ($75.00) Dollars per acre as the benefits under this contract to said lands; provided, however, that if the building charge per acre announced by the Secretary of the Interior in his Public Notice for similar lands of the Boise Project, is less than Seventy-five ($75.00) Dollars per acre, then the assessment of benefits against the project lands in the District shall be reduced to the same amount per acre as is announced by the Secretary of the Interior for the similar lands of the Boise Project, and the District will collect the sums so apportioned to such project lands in the District and pay the same to the United States in the same number of annual installments not less then Ten (10) and same schedule of graduated payments as is fixed by the Secretary of the Interior in his Pubic Notices for similar lands of the Boise Project outside of the District. Provided, that should the construction charge per acre announced by the Secretary of the Interior, for he Boise

Project for a full water right, be in excess of Seventy-five Dollars ($75.00) per acre of irrigable land, the benefits to be assessed to the project lands in the District under this contract and collected by the District under this contract from the said project lands for the payment to the United States of the construction charge, shall nevertheless be only Seventy-five Dollars ($75.00) per acre, and the number of installments and the percentage of the total payable in each annual installment shall be the same number and percentage as for the lands of the Boise Project outside the District, but in that event, the amount of both stored water and flood water furnished for such project lands in the District by the United States shall be the same proportion of the amount furnished per acre to the lands of the Boise Project outside of the District as Seventy-five Dollars ($73.00) per acre is to the charge announced for the Boise Project lands outside of the District; Provided, that in that event, the owners of project lands in the District, individually or the District on behalf of all the project land owners in the District, may, of they, or it so elect, by supplemental contract with the United States, secure from the United States works additional water sufficient to make their water rights equal in amount per acre to the rights furnished by the United States to similar project lands

outside of the District, by payment of the difference between Seventy-Five ($75.00) Dollars per acre and the charge announced by the Secretary of the Interior in his Public Notice for the lands of the Boise Project outside the District, but the amount to be apportioned to the project lands in the District under this present contract shall not be in excess of Seventy-Five ($75.00) Dollars per acre. The installments of the charges apportioned to the project lands in the District shall be due and payable from the District to the United States on the same dates as fixed by the Secretary of the Interior in his Public Notice for the payment of the charges for the lands of the Boise Project outside of the District. The District will be reimbursed by the United States for the cost of distributing the water to said project lands in the District by the payment to the District of the pro-rata share of the cost of operation and maintenance provided in the contract of April 1, 1909, between the District and the United States, until the expiration of said contract as provided in paragraph 11 hereof and thereafter under the new contract provided to be made in paragraph 11 hereof. The project lands in the District shall pay the same operation and maintenance charge per acre as announced by the Secretary of the Interior for similar lands of the Boise Project and the same shall be collected by the District for the United States and paid over by the District

to the United States, and upon notice from the officer of the United States in charge of the Boise Project, the District will withhold the delivery of water from suchproject lands in the District as are in default in the payment of said operation and maintenance charge.

13. It is fully understood that he old water right lands of the District shall not in any event be liable for any part of the charges herein agreed o be apportioned to and collected from the project lands, nor the project lands for any portion of the charges herein agreed to be apportioned to or collected from the old water right lands in the District, and the United States agrees to waive the right to hold either of said two classes of land for any part of the charges herein agreed to be apportioned to and paid by the other, but will look to the old water right lands for the old water right land charges and the project lands for the project land charges.

14. No interest will be charged on any of said installments for water to be supplied to said project lands in the District until due, but any part thereof which may remain unpaid after the same is due, shall bear interest from maturity until paid at ten (10%) per cent per annum, and the United States shall not be obliged to deliver or turn out for the District any water for such project lands in the District as

are in default on any of the payments herein provided to be made, Provided, the project lands in the District shall be subject to the same provisions as to residence, cultivation and limit of area as the lands of the Boise Project outside of the District.

15. The United States will assent to the release by the Payette-Boise Water Users' Association of such lands in the District as have been subscribed under stock subscription and contract to the said association, and have therefore become subject to the lien provided in such subscription and contract for the repayment of a proportionate part of the cost of the Payette-Boise Project form the lien and obligation of such stock subscription, and also release and cancel the contract under date of October 12, 1906, between the Nampa & Meridian Irrigation District and the Payette-Boise Water Users' Association, providing for a credit to the subscribed lands of the District for existing works, as regards both the old water right lands and the projec lands.

16. The Payette-Boise Water Users' Association agrees to join in the release of said stock subscription contracts and liens upon conditions above stated, and its name is subscribed hereto in evidence thereof.

17. Where any appropriations of water have been made and water rights acquired by parties other than the District

out of any of the draws, sloughs or natural channels of the Nampa & Meridian Irrigation District, and such rights are interferred with by the deepening of such channels and the construction of the said drainage system in the District, it is understood that the money herein provided for the construction of drainage works shall be available for the satisfaction of any just claims for damages and of judgments, liabilities or obligations on account of, growing out of, or resulting from the interference with any such rights by the deepening of such channels and construction of such drainage system, and that the United States may pay such claims, judgments liabilities and obligations out of said money. Any lateral construction which may be agreed upon between the District and the United States as being necessary to replace the rights of flow through natural drainage lines, may be built by the United States as a part of the drainage system herein contemplated.

IN WITNESS WHEREOF, the parties hereto have caused their names and seals to be attached the day and year first above written, the Nampa & Meridian Irrigation District, and the Payette-Boise Water Users' Association, acting in pursuance of resolutions of their Board of Directors, of which

Certified copies are hereto attached and made a part hereof.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By H. E. Carpenter

President

(SEAL)

ATTEST:

G. A. Remington
Secretary

PAYETTE-BOISE WATER USERS' ASSOCIATION,

By J. W. Brandt

(SEAL)

ATTEST:

W. L. Girard,
Secretary

Aurelius A. Jones
1st Asst. SECRETARY OF THE INTERIOR, for and on behalf of the United States.

Sgd. Dec. 13, 1915

Arch
118
p. 41

Nampa, Idaho,
Sept. 13, 1917.

Mr. J. A. Purdam,
RFD #4,
Nampa, Idaho.

Dear Sir:

In further reply to your letter of August 16th regarding drainage of your farm unit will say that Mr. Green, who called on you Sept. 11th has made the following report:

"On Sept. 11th, 1917, in company with Mr. J. A. Purdam, I inspected the drainage conditions on the latter's land and also on adjoining farms in the vicinity of Upper Wilson Drain. The attached map indicates the land which is seeped.

"About a year ago, Mr. Burkholder, after a sub-soil survey, recommended for the protection of Mr. Anson's place that the parties interested dig the drain shown as the Anson drain. This has not been dug to date. Since Mr. Burkholder's survey the Wilson Drain has lowered the water plane greatly on the northwest portion of Mr. Anson's farm. About one-half of the area marked seeped in 1916 is fit for cultivation in 1917. It is hard to say how much further southeast the drain will succeed in lowering the water plane."

"In making a casual surface survey it seems to me that if the parties interested will dig a drain where"No. 1 Drain" is marked that the chances are very good that the water plane over the whole seeped tract will be lowered materially. This drain will be about 400 feet long, about 8 feet deep and require an excavation of about 1400 cubic yards, together with a 12-inch tile culvert under the highway."

I am therefore enclosing you sketch map showing this proposed "No. 1 Drain".

As stated in my letter of August 22d, this drain will be one of the individual or community drains connecting to the principal drains dug by the United States and the seep must be constructed by the parties interested.

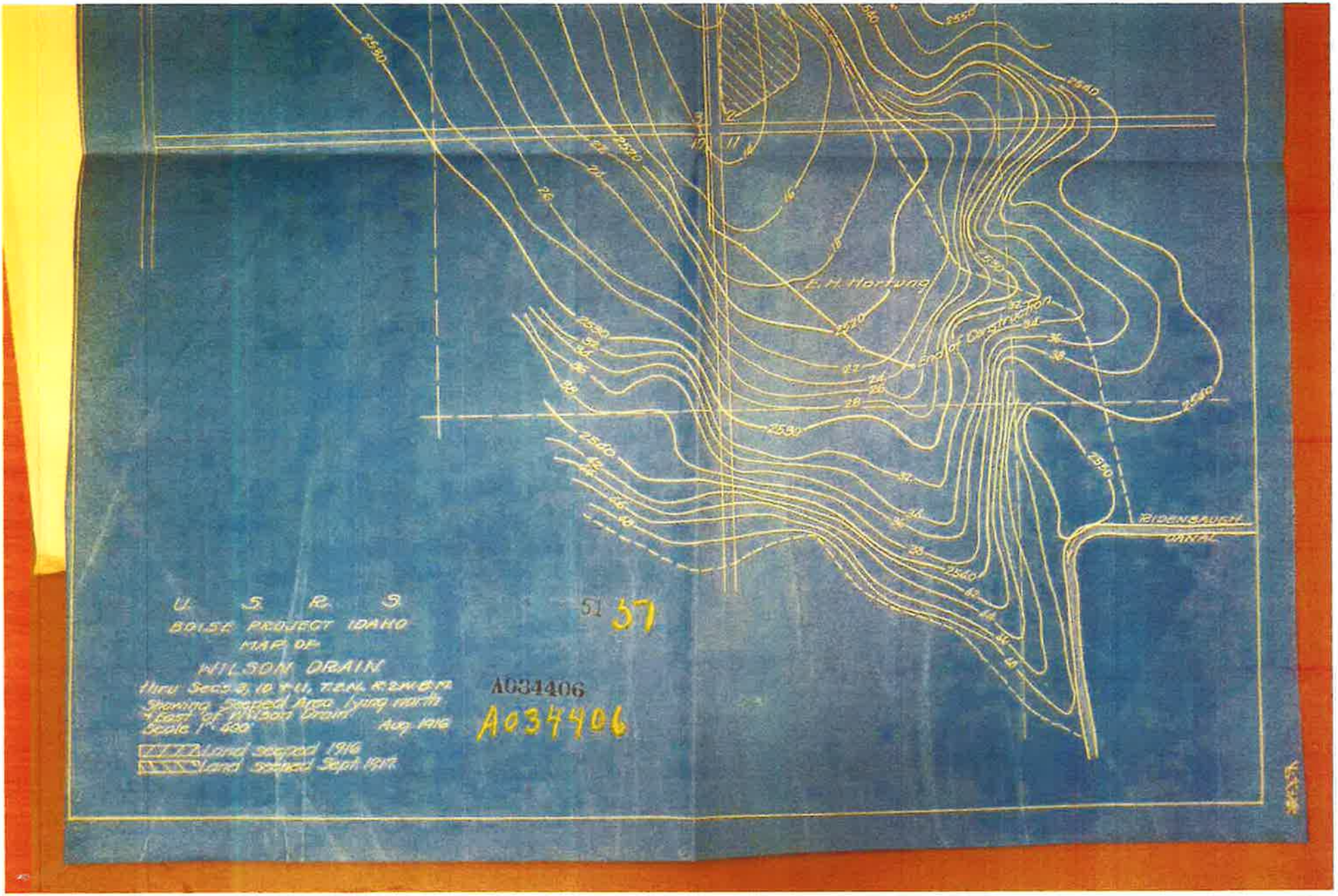
Very truly yours,
Project Manager,

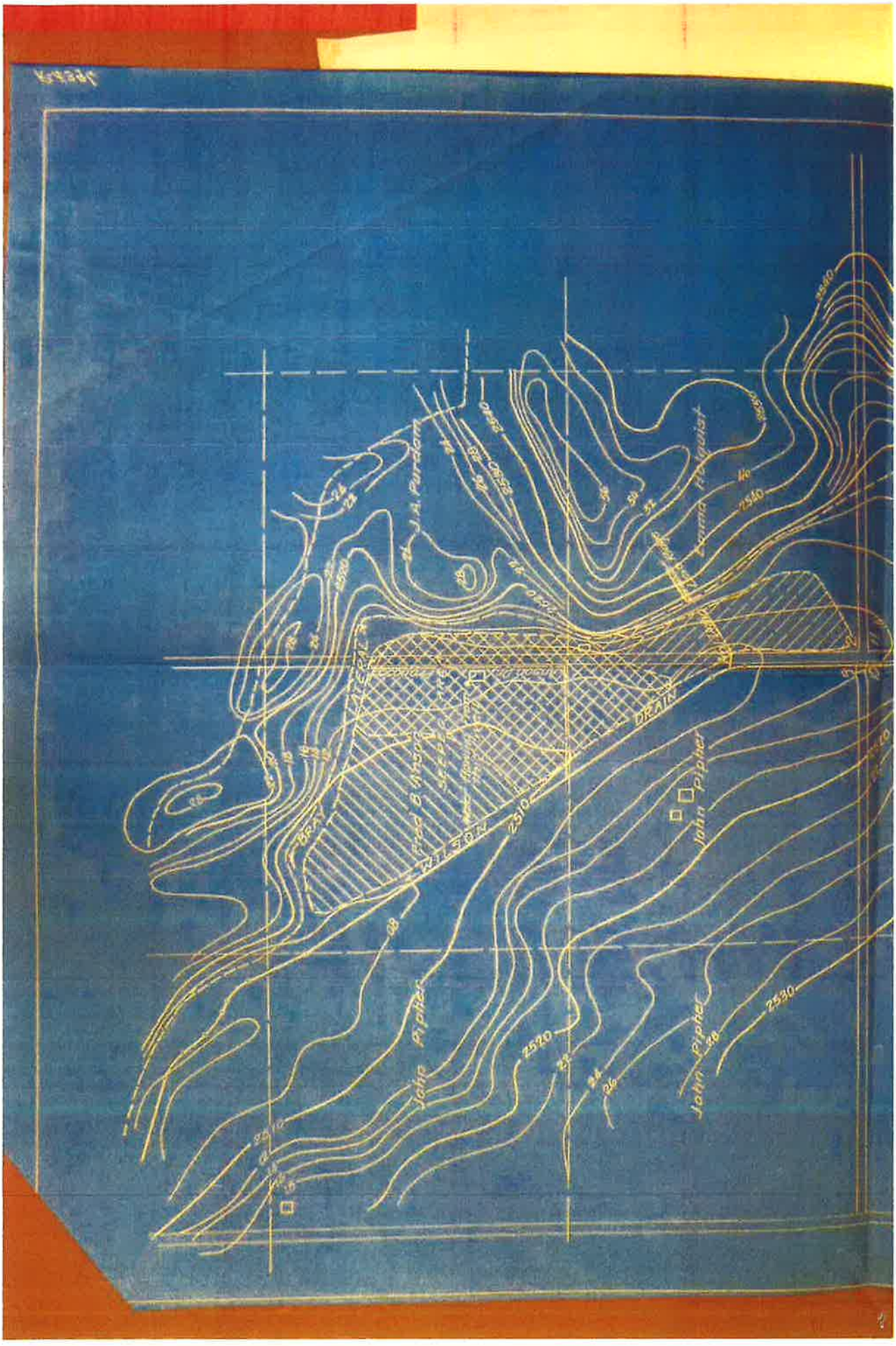
1-Encl. A034405

By - C. C. Fisher.

CC-Mr. C. A. Kennington, Secy,
Nampa & Meridian Irri. Dist.,
Meridian, Idaho.

FEB 28 19 93217


U. S. R. S
BOISE PROJECT IDAHO
MAP OF
WILSON DRAIN
Thru Secs 3, 10 T 4 N. R 2 W B.M.
Showing Seeped Area Lying North
of East End of Wilson Drain
Scale 1" = 400'
Aug 1916
Land seeped 1916
Land seeped Sept 1917
51 37
A034406
A034406
E. H. Hartung
End of Construction
RIDENBAUGH
CANAL


J.H. Carlson
Emma Hodquist
DRAIN
Wilson
John Pipher
2510
2520
2530
2540

For these reasons, claim no. 63-32695 should not be bifurcated into two water rights. The right should be recommended and decreed as a single right for 24 cfs from the seepage/ground water source NMID has consistently used since 1962. The source should be described as either "wastewater" or as "groundwater," and in either case should include a remark to explain that the water supply is seepage from the nearby Ridenbaugh Canal, New York Canal, associated delivery laterals, and from irrigation of nearby lands in NMID. The water right should be decreed with language that preserves NMID's right to use water from the Patterson Wells and the IDFG wells under the priorities of its Boise River natural flow rights and storage water rights pursuant to state law.

1. 1919-Present: Seepage Source

The land in the vicinity of the Patterson Wells (fka Hosack Wells) in sections 2, 3, 10 and 11 in T2N, R2W, B.M. was historically water-logged as a result of seepage from nearby canals and irrigation of nearby lands within NMID. Nearby canals include NMID's Ridenbaugh Canal and delivery laterals, and the New York Canal, operated by the Boise Project Board of Control, to deliver storage and natural flow water to the five Boise Project irrigation districts, including NMID, that are entitled to receive the water pursuant to contracts with the United States, Bureau of Reclamation (USBR).

Documents recently obtained from Record Group 115, Records of the Bureau of Reclamation U.S. National Archives and Records Administration, Rocky Mountain Branch, Denver, Colorado, verify that the source of groundwater diverted by the Patterson Wells and the IDFG wells is seepage from these nearby canals. Early in the 20th century, seepage from the delivery and use of water on lands in NMID (as well as in other areas of the Boise Valley) resulted in extensive water-logging, causing large tracts of land to be unusable for cultivation and other beneficial uses. To provide drainage for the water-logged lands and to recover the seepage water for beneficial use on lands within NMID, in 1915 NMID entered an agreement with USBR for USBR to construct a drainage system consisting of several large drains running through NMID in Ada and Canyon Counties. (**Attachment 1.**) Construction began in 1916, including construction of the Wilson Drain originating near the modern-day Nampa Fish Hatchery and running northwest through the City of Nampa.

Seepage and the resulting water-logging of the area where the Nampa Fish Hatchery and the Wilson Ponds are now located was of particular concern. Construction of the Wilson Drain in 1916 did not provide sufficient drainage to reclaim all of the "seeped area" that was mapped in 1916 and 1917 in **Attachment 2**. This map shows the seeped area at an elevation of 2514 to 2510 feet, 36 to 40 feet lower than the Ridenbaugh Canal at an elevation of 2550 feet a short distance to the southeast where the canal takes a 90 degree turn to the south. It also shows the head end of the Wilson Drain and the Bray Lateral, which at that time took water directly from the Ridenbaugh Canal. A subsequent sketch showing the "wet lands" during the 1918 irrigation season shows that the seeped area had increased in size, extending along both sides of the Wilson Drain and extending further southward toward the Ridenbaugh Canal and the New York Canal (identified in the map as the "Main South Side Canal"). (**Attachment 3.**) The 1918 wet lands included properties owned decades later by Allen Hosack, the Andersons and IDFG.

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Transfer Case 760-D

DEPARTMENT OF THE INTERIOR

UNITED STATES RECLAMATION SERVICE

DENVER, COLORADO June 25, 1919

From Drainage Engineer

To Chief of Construction

Subject: Visit to Boise Project.

1. The writer spent the time from June 10th to 18th inclusive, in inspecting drainage conditions on the Boise Project with special reference to the seepage development on the Upper Wilson Drain south of Nampa, and the construction work in progress in the Riverside Irrigation District.

2. Seepage on the Upper Wilson Drain is very much worse than in previous years and probably over one hundred acres is now badly affected. In the study of existing ground water data, it seems probable that the seepage water is an accumulation of irrigation and canal losses on the higher surrounding areas and that the Deer Flat Reservoir losses have little or no effect on this area. The deep percolating seepage water finds its way into the porous lava beds which underlie the higher areas as well as in the immediate vicinity of the seeped tract and causes water-logging by direct upward pressure.

3. The domestic wells in the surrounding area have been measured and this information was plotted and studied in order to determine the probable source of the water. (See attached map).

4. The reasons for concluding that the source of the water lies in irrigation and canal losses rather than from Deer Flat Reservoir may be briefly summarized as follows:-

(a) The elevation of water in Deer Flat Reservoir appears to be insufficient to produce the head which seems to exist on the seepage area;

(b) The ground water does not slope upward toward Deer Flat Reservoir from the seeped area. In fact the slope seems to be somewhat reversed as the elevation of

A034428

JUN 30 '98 37242

? EDEN DENNIS ?

the ground water is lower under the natural draw just west of the seeped tract than on the surface of the ground where the seepage occurs.

(c) Ground water contours indicate that reservoir losses would flow directly north at this point, instead of easterly toward the seeped area.

(d) The quantity of water which causes the seepage could very easily come from adjacent canals and from higher irrigation, based on the observed losses from canals which, in this vicinity, are very low, and the available ground water elevations indicate that the source lies southerly from the seeped area.

5. It seems probable that no relief could be afforded by ordinary drainage means since the present water-logged condition extends to the banks of the present deep drain and the proposed method of drilling deep wells under the lava rock is believed to be a proper method for accomplishing drainage. It seems probable that a considerable flow can be developed by such wells since there is available at grade elevations of the Wilson drain approximately a maximum head of 20 feet. This head is understood to be some 5 to 8 feet greater than existed on the wells in the Twin Falls area, which has been successfully drained by wells and where flows of from 25 to 50 inches were developed in 6-inch deep wells. Contracts have been let for drilling wells in this area and it is understood that $600 is available for the work.

6. It is proposed to undertake the drilling work in an experimental way so as to test out as much of the area as possible with available funds. It seems advisable, however, to confine the drilling to the vicinity of the present deep drain so that in case water is encountered, the effective head can be easily increased by cutting the well into the drain ditch.

7. The construction work in the Riverside Irrigation District is progressing satisfactorily with two draglines, each operated two shifts per day. This work is approximately 30% complete on the basis of the estimated cost of the work. The work is being done, however, at a substantial saving under the original estimate and the entire job is perhaps in the neighborhood of 40% complete.

A034429

8. The drains completed to date have been quite effective and areas which have been badly water-logged to my knowledge for the past ten years are now entirely dry.

9. In the Big Bend portion of the District, where one dragline is now operating, the drains are located in a soft sandstone formation which requires some shooting and in which a comparatively light flow of water is developed. Drains cannot be expected to be as effective in this area as in some of the other areas which have been previously drained and early information should be secured by test well sections as to the exact effect which these drains may have in lowering the ground water table.

10. The domestic wells on the project are being measured each fall after the irrigation season. These measurements indicate a continued progressive rise of the general water table under the project. Mr. W. G. Stewart made a report on the general drainage conditions of the project under date of December 26, 1918, in which the mean annual rise of the water table in the several divisions of the project is shown to be as follows:-

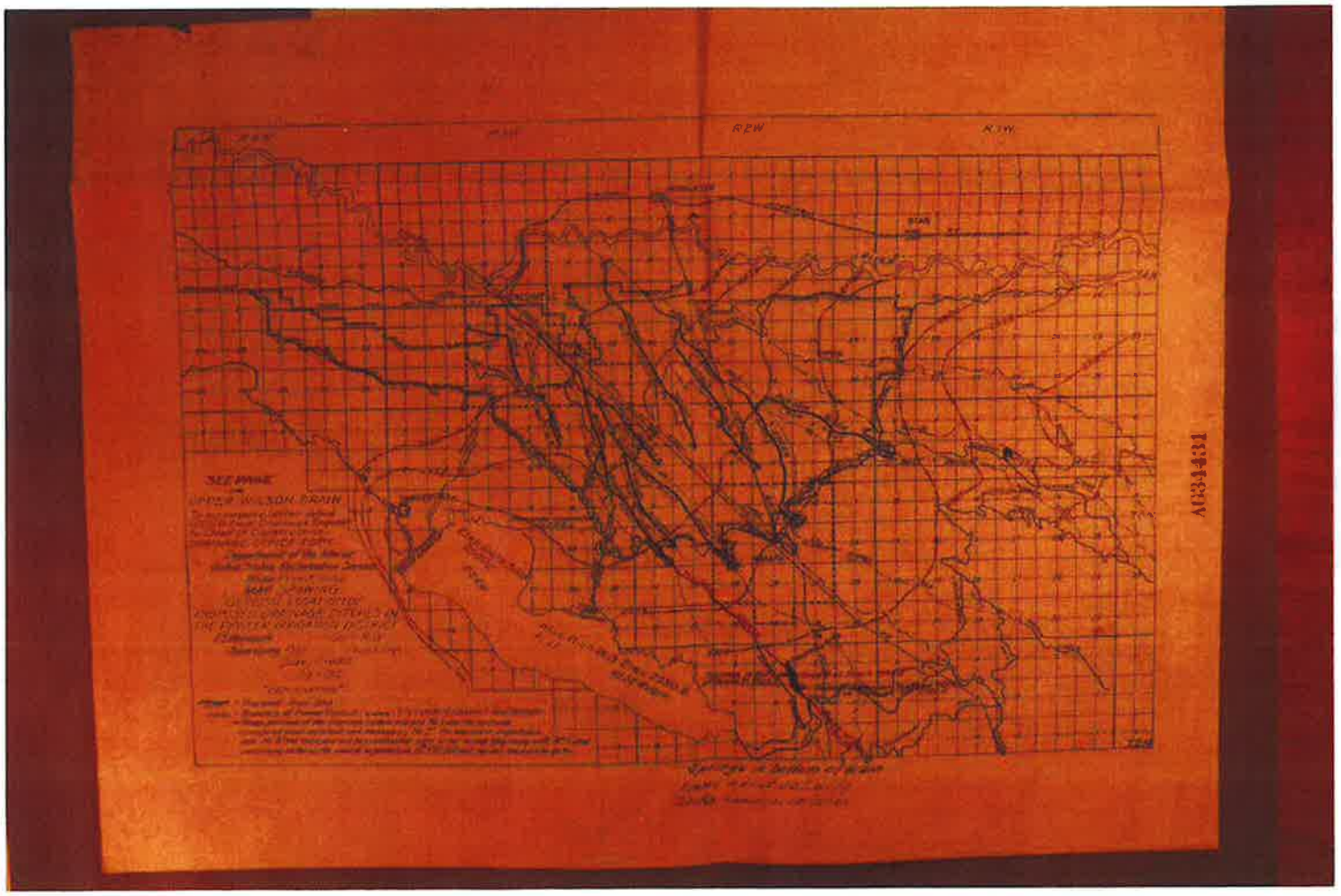
Homestead Division	7 feet
Frohman Division	5 "
Golden Gate Division	3.9"
Pipe Gulch	3.5 "
Arena	5.7 "
Valley Mound	2.8 "
Deer Flat High Line	10.27"
Upper New York	3.5 "

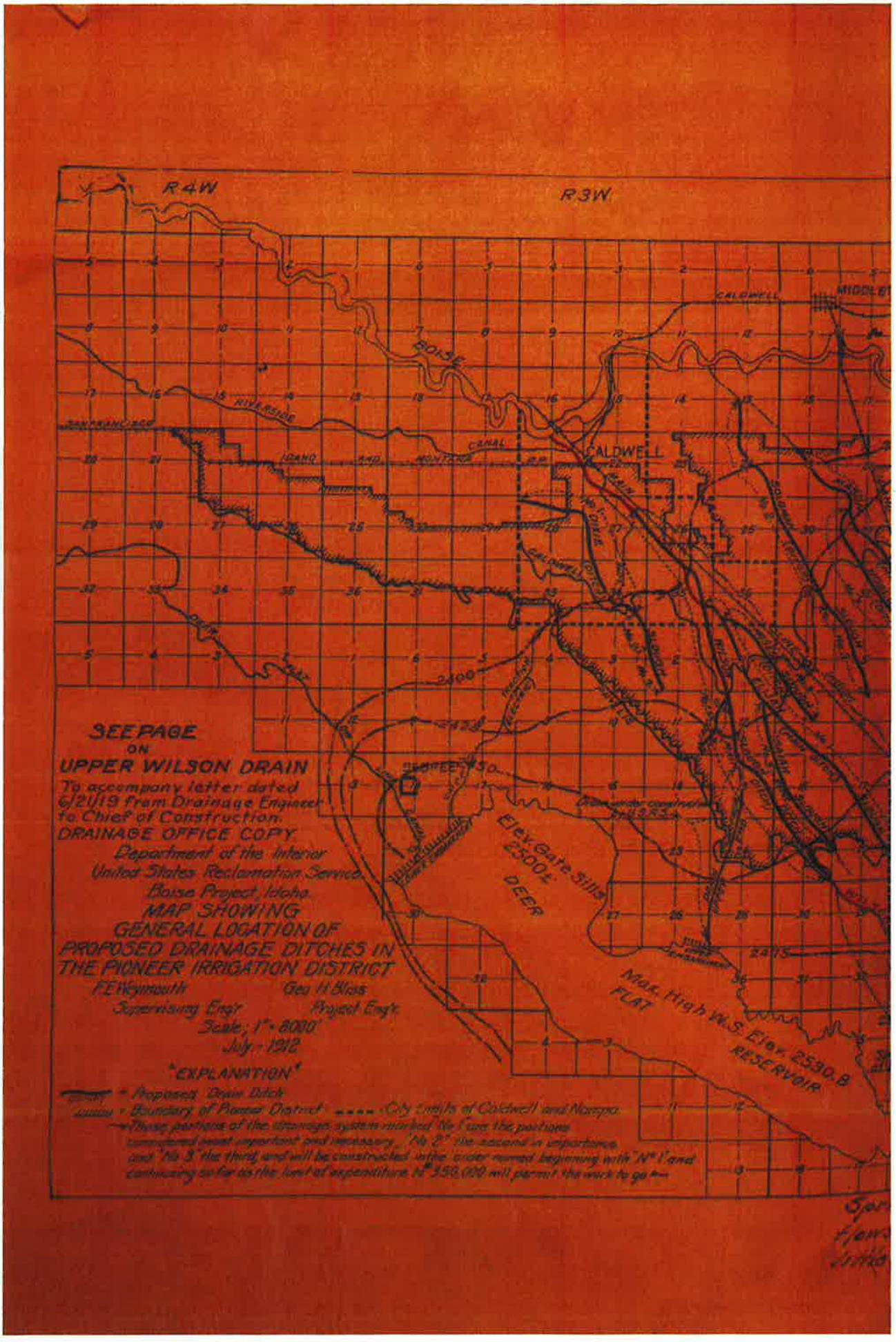
11. Seepage surveys were made in August 1918, for the purpose of relieving seeped tracts from the project operation and maintenance charges. The survey indicates that approximately 1532 acres were badly affected by seepage in 126 individual tracts.

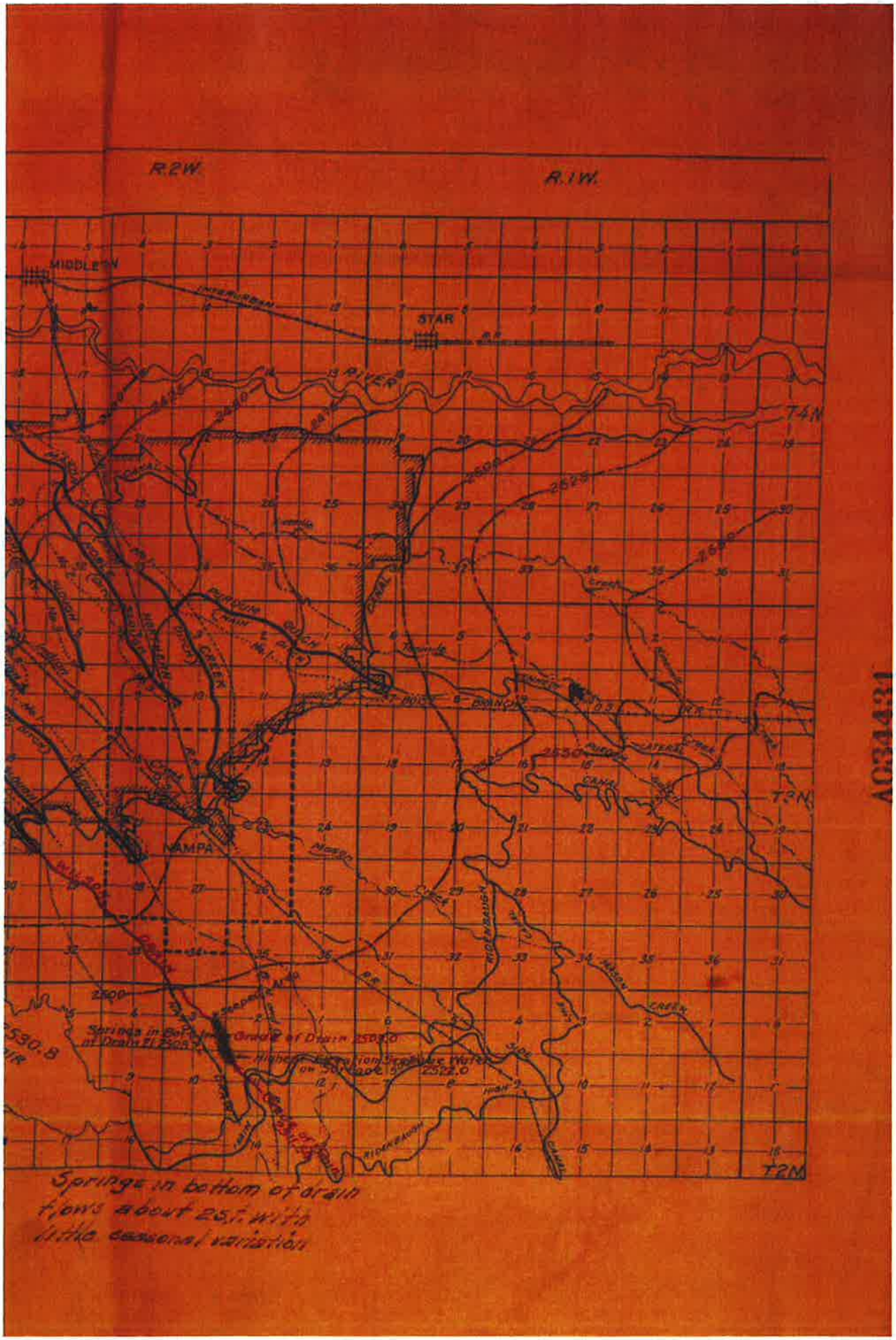
12. The settlers in the portion of the project lying in Oregon in the Arena Division of the project have recently advocated the method of securing drainage by petitioning their area within the Riverside Irrigation District. It was thought that if they could have their lands taken in the District, a supplemental contract could be made between the District and the United States whereby additional drainage work would be undertaken which would relieve their lands as well as the lands now being drained within the Riverside Irrigation District.

J. L. Buckholder

To C. of C. in duplicate.
CC-P.M. Boise.


R2W
R1W
A0344431


R4W
R3W
CALDWELL
BOISE
RIVERSIDE
SAN FRANCISCO
CANAL
IDAHO
MONTANA
CALDWELL
NAMPA
DEER
FLAT
Elev. Gate Sills 2500±
Max. High W.S. Elev. 2530.8
RESERVOIR
SEEPAGE
ON
UPPER WILSON DRAIN
To accompany letter dated 6/21/19 from Drainage Engineer to Chief of Construction.
DRAINAGE OFFICE COPY
Department of the Interior
United States Reclamation Service
Boise Project, Idaho
MAP SHOWING
GENERAL LOCATION OF
PROPOSED DRAINAGE DITCHES IN
THE PIONEER IRRIGATION DISTRICT
F.E. Weymouth
Supervising Engr.
Geo. H. Bliss
Project Engr.
Scale: 1" = 8000'
July - 1912
"EXPLANATION"
Proposed Drain Ditch
Boundary of Pioneer District
City limits of Caldwell and Nampa
These portions of the drainage system marked "No 1" are the portions considered most important and necessary. "No 2" the second in importance and "No 3" the third and will be constructed in the order named beginning with "No 1" and continuing so far as the limit of expenditure of $150,000 will permit the work to go.


R.2W.
R.1W.
MIDDLETON
STAR
NAMPA
T.4N.
T.3N.
T.2N.
Springs in bottom of drain flow about 2.5 c.f.s. with little seasonal variation

During its April 8, 1919 meeting, the NMID Board of Directors authorized NMID's Secretary to meet with USBR to discuss the "seepage conditions of the property near the Wilson Drain in sections 2, 3, 10 and 11, T.2N., R.2W., . . . and make arrangements if possible to co-operate with the owners of the land affected and with [USBR] to relieve the lands above described of the seepage water affecting them." (**Attachment 4**.)

In a June 25, 1919 letter (**Attachment 5**), the Drainage Engineer for USBR wrote the following regarding "seepage development on the Upper Wilson Drain south of Nampa."

> Seepage on the Upper Wilson Drain is very much worse than in previous years and probably over one hundred acres is now badly affected. In the study of existing ground water data, it seems probable that the seepage water is an accumulation of irrigation and canal losses on the higher surrounding areas and that the Deer Flat Reservoir losses have little or no effect on this area. The deep percolating seepage water finds its way into the porous lava beds which underlie the higher areas as well as in the immediate vicinity of the seeped tract and causes water-logging by direct upward pressure.

The Drainage Engineer explained the rationale for drilling wells to provide drainage for the seepage:

> It seems probable that no relief could be afforded by ordinary drainage means since the present water-logged condition extends to the banks of the present deep drain and the proposed method of drilling deep wells under the lava rock is believed to be a proper method of accomplishing drainage. It seems probable that a considerable flow can be developed by such wells since there is available at grade elevations of the Wilson drain approximately a maximum head of 20 feet. This head is understood to be some 5 to 8 feet greater than existed on the wells in the Twin Falls area, which has been successfully drained by wells and where flows of from 25 to 50 inches were developed in 6-inch deep wells. Contracts have been let for drilling wells in this area and it is understood that $600 is available for the work.

Enclosed with the June 25, 1919 letter was a 1912 map of the drainage system, including the Wilson Drain, as it was proposed prior to construction. The 1912 map was modified to indicate the approximate location of the "Seepage on Upper Wilson Drain."

The District's engineer, John Sharp, recently reviewed the aforementioned correspondence and maps, and confirms that the elevation drop from the Ridenbaugh Canal to the seeped area is sufficient to cause seepage from the Canal to produce water-logging in the seeped area by direct upward pressure through the lava rock, as explained by the USBR Drainage Engineer in 1919. It is Mr. Sharp's opinion that this seepage has continued to be the source of ground water in the seeped area, including the ground water diverted by the Patterson Wells.

Efforts to drain the seeped area by drilling three 6-inch wells began as early as 1919, as explained in an August 16, 1919 USBR letter regarding "seepage conditions of upper end of Wilson

Drain." (**Attachment 6**.) The locations of the wells are depicted in a map enclosed with the letter. In the wells, lava rock was encountered a short distance below the surface, and a large water-bearing seam was encountered at a depth of 45 to 65 feet. The combined flow of the wells was approximately 6.5 cfs.

The drilling of the three wells was discussed in the 1919 "Annual Project History of Boise Project." (**Attachment 7**.) Improvement in the wet condition of the area was observed. The 1919 irrigation season was very dry, and little irrigation water was applied in the area after the end of August. Flow from the wells diminished significantly thereafter in September and October.

The 1920 "Annual Project History" (**Attachment 8**) contains the following discussion of seepage conditions at the head of the Wilson Drain:

> As mentioned in the 1919 Project History, since the construction of the Wilson Drain by the Government for the Nampa & Meridian Irrigation District, a portion of the land adjacent to the upper end of the drain remained water-logged. Despite the fact that three flowing wells were drilled in the area in the early fall of 1919, and four more in the spring of 1920, the seepage conditions remained bad. Five more wells were drilled in the late fall of 1920, and these five at the present time are flowing more than the seven previously drilled. At the end of the year all of the wells were flowing a total of 10 cubic feet per second. It will take some time to see what effect the additional wells have in draining this area.
>
> The flow of these wells is into the constructed Wilson Drain, from which a feeder canal diverts at the lower end to water the lands of the Notus extension. Thus, if the constructed flowing wells are not effective in draining the seeped area referred to, they will be put to beneficial use in the irrigation of new lands. If they do drain this area, they will serve the double purpose of drainage and irrigation.

The seeped area continued to be water logged during the ensuing decades. In 1961, Allen Hosack, a well driller, acquired the portion of the seeped area in section 11, T2N, R2W, B.M., south of East Locust Lane. During the late 1950s and early 1960s, Mr. Hosack drilled several wells on his property, including the two wells which later came to be known as the Patterson Wells, to drain his water-logged land into NMID's drainage and water delivery system. NMID agreed to share the costs of drilling these wells and carry the drained seepage water in its irrigation and delivery system.

The hydrology and hydrogeology of this area in terms of ground water supply have not changed appreciably since 1916. The Ridenbaugh and New York Canals remain approximately 40 feet higher in elevation a short distance to the southeast of the "seeped area," much of which is where the Nampa Fish Hatchery and Wilson Ponds are now located. Water seeps from these unlined canals and delivery laterals, and from NMID lands, into the aquifer through porous lava rock formations. The elevation differential between these large canals and the IDFG property creates pressure, resulting in what have sometimes been referred to as "artesian" ground water flows. The drilling of wells and the installation and use of pumps by Anderson and IDFG, as well as the construction and operation of the Nampa Fish Hatchery and the Wilson Ponds, has reduced and

controlled the seepage conditions that have been observed since 1916, so that productive use is made of the land in the "seeped area."

2. **1962-Present: Quantity**

The Hosacks' land was water logged by seepage. Minutes of the June 6, 1962 meeting of NMID's Board of Directors indicate that Mr. Hosack and NMID had been working together for some time prior to the meeting to drill and maintain drainage wells on Mr. Hosack's property:

> Allen Hosack requested the Board to do further drainage work on his property located on South Power Line Road south of Nampa. He stated that some of the wells need attention and that he would pay the cost of drilling more wells if the District would pay for the necessary material and fuel. The Board promised to meet with him at a later time and look it over. (**Attachment 9**.)

Minutes of the July 2, 1963 meeting of the NMID Board of Directors show that Mr. Hosack again discussed existing and proposed drainage wells on the Hosack property:

> Mr. A.E. Hosack asked the District to pay one half the cost of about a half dozen more wells in his property in NW1/4 Section 11, Township 2 North Range 1West. Mr. Barker suggested that, if the whole Board is willing, the District reimburse him for half the cost of one more well or $250.00 on one well, whichever amount is the smaller. — the size of the well to be 16" the same as the one just drilled. Mr. Wymer expressed his doubt that wells are the answer and Mr. Patterson suggested that the District agree to one more well but no more unless good result is experienced.
>
> Mr. Wymer moved that the District pay Mr. Hosack $250.00 as its share of the cost of drilling another 16" inch well and that if that does no good the District will do nothing further toward drainage in the NW1/4 NW1/4 Section 11 Township 2 North Range 1 West. Mr. Patterson seconded this motion and it was passed unanimously. (**Attachment 9**.)

Mr. Hosack filed with IDWR well driller reports for four wells he drilled in the NWNW of section 11, T2N R 2W, B.M. (**Attachment 10**.) The report for the Patterson Wells describes two 16" wells, 99 feet deep and **producing a total of 9,100 gpm or 20.22 cfs**. As with the wells drilled by USBR in 1919, the report shows that Mr. Hosack encountered lava rock at relatively shallow depths, and encountered "broken lava rock" from 60 to 99 feet where he encountered "flowing water." The report states that the wells flowed into the Bray Lateral.

Mr. Hosack filed two other well driller's reports for two deeper drainage wells in the NWNW sec. 11 T 2N R 2W to much deeper depths, one producing 2,500 gpm (5.56 cfs), and one producing 2,000 gpm (4.44 cfs).

Prior to the construction of a fish farm by the Andersons during the early 1970s, IDFG's predecessors-in-interest, the Patterson Wells discharged directly into the Bray Lateral. The approximate location of the pipeline and discharge to the Bray Lateral are shown in **Attachment 11**.

In 1964, Mr. Hosack transferred ownership of the Patterson Wells and the land on which they are located to NMID. To protect the flow of water from the Patterson Wells to NMID, the deed transferring ownership to NMID contained the following provision:

> [Hosacks] covenant and agree not to construct, or permit the flow nor extraction of water from, any well in the northwest quarter of the northwest quarter of section 11, Township 2 North, Range 2 West, Boise Meridian, outside the area hereinbefore conveyed, which shall reduce the flow from either of the two wells on the area hereinbefore conveyed and this covenant shall be a covenant running with said described premises . . .. (**Attachment 12.**)

Drainage from the Patterson Wells and other locations in the seeped area (likely some of the additional wells drilled by USBR, Hosack and others) was recovered by NMID in the Bray Lateral, and measured at the current point of measurement west of South Powerline Road. The ground water supply was ample enough for NMID to discontinue diverting water from the Ridenbaugh Canal into the Bray Lateral.

As was the case in 1919, the 1960s efforts to drain the seeped area were not entirely successful. Mr. Hosack appeared before the NMID Board again in September of 1966 to request more drainage work on his property. (**Attachment 9**.)

NMID records from the 1960s show flows of up to 1054 miner's inches (21.08 cfs) from these sources measured in the Bray Lateral at the current weir located a short distance west of the South Powerline Road and the Nampa Fish Hatchery property. (**Attachment 14**.) The 1973 License Agreement between NMID and the Andersons documents 800 miner's inches (16 cfs) from the Patterson Wells and 1200 miner's inches (24 cfs) collectively from the Patterson Wells and other locations.

The following evidence substantiates a total of 24 cfs from the Patterson Wells, the IDFG Wells and the and other locations in the seeped area identified in IDWR's Amended Recommendation:

> Well driller's report for the Patterson Wells, showing total production in 1965 of 20.22 cfs (**Attachment 10**.)
>
> October 6, 1965 Application for Permit filed by NMID for Patterson wells for 17.82 cfs, explaining that the "wells are now flowing into Bray Pick Up Lateral." The application was approved October 26, 1970, and was withdrawn August 14, 1970. (**Attachment 13**.)

1966 Bray Lateral measurements showing flows up to 1054 miner's inches (21.08 cfs). (**Attachment 14.**)

1973 Bray Lateral measurements showing flows up to 917 miner's inches (18.34 cfs). (**Attachment 14.**) May 1966 ?

September 22, 1973 plans entitled "Trout Farm, Byron V. Anderson - Meridian, Idaho", showing 800 miner's inches (16 cfs) from NMID. (**Attachment 15.**)

Undated draft License Agreement between NMID and Andersons, page 4, containing the following sentence: "In that regard, the parties understand and agree that the District heretofore has utilized said Wilson Drain for the transmission of approximately 800 miners' [sic] inches [16 cfs] of drainage water flowing from the Patterson Wells." (Note: the reference to the Wilson Drain should be to the Bray Lateral.) (**Attachment 16.**)

October 29, 1973 letter from William F. Ringert to Joseph C. Voight, NMID Secretary, explaining change in draft License agreement between NMID and Andersons: "The last paragraph on page 4 has been revised to increase the District's capacity from 800 miners inches [16 cfs] to 1200 miners inches [24 cfs] and to provide that water from other sources, as well as from the Patterson Wells, is included in that 1200 inches [24 cfs]." (**Attachment 17.**)

December 18, 1973 License Agreement between NMID and the Andersons, page 6 stating that "the parties understand and agree that the District heretofore has utilized said Bray lateral for the transmission of as much as 1200 miners' [sic] inches [24 cfs] of drainage water flowing form the Patterson Wells and from other sources," and Exhibit A, showing 800 miner's inches (16 cfs) from NMID. (**Attachment 18.**)

1980 Bray Lateral measurements showing flows up to 1192 miner's inches (23.64 cfs). (**Attachment 14.**)

1987 Bray Lateral measurements showing flows up to 1054 miner's inches (21.08 cfs). (**Attachment 14.**)

1989 Bray Lateral measurements showing flows up to 1125 miner's inches (22.50 cfs). (**Attachment 14.**)

2006 Bray Lateral measurements showing flows up to 1150 miner's inches (23.00 cfs). (**Attachment 14.**)

3. The 1973 License Agreement

Drainage and use of the seeped area identified by USBR in 1919 was fundamentally altered by construction of a fish farm by IDFG's predecessors-in-interest, Byron and Sonya Anderson.

In 1973, Byron Anderson planned to build a fish hatchery on his land bordered by South Power Line Road to the west, Locust Lane to the south, and the Bray Lateral running diagonally from the southeast to the northwest. He asked NMID for permission to use water from the Patterson Wells before it discharged to the Bray Lateral, he proposed to drill additional wells within a few hundred feet of the Patterson Wells, and he asked for permission to discharge all the water he used to the Bray Lateral. The plans he submitted to NMID show water requirements of 1,200 miner's inches (24 cfs) to 1.800 miner's inches (36 cfs). (**Attachment 15.**) The plans show that an estimated 800 miner's inches (16 cfs) would come from NMID's Patterson Wells, and 400 to 1,000 miner's inches would come from his proposed "new wells." The plans show water flowing from the wells, through raceways, discharge of a "fish pond," and then discharged from the pond to the Bray Lateral to the east (mislabeled in the plans as the Wilson Drain) and under South Powerline Road to the west.

NMID and the Andersons entered a License Agreement on December 18, 1973 based on the plans Mr. Anderson submitted. (**Attachment 18.**) A version of the plans is attached as Exhibit A. The License Agreement permitted Anderson to use all of the water produced by the Patterson Wells for fish propagation (*Id.* at 3-4). NMID authorized the Andersons to discharge into the Bray Lateral the water they would use in their fish farm, including water from the Patterson Wells and new wells to be drilled by the Andersons. *Id.*, at 5. The Andersons agreed that NMID has the right to use water produced by the Anderson wells after the Andersons' use of that water. *Id.* at 8.

The Agreement confirmed NMID's use of the water for the benefit of its landowners:

> Anderson understands and agrees that the water flowing form the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that **it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation, by reason of being diverted into Anderson's fish propagation facilities**. *Id.* at 5 (emphasis added).

Regarding the quantity of water flowing in the Bray Lateral, the License Agreement states: "the parties understand and agree that the District heretofore has utilized said Bray lateral for the transmission of as much as 1200 miners' [sic] inches [24 cfs] of drainage water flowing form the Patterson Wells and from other sources." Because Mr. Anderson's plans called for a flow of up to 36 cfs through his hatchery, the License Agreement requires him to increase the capacity of the Bray Lateral as necessary to carry flow over 24 cfs. (*Id.* at 6).

Like the 1964 Deed from Hosack, the Agreement includes conditions to maintain and protect the continued flow of water to the Bray Lateral for delivery to NMID's landowners:

1. the Andersons' use is required to be nonconsumptive (*id.* at 4);
2. the Andersons are required to discharge into NMID's Bray Lateral the same quantity of water as the Andersons divert from the Patterson Wells (*id.*);
3. the wells drilled by the Andersons shall not diminish the flow of water from the Patterson Wells (*id.*);
4. if the flow of water from the Patterson Wells is diminished when the Anderson wells

are producing, the Andersons are required to provide NMID sufficient water to make up for the reduction (*id.*);

5. NMID retained the right to control the flow of water from the Patterson Wells (*id.*);
6. during the irrigation season, if the quantity of water discharged into the Bray Lateral is less than the quantity from the Patterson Wells, then NMID has to right to adjust the Andersons' diversion works to increase the flow to the Bray Lateral (*id.* at 5);
7. the construction, maintenance and repair of Anderson's water diversion, transmission and discharge facilities shall "not interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners" (*id* at 9).

The Andersons agreed to "indemnify and keep indemnified the district from all claims of any of its landowners from damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson . . ." *Id.* at 9.

During 1973, the year the License Agreement was executed, Bray Lateral measurements were as high as 18.34 cfs. (**Attachment 14.**)

4. 1973-1982, Anderson's Permit Applications & Well Drilling

On October 4, 1973, while the terms of the 1973 License Agreement were being finalized, Mr. Anderson filed with IDWR an application for permit for 5 wells to divert 25 cfs for fish propagation. (**Attachment 19.**) The application identified the "two Patterson drainage wells" as "other water rights use for the same purposes as described above." In support of the application, Mr. Anderson referenced and submitted to IDWR a draft of the License Agreement. (**Attachment 19.**) IDWR approved the permit on November 9, 1973 and assigned it no 62-7879.

Mr. Anderson began drilling wells in 1974, encountering similar lava rock and broken lava rock subsurface conditions that had been encountered by USBR in 1919, and by Mr. Hosack during the 1950s and 1960s. (**Attachment 19**, well driller's reports.) A well interference complaint was filed shortly after the wells were drilled (but not controlled), demonstrating the impact of the Anderson wells on local ground water levels. Mr. Anderson completed drilling in 1976.

On November 14, 1978, Mr. Anderson submitted to IDWR proof of beneficial use showing use of 25 cfs from the 5 wells he drilled. (**Attachment 19.**) Mr. Anderson referenced NMID's use of the water discharged from the raceways and the retention pond he built. As shown in the plans for his fish farm, water was discharged directly from his retention pond to the Bray Lateral through an outlet at the northeast corner of the pond.

On December 8, 1978, Mr. Anderson filed a second application for an additional well in the SWSW Sec 2, T2N, R2W to divert an additional 5 cfs, in which he again referenced the 1973 License Agreement with NMID. IDWR approved the application, and assigned it no. 63-9194. (**Attachment 20.**)

Two years later, during 1980, Bray Lateral measurements were as high as 23.64 cfs (1182 miner's inches).

5. 1982 IDFG Acquisition of the Anderson Fish Farm

In 1982, Mr. Anderson assigned the permits to Rainbow Farms, Inc., which then conveyed the fish farm property and facilities to IDFG by warranty deed dated April 7, 1982. **(Attachment 19.)** An addendum to the deed includes all rights of the Andersons to the 1973 License Agreement, "for the nonconsumptive use of certain water from the [NMID's] Patterson Wells and of certain physical facilities owned by said district," and water right permit nos. 63-7879 and 63-9194. The addendum also states that the conveyance is subject to: "Terms and conditions of Contracts between United States of America and [NMID]; and said district and individual owners pertaining to water rights for irrigation."

6. 1989 Supplemental License Agreement

In 1989, after the Idaho Department of Fish and Game (IDFG) purchased Mr. Anderson's property, IDFG entered a Supplement to the 1973 License Agreement to authorize IDFG to install pumps in the Patterson Wells "in order to increase the discharge from the wells during periods of low artesian flow, which occur during certain portions of the year." **(Attachment 21** at 1-2.)

The Supplemental License Agreement provides:

1. "Unless otherwise expressly provided herein, all terms, conditions and requirements of the 1973 License Agreement remain in full force and effect and control the operation of the Patterson Wells and the use of the water from the Patterson Wells." (*Id.* at 2, ¶5.)

2. "The pumps shall be installed, operated, repaired and replaced in such manner as not to interfere in any way or to any extent with the flow of water from the wells at such times as the pumps, or either of them, are not in operation, in order to insure that the District shall receive the full quantity of water required by it for delivery to its landowners served by the Bray lateral and to insure that the drainage function of the wells is carried out properly." (*Id.* at 3, ¶7.)

4. "The combined discharge of the pumps shall not exceed 600 miners inches [12 cfs] and the separate discharge from each pump shall not exceed 300 miners inches [6 cfs]." (*Id.* at 3, ¶9.)

5. "The parties acknowledge and agree that the wells constitute part of the integrated irrigation and drainage system of the District, and that there may be times when the needs of the Department with respect to the use of water from the wells might not coincide with the drainage requirements or irrigation requirements of the District. For that reason, the Department agrees that it shall not operate the pumps at any time or in any manner when the effect of such pumping would not conform to the

irrigation or drainage requirements of the District. The District disavows any purpose or intention to authorize the extraction of water from either well except in accordance with the District's irrigation and drainage requirements." (*Id.* at 3-4, ¶10.)

6. "The pumps shall be installed at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners." (*Id.* at 4-5, ¶12.)

7. "[T]he Department agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of drainage or impairment of the flow of irrigation water in the Bray Lateral which may be caused by the installation, operation, repair or replacement of the pumps . . .. Furthermore, the department acknowledges its responsibility fairly to compensate any landowner in the District for damages to the landowner's crops, livestock or property resulting from reduction in the flow or discharge of water from the Patterson Wells caused by the installation, operation, repair or replacement of the pumps." (*Id.* at 5, ¶13.)

The above-quoted paragraph limiting the combined discharge of the Patterson Well pumps to 12 cfs was not intended to diminish the total supply of water to the Bray Lateral from the Patterson Wells and the IDFG wells below 24 cfs. This paragraph pertains only the discharge of the pumps, which were intended "to increase the discharge from the wells during periods of low artesian flow, which occur during certain portions of the year." This paragraph does not limit the total discharge from the Patterson Wells, nor does it limit the total flow of water from the Patterson and IDFG wells to the Bray Lateral which, during 1989, the year the Supplement to the 1973 agreement was entered, was as high as 22.50 cfs. (**Attachment 14.**) As with the 1973 License Agreement, this paragraph reflects concern that the discharge of water to the Bray Lateral not exceed its capacity.

7. 1991 Beneficial Use Field Exam for Permit Nos. 63-7879 and 63-9194

IDWR conducted a beneficial use field examination for permit nos. 63-7879 and 63-9194 on June 4,1991. The examiner (Mel Shulte) found IDFG diverting and using water from eight wells, six on the IDFG property and NMID's two Patterson Wells. (**Attachments 19, 20.**)

None of the eight wells was individually measured. Included with the report are descriptions of each of the eight pumps. The combined horsepower of the Patterson Wells pumps is 60, roughly equal to the combined 62.5 horsepower of the pumps for the other six wells. A diagram shows water diverted from the Patterson Wells conveyed to two towers, from which the water is conveyed through a concrete channel that also received water from IDFG "well #3" with one of the smaller pumps. The examiner measured flow through that channel to be 16.2 cfs, and also measured flow through a channel that conveyed water diverted from the five other IDFG wells to be 15.68 cfs. It is not possible to determine from the report whether and to what extent well #3 contributed to the 16.2 cfs flow at the time of measurement.

At the same time, IDFG measured the discharge from the raceways. IDWR measured a total flow through the facility of 31.88 cfs, and IDFG measurements showed 35.41 cfs. These measurements represented the total flow from the 6 IDFG wells plus NMID's Patterson Wells. Based on these measurements, the examiner recommended the permitted amounts of 25 cfs for water right no. 63-7879 and 5 cfs for water right no. 63-9194.

In his report, the examiner identified the Patterson wells as well #1 and well #2. The report gives no indication that the examiner understood that the Patterson Wells and the water diverted from the Patterson Wells were owned and used by NMID, or that the examiner took account of the 1973 License Agreement. The report states that permit nos. 63-7879 and 63-9194 "use the same sources," including the Patterson Wells. In fact, neither permit identified the Patterson Wells as points of diversion. As previously mentioned, the permit application identified the "Patterson drainage wells" to "[d]escribe any other water rights use for the same purposes as described above." The report narrative states: "Permits 63-9194 and 63-7879 will be amended to add all eight P/D's to each permit." There is no indication in the report that NMID would be notified of the examiner's proposal to include the Patterson Wells as points of diversion for the IDFG rights.

8. 1994 Permit Amendment and Licensure

Consistent with the beneficial use field report, License Review Checklists prepared nearly three years later on March 31, 1994 call for permit nos. 63-7879 and 63-9194 to be amended to add the Patterson Wells as points of diversion for IDFG's rights. There is no indication in the checklists that NMID would be contacted regarding the proposed amendment of the IDFG permits.

On April 11, 1994, IDWR sent IDFG applications to amend permit nos. 63-7879 and 63-9194 to add the Patterson Wells as points of diversion for IDFG's rights. IDFG signed the applications to amend its permits on April 29, 1994, and IDWR approved them ten days later on May 9th, 1994. On that same day, May 9th, IDWR issued license nos. 63-7879 and 63-9194 to IDFG, including the Patterson Wells as points of diversion. The licenses make no mention of NMID's ownership of the Patterson Wells or the water diverted from it, or the 1973 License Agreement. There is no indication that NMID was notified at any time that the permit amendment had been filed or approved, or that licenses had been issued, and there is no indication that notice of the amendment had been published. (**Attachments 19, 20.**)

9. 1990-Present, Wilson Ponds

On February 20, 1990, IDFG filed with IDWR a permit application for 50 cfs to provide water for proposed recreational fishing ponds to be located directly across South Powerline Road from the Nampa Fish Hatchery. (**Attachment 22.**) The ponds were to be located in the northwesterly portion of the seeped area identified by USBR in 1919. A drawing that accompanied the application shows a "marsh" which continued to exist because of the historically documented seepage from nearby canals.

The application originally identified the source of the water as "Pond Discharge" from the Nampa Fish Hatchery. This was crossed out and replaced by the words "Wilson Drain Springs."

Notwithstanding this nominal change, the application's description and delivery system diagram explain and show that the primary water supply for the ponds would come from the Nampa Fish Hatchery settling pond. The application identifies the 30 cfs from permit nos. 63-7879 and 63-9194 as other water rights used for the same proposed public fishing ponds. The application explains that NMID approval was required for the application to be approved by IDWR, and that after flowing through the proposed ponds, the water would be discharged either to the Wilson Drain or to the Bray Lateral.

During 1990, IDFG submitted plans for the proposed fish ponds to NMID for approval. (**Attachment 23.**) The plans show that water discharged directly to the Bray Lateral from the northeast side of the Nampa Fish Hatchery settling pond would instead be discharged through a pipe at the northwest side of the settling pond through a pipe running under South Powerline Road into the proposed fish ponds, with overflow discharging to NMID's Wilson Drain. The plans do not include any means of diverting water from the Wilson Drain into the proposed ponds, and none has ever been installed. This would require pumping, as the Wilson Drain water level is several feet below the elevation of the ponds.

On November 13, 1990, NMID attorney sent a letter to IDWR in reference to the IDFG permit application, in which he explained:

> As is the case with several of the drains and drainage wells of [NMID], the water from the Patterson Wells is regarded as part of the District's original appropriations of water from the Boise River, Claims nos. A-63-00199B and A63-00200B, with is recaptured by the District within its boundaries. (**Attachment 22.**)

On September 24, 1991, NMID and IDFG entered a License Agreement to allow IDFG to move the discharge of water from the Nampa Fish Hatchery to NMID's Bray Lateral from the direct discharge on northeast side of the settling pond to the discharge at the northwest end of the proposed recreational fish ponds, to become known as the "Wilson Ponds." (**Attachment 24.**) The License Agreement allowed IDFG a make a second use of the water diverted from the Patterson Wells and the IDFG wells, first through the fish hatchery, and then through the Wilson Ponds, before the water was ultimately discharged into the Bray Lateral, with overflow discharged to the Wilson Drain. The primary source of water for NMID's Bray Lateral continued to be the Patterson Wells and the IDFG wells. To protect NMID's water supply for the Bray Lateral, NMID may terminate the License Agreement if IDFG's operation of the Wilson Ponds adversely affects the supply of water to the Bray Lateral. (**Attachment 24** at 11-12, ¶ 8.)

On November 12, 1991, IDFG submitted the License Agreement to IDWR in support of its application.

IDWR issued permit no. 63-11256 to IDFG on February 12, 1992.

IDFG submitted proof of beneficial use to IDWR on February 1, 1993, claiming use of 50 cfs from "springs."

IDWR conducted a beneficial use field examination on May 10, 1994. The Beneficial Use Field Report incorrectly identifies the source as "Wilson Drain Springs" tributary to "Indian Creek Wilson Drain." Nonetheless, the system description narrative, diagram and photographs clearly show that the source of water for the fish ponds is the discharge from the Nampa Fish Hatchery.

> A series of man-made ponds and enhanced marshy areas has been developed as a public recreation area (Aka Wilson Ponds) adjacent to the new Fish and Game Region III office. The diversion is a concrete control structure on Wilson Drain which is situated to collect discharge flows from the Nampa Hatchery. The hatchery is located across the road to the east, and flows cross the road through a buried culvert before entering the diversion structure, hence, flows have entered the drainage and source is Wilson Drain.
>
> At the diversion structure, a 4' regulated culvert discharges to the ponds and there is a 6' culvert overflow to Wilson Drain. Springs in the ponds provide an unknown proportion of additional flows. Flows are routed through a small pool and marsh, then separated into two separate stocked pools. Exit flows from the pools pass through concrete spillways and are returned to Wilson Drain approximately 2000 feet downstream from the diversion.

In the preceding excerpt, the examiner incorrectly stated that flows from the hatchery entered Wilson Drain prior to entering the Wilson Ponds. This has never been the case. As previously stated, the Wilson Drain is several feet below the level of the diversion structure. While overflow discharges to Wilson Drain, no water from the hatchery enters the Wilson Drain before entering Wilson Ponds.

The examiner derived and recommended a quantity of 31.07 cfs for the Wilson Ponds water right based on the flow through the Nampa Fish Hatchery. In her report she explained: "Approximated maximum flow through Wilson Ponds may be supported by the maximum flows found at the Nampa Hatchery, since these are the primary contributor to the flows in Wilson Ponds."

On March 21, 1996, IDWR issued license no. 63-11256 to IDFG for 31.07 cfs from "Wilson Drain Springs" as recommended by the examiner.

After the completion of the Wilson Ponds in 1992/1993, there have been no additional modifications to the diversion, delivery and use of water from the Patterson Wells and the IDFG Wells by NMID and IDFG. IDFG continues to make use of the well water first in the Nampa Fish Hatchery and then through the Wilson Ponds before discharging the water to the Bray Lateral, with overflow discharging to the Wilson Drain. As was the case in 1919, the source of this water continues to be seepage from nearby canals and irrigated lands within NMID's boundaries.

10. NMID Lands Served by the Bray Lateral

Approximately 404 acres within NMID receive water directly from the Bray Lateral. The Bray Lateral also provides water for the lower half of NMID's Edwards lateral system, for

approximately 759 acres. NMID delivers 1" to the acre while under river flow to all district lands. The minimum requirement for these 1163 acres is 1163 miner's inches, or 23.26 cfs. Water delivered through the Bray Lateral also supplements the Partridge Lateral and the Conley Lateral late in the irrigation season when NMID receives water from storage. In addition, NMID is mindful that lands which formerly received water from the Bray that have been excluded may be reinstated, requiring additional flow through the Bray.

Could be artesian well data.

RECEIVED
JUN 30 1983
Department of Water Resources
Western Region Office

Claim No. 63-5288

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wilfred E. &/or Barbara J. Watkins
(Name of Claimant)

Rt. 7 Box 7023, Nampa, ID 83651 Telephone No. 466-5353
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1957

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	.03 cfs	Use	stockwater	Period of Use From	1/1	To	12/31
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) .03 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 2 Twp. 2N Rge. 2W B.M., County of Canyon
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 2 artesian wells, pipeline & trough

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	2W	2										X							

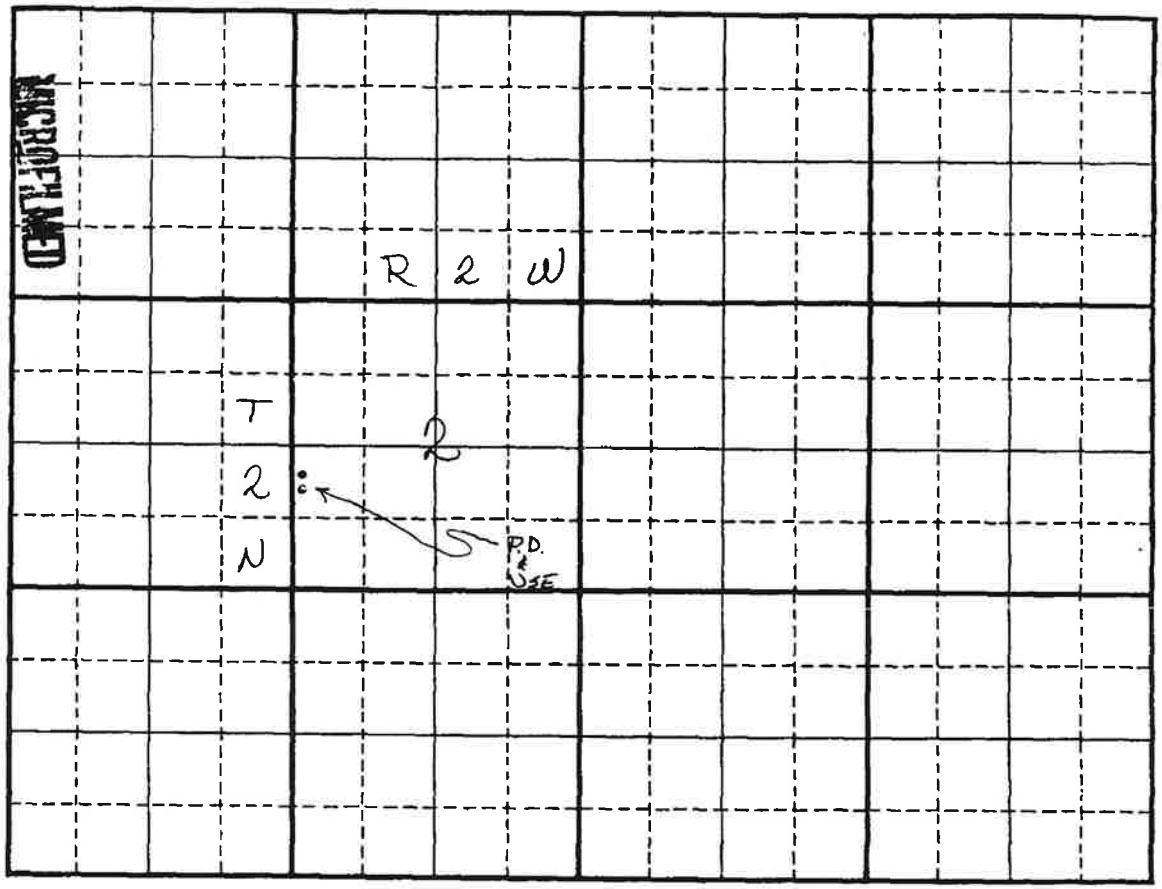
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 45 head/range

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of ADA)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Wilfred E. Watkins Inc
(Claimant)

Sworn to before me this 14 day of JUNE, 19 83.

Notary Public
Residing at BOISE, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by MM	Date 6-16-83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JG	Date 12-22-83			
$30.00 fee received by SP	Date 12/16/83 = 31051			
Published in Idaho				
Dates 2/23 & 3/1/84				

RECEIVED
JUL 16 1965
Department of Reclamation

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Permit No. Well No. County

Owner

Address

Driller

Address

Well location ¼ ¼ Sec. T. N/S R. E/W

Size of drilled hole

Locate well in section

NW¼	NE¼
SW¼	SE¼

Total depth of well

Give depth to standing water from the ground Water temp. Fahr.

On "Pumping Test" delivery was g.p.m. or c.f.s. Drawdown was feet.

Size of pump and motor used to make test

Length of time of test hours minutes.

If flowing well, give flow c.f.s. or g.p.m. and of shut off pressure

If flowing well, described control works (TYPE AND SIZE OF VALVE ETC.)

Water will be used for Weight of casing per lineal foot

Thickness of casing Casing material (STEEL CONCRETE WOOD ETC.)

Diameter, length and location of casing (CASING 12" IN DIAMETER OR LESS GIVE INSIDE DIAMETER CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.

Number and size of perforations located feet to feet from ground

Date of commencement of well Date of completion of well

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name [illegible]

Address [illegible]

Owner's Permit No. ______

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole [illegible] inches Total depth [illegible] feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
[illegible] inches	[illegible] inches	[illegible] feet	[illegible] feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ____ inches by ____ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

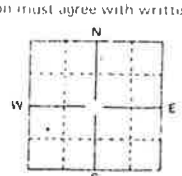
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County [illegible]

[illegible] ¼ [illegible] ¼ Sec. [illegible], T. [illegible] N/S, R. [illegible] E/W

7. WATER LEVEL

Static water level [illegible] feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ______

Temperature ____ °F. Quality ______

Artesian closed-in pressure ______ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
[illegible]	[illegible]	[illegible]

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
[illegible]	[illegible]	[illegible]	[illegible]		✓
	[illegible]	[illegible]	[illegible]		✓
	[illegible]	[illegible]	[illegible]	✓	
[illegible]	[illegible]	[illegible]	[illegible]		
	[illegible]	[illegible]	[illegible]		✓
	[illegible]	[illegible]	[illegible]		✓
	[illegible]	[illegible]	[illegible]		✓
			[illegible]	✓	

10.

Work started [illegible] finished [illegible]

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

[illegible]
Driller's or Firm's Name Number

[illegible]
Address

[illegible]
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name
Address
Owner's Permit No.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole inches Total depth feet
Casing schedule ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

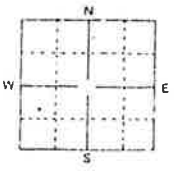
Well screen installed? ☐ Yes ☒ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County
¼ ¼ ¼ Sec. , T. N/S, R. E/W

7. WATER LEVEL

Static water level 9 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow
Temperature ° F. Quality
Artesian closed-in pressure p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
12	5	1

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	1			
6	1	9			
6	9	20			
6	20	21			
6	21	22			
6	22	23			
6	23	24			
6	24	25			
6	25	26			
6	26	27			

10

Work started finished 1971

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Driller's or Firm's Name Number
Address
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name John Dillon
Address Nampa
Owner's Permit No.

2. NATURE OF WORK
[x] New well [ ] Deepened [ ] Replacement
[ ] Abandoned (describe method of abandoning)

3. PROPOSED USE
[x] Domestic [ ] Irrigation [ ] Test [ ] Other (specify type)
[ ] Municipal [ ] Industrial [ ] Stock [ ] Waste Disposal or Injection

4. METHOD DRILLED
[x] Cable [ ] Rotary [ ] Dug [ ] Other

5. WELL CONSTRUCTION
Casing: 6 inches Total depth 80 feet
[ ] Steel [ ] Concrete

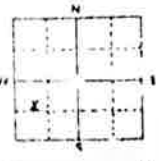
Thickness	Diameter	From	To
.250 inches	6 inches	1½ feet	40 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? [x] Yes [ ] No
Was a packer or seal used? [ ] Yes [x] No
Perforated? [ ] Yes [x] No
How perforated? [ ] Factory [ ] Knife [ ] Torch
Size of perforations inches by inches

	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Screen installed? [ ] Yes [x] No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? [ ] Yes [x] No Size of gravel
Gravel from feet to feet
Surface seal depth 20 Material used in seal [ ] Cement grout [x] Puddling clay [ ] Well cuttings
Sealing procedure used [ ] Slurry pit [ ] Temporary surface casing [ ] Overbore to seal depth

6. LOCATION OF WELL 65
Sketch map location must agree with written location.



Subdivision Name Pine Hill Terrace
Lot No. Block No.
County Canyon
NW¼ SW¼ Sec. 2 T. 2 N, R. 2 W

7. WATER LEVEL
Static water level 34 feet below land surface
Flowing? [ ] Yes [ ] No G.P.M. Rate
Temperature °F. Quality
Artesian closed in pressure P.S.I.
Controlled by [ ] Valve [ ] Cap [ ] Plug

8. WELL TEST DATA
[ ] Pump [ ] Bailer [ ] Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

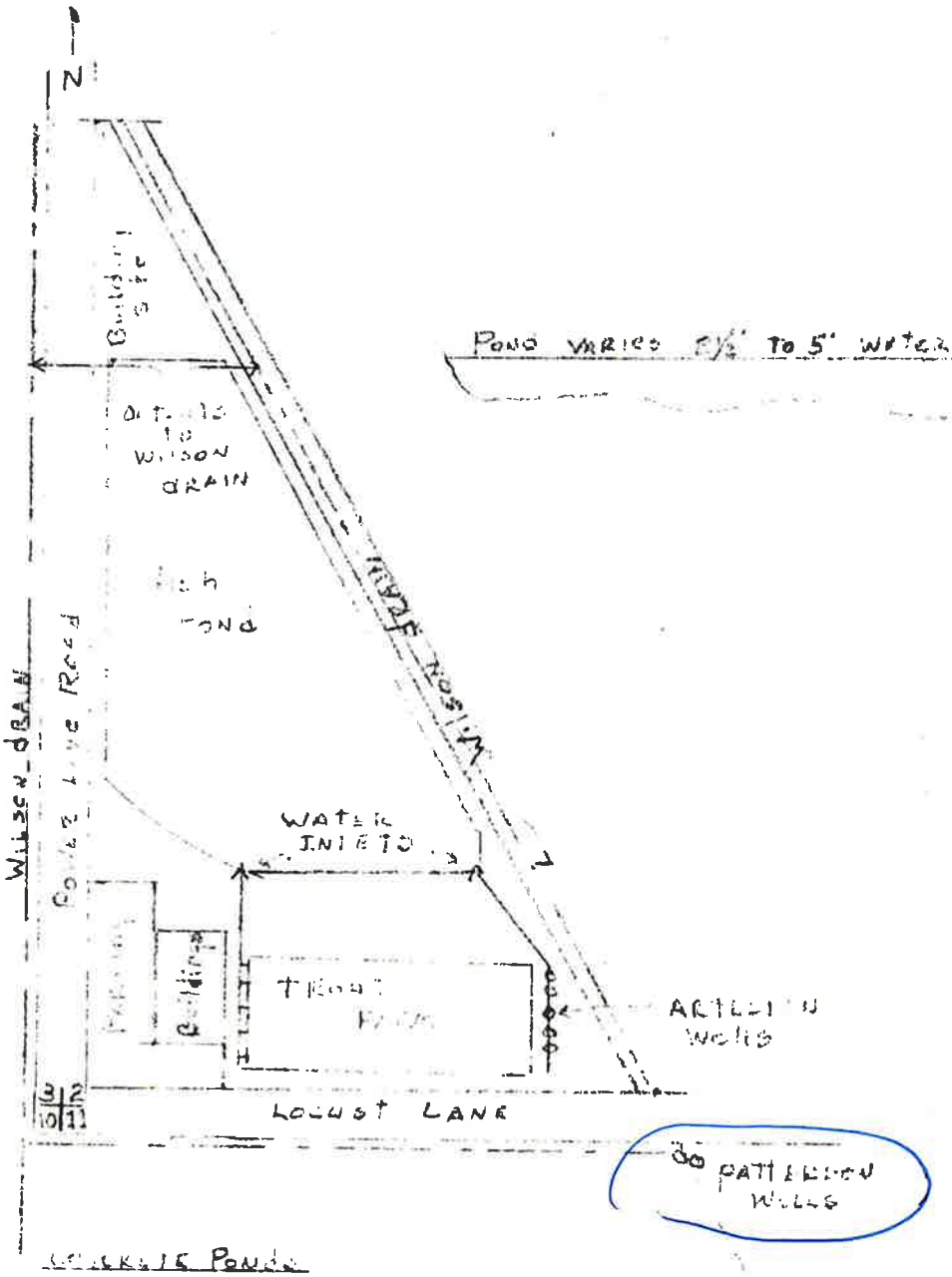
Hole Diam.	Depth From	Depth To	Material	Water Bearing Yes	Water Bearing No
	0	6"	Top soil		
	6"	18"	Loose lava		
	18"	12'	Solid Lava	✓	
	12'	15'	Lava crevices		
	15'	22'	Solid lava	✓	
	22'	36'	Lava with crevices		
	36'	74'	Solid lava		
	74'	76'	Loose clay crevices		
	76'	79'	Brown sandy clay	✓	
	79'	80'	Coarse sand & gravel		

10. Work started 3/16/77 finished 3/20/77

11. DRILLER'S CERTIFICATION
Firm Name Davis Well Drilling Firm No. 101
Address 415 N. Pitt Ln. Nampa Date 3/22/77
Signed by (Firm Official)
and
(Operator) Merlin Davis

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Proposed Trout Farm



Concrete Ponds
10 - 32' x 60' x 2½'
1 - 18' x 120' x 4'
2 - 16' x 180' x 4'

Water Requirements
800" Nampa Aquifer
400" to 1000" from New Wells

Rainbow Farms, Inc.
Byron V. Anderson
13.75 Acres in Sec. 2,
T. 2N. R. 2W., B. M.
10/21/73
P.O. Box 277
Nampa, Idaho
83651

EXHIBIT A

63 7879

COPY

SUPPLEMENT TO LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

DEPARTMENT OF FISH AND GAME

5 July 1989
Instrument #8912645

INSTRUMENT NO. 89126 45

29/4

ORIGINAL

COPY

SUPPLEMENT TO LICENSE AGREEMENT

The parties to this Supplement to License Agreement are NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho (the "District"), and the DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO (the "Department"), an agency of the State of Idaho.

RECITALS

1. On December 18, 1973, the District entered into a License Agreement with Byron V. Anderson and Sonya J. Anderson, husband and wife (the "1973 License Agreement"), which was recorded as Instrument No. 720649, records of Canyon County, Idaho, which authorized Anderson to utilize the water from two wells owned by the District and designated in the 1973 License Agreement and herein as the Patterson Wells or the wells, for fish production purposes on land owned by Anderson consisting of approximately 13.75 acres in the SW¼SW¼ of Section 2, Township 2 North, Range 2 West, B.M., in Canyon County, Idaho (the "Anderson property").

2. The Department has purchased the Anderson property and is the Licensee under the 1973 License Agreement.

3. The Department desires to install pumps in the Patterson Wells in order to increase the discharge from the wells during periods of low artesian flow, which occur during certain portions

of the year, and the District is willing to permit the installation and operation of such pumps upon the terms and conditions hereinafter stated.

OPERATIVE AGREEMENT

In consideration of the promises and of the covenants of the Department hereinafter set forth, the parties agree as follows:

4. This Agreement supplements the 1973 License Agreement and is hereinafter referred to as the 1989 Supplemental Agreement.

5. Unless otherwise expressly provided herein, all terms, conditions and requirements of the 1973 License Agreement remain in full force and effect and control the operation of the Patterson Wells and the use of the water from the Patterson Wells.

6. The Department is authorized to install a pump in each of the Patterson Wells. All costs and expenses of the acquisition, installation, operation, repair and replacement of those pumps shall be paid by the Department and the District shall never have any responsibility whatsoever for the costs and expenses of acquisition, installation, operation, repair or replacement of the pumps.

7. The pumps shall be installed, operated, repaired and replaced in such manner as not to cause any damage to the wells and not to affect the quality of the water flowing from the wells or discharged from the pumps. Installation of the pumps shall be

in accordance with the plans and specifications attached hereto as Exhibit A and made a part hereof. The pumps shall be installed, operated, repaired and replaced in such manner as not to interfere in any way or to any extent with the flow of water from the wells at such times as the pumps, or either of them, are not in operation, in order to insure that the District shall receive the full quantity of water required by it for delivery to its landowners served by the Bray Lateral and to insure that the drainage function of the wells is carried out properly.

8. The Department agrees that the work performed and the materials used in installing the pumps shall be subject to inspection by the District and by the engineers for the District, and that final acceptance of the construction and installation work shall not be made until all such work and materials shall have been expressly approved by the District.

9. The combined discharge of the pumps shall not exceed 600 miners inches (12 c.f.s.) and the separate discharge from each pump shall not exceed 300 miners inches (6 c.f.s.).

10. The parties acknowledge and agree that the wells constitute part of the integrated irrigation and drainage system of the District, and that there may be times when the needs of the Department with respect to the use of water from the wells might not coincide with the drainage requirements or the irrigation requirements of the District. For that reason, the Department agrees that it shall not operate the pumps at any time

or in any manner when the effect of such pumping would not conform to the irrigation or drainage requirements of the District. The District disavows any purpose or intention to authorize the extraction of water from either well except in accordance with the District's irrigation and drainage requirements.

11. If the installation, operation, repair or replacement of either pump causes damage to either well, the Department immediately shall commence such action as is necessary to repair the damage and restore the full flow of water from that well. If damage to either well causes a reduction in the flow of water therefrom during the irrigation season and the Board of Directors of the District determines that because of such reduction in flow crop damage will occur to landowners to whom water is delivered through the Bray Lateral, because the damage is such that repair in a timely manner is impossible, the Department shall cooperate fully with the District in notifying the affected landowners of the cause of the inadequate supply of water and of the Department's responsibility to compensate those landowners for the crop damage resulting from the reduction in their water supply.

12. The pumps shall be installed at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of

its landowners.

13. Without limiting the extent and applicability of the indemnification provisions of the 1973 License Agreement, the Department agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of drainage or impairment of the flow of irrigation water in the Bray Lateral which may be caused by the installation, operation, repair or replacement of the pumps, and such indemnification shall include payment of any costs and attorney fees incurred by the District in processing or defending any such claims as well as reasonable compensation for the services of employees of the District required for the processing and administration of any such claims. Furthermore, the Department acknowledges its responsibility fairly to compensate any landowner in the District for damages to the landowner's crops, livestock or property resulting from reduction in the flow or discharge of water from the Patterson Wells caused by the installation, operation, repair or replacement of the pumps. The Department also acknowledges and agrees that its obligations and liabilities to the District and to any affected landowners of the District are contractual obligations and that the recovery of damages for breach of those obligations or arising from those liabilities is not limited by the Idaho Tort Claims Act, and such acknowledgment is an essential consideration without which the District would not enter into this Supplemental License

Agreement.

14. The Department acknowledges that the license herein granted is for its benefit, and not for the benefit of the District, and, for that reason, the Department agrees to pay any attorney fees or engineering fees charged by the attorney for the District or by the engineers for the District in connection with the preparation of this Supplemental License Agreement or in connection with negotiations covering the terms and conditions of this Supplemental License Agreement or in connection with the approval of plans or approval of the installation of the pumps.

15. The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the Anderson property as described in said Exhibit A of the 1973 License Agreement, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and the Department has hereunto caused its agency name to be subscribed by its officers first thereunto duly authorized by resolution of

its Board of Directors, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By _____
Its President

ATTEST:

_____
Its Secretary

IDAHO DEPARTMENT OF FISH & GAME

By _____
Acting for Director
Date: June 30, 1989

ATTEST:

_____

8912645

RECORDED

'89 JUL 10 PM 12 08

NED J KERR
CANYON CNTY RECORDER
BY C. Kent Dyer

REQUEST Nampa & Meridian Irrig
TYPE Mail FEE 24.00

STATE OF IDAHO)
)ss.
COUNTY OF CANYON)

On this 5th day of July, 1989, before me, the undersigned, a notary public in and for said state, personally appeared HENRY O. WEICK and DAREN COON, known to me to be the President and Secretary, respectively, of NAMPA & MERIDIAN IRRIGATION DISTRICT, the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DONNA N. MOORE NOTARY PUBLIC STATE OF IDAHO

Donna N. Moore
Notary Public for the State of Idaho
Residing at Caldwell, Idaho
My commission expires: 11/04/94

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

On this 30th day of June, 1989, before me, the undersigned, a notary public in and for said state, personally appeared Tom Reinelker and ~~and~~ _____, known to me to be the Acting Director ~~for and~~ Jerry M. Conley, Director respectively, of the IDAHO DEPARTMENT OF FISH & GAME, the agency that executed the foregoing instrument, and acknowledged to me that such agency executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC STATE OF IDAHO

Dorothy Baker
Notary Public for the State of Idaho
Residing at Emmett, Idaho
My commission expires: 10/31/1991



LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

BYRON V ANDERSON AND SONYA J ANDERSON

18 December 1973

Instrument No 720649

INSTRUMENT NO 720649

LICENSE AGREEMENT

LICENSE AGREEMENT, Made and entered into this 18th day of December, 1973, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, parties of the second part, hereinafter referred to in the singular as "Anderson";

W I T N E S S E T H:

WHEREAS, Anderson is the owner of the real property (burdened with the easement of the District hereinafter mentioned) situate in the County of Canyon, State of Idaho, particularly described as follows:

> A portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M. described as commencing at the Southwest corner of said Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence East along the South line of said Section to the center of the drain ditch as now located; thence Northwesterly along the center of said drain ditch a distance of 22 rods; thence East from the center of said drain ditch, as now located, a distance of 22 feet; thence Northwesterly and parallel with said drain ditch to a point 100 feet from the North boundary line of said Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence West to the West line of said Southwest Quarter of the Southwest Quarter; thence South along the West boundary line of said Southwest Quarter of the Southwest Quarter to the point of beginning, being approximately 13.75 acres.

and,

WHEREAS, the District is the owner of the ditch known as Bray Lateral, together with the easement therefor, including the easement to convey drainage and irrigation water in such ditch and the easement to operate, maintain and repair such ditch, and which ditch is an integral part of the irrigation and drainage works and system of the District and which ditch and the said easements therefor cross and intersect said described real property of Anderson as shown on Exhibit A attached hereto; and,

WHEREAS, the District owns two artesian wells (formerly known as the "Hosack Wells" but now generally known as, and hereinafter referred to as, the "Patterson Wells") which are located in the Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, which the District uses for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage; and,

WHEREAS, the Patterson Wells were located along side the bank of the Bray Lateral, but a diversion from that point to the Wilson Drain was constructed by the District to receive the additional flow from the Patterson Wells at such time such flow could not be delivered through the Bray Lateral for irrigation use, and,

WHEREAS, all such references herein to use or development of additional discharge waters shall be consistent with and subservient to such diversion alterations between the aforementioned drain and lateral of the District, including whatever demands the

United States may make in conjunction with the use of the Wilson Drain, which is a part of its Boise Project drainage works; and,

WHEREAS, all references hereinafter appearing as the Bray Lateral shall be construed and interpreted to mean diversion under such circumstances and to either or both waterways as the District may from time to time determine to be convenient.

WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the "Anderson property") and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm; and,

WHEREAS, the District is willing to give Anderson a license for the use of water from the said Patterson Wells and for the use of said Bray Lateral for drainage purposes, upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties hereto agree each with the other as follows;

Anderson shall have the right to use the water which shall from time to time flow from said Patterson Wells, for purposes of fish propagation on the Anderson property hereinbefore described

and shall have the right to construct at the said Patterson Wells and in the Bray Lateral on the said Anderson property such diversion and transmission facilities as shall be necessary to transmit the water from the Patterson Wells to the fish farm facilities.

Anderson expressly agrees that the use of water from the Patterson Wells shall not be a consumptive use and that Anderson shall discharge into the Bray Lateral at the lower end of Anderson's facilities the same quantity of water as Anderson diverts into his facilities from the Patterson Wells, diminished only by a normal evaporation loss.

Anderson agrees that the wells to be drilled by him on the fish farm shall not be operated in such manner as to interfere with, or diminish, the flow of water from the Patterson Wells. However, the District agrees that, in conjunction with the use of water from the wells to be drilled by Anderson, the flow from the Patterson Wells may be decreased at any time when the Anderson wells are producing, and discharging into the Bray Lateral, either directly or through the fish propagation facilities of Anderson, a quantity of water equivalent to the quantity by which the flow from the Patterson Wells is then decreased.

Anderson acknowledges and agrees that the District neither guarantees any flow of water from the Patterson Wells nor agrees to supply to Anderson any specific quantity of water from the Patterson Wells. Anderson's use rights under this agreement shall be limited to whatever quantity of water is being produced by the Patterson Wells at any particular time.

The right and authority to control flow of water from the Patterson Wells shall at all times be vested in the District, and it shall be Anderson's responsibility to request the water

superintendent of the District to make any changes desired by Anderson in the amount of water being discharged from the Patterson Wells.

Anderson understands and agrees that the water flowing from the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation losses, by reason of being diverted into Anderson's fish propagation facilities. Therefore, Anderson expressly agrees that if, at any time during any irrigation season, the quantity of water being discharged into the Bray Lateral from Anderson's fish propagation facilities is less than the amount of water flowing from the Patterson Wells, the District, upon one hour's notice to Anderson, given to Anderson or to his employees or agents at the said fish farm, shall have the right to adjust the control devices at Anderson's diversion facilities as may be required to increase the flow of water in the Bray Lateral to that quantity which is being discharged by the Patterson Wells. In that regard, it shall be Anderson's responsibility to have someone available at said fish farm at all times to receive such notices from the District.

Anderson agrees to pay the District the sum of $100.00 annually to defray additional expenses incurred by provisions of this license agreement and such amount is to be paid on or before the 15th day of December each year and such amount will be subject to review or change at the request of Anderson

or the District at the first regular meeting of the Board of Directors of the District occurring within the month of payment.

Anderson shall have the right to discharge into the Bray Lateral the water used by Anderson in his fish farming operations on the Anderson property. In that regard, the parties understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners inches of drainage water flowing from the Patterson Wells and from other sources. It is further understood and agreed that Anderson shall be required to perform any work and furnish any materials which may be required to enlarge the Bray Lateral so as to carry any additional water that Anderson discharges into the Bray Lateral, over and above the quantity of water heretofore conveyed by the District in the Bray Lateral. Any such enlargement of the Bray Lateral, and any other work done by Anderson under the license herein granted, shall be accomplished by Anderson at his own expense and without any expense whatsoever to the District.

DOES THIS MEAN REQ'D TO FROM NOW ON?

If additional easements are required for the purpose of carrying additional water in the Bray Lateral, over and above the quantity of water that can be accommodated by the rights of way of the District, those easements shall be obtained by Anderson and any expense involved in establishing or acquiring such easements shall be paid by Anderson.

The parties understand and agree that the Bray Lateral runs northwesterly from Patterson Wells, along the northeasterly boundary line of the fish farm, and that Anderson will construct

diversion facilities below those of the fish farm to operate in the same manner as that now existing at the Patterson Wells site and provide the District its option of diversion at such location. Anderson shall construct his discharge facilities in such manner as not to cause any erosion of the banks, sides or bottom of the Bray Lateral.

No diversion, transmission or discharge facilities shall be constructed by Anderson under the rights herein granted until the plans and specifications for such diversion facilities or such transmission or discharge facilities have been examined by, and approved by, the Board of Directors of the District and the engineers for the District. Any construction by Anderson shall be in accordance with such approved plans and specifications and no water from the Patterson Wells shall be diverted by Anderson until the completed construction of the diversion, transmission, and discharge facilities has been approved by the District and by its engineers.

Anderson agrees that he shall construct his facilities and conduct his fish farming operations in such manner as to insure that no pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock shall be discharged into the Bray Lateral. In that regard, Anderson expressly understands and agrees that in the event of a controversy between the parties regarding the discharge of pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock, it shall be Anderson's burden to prove that pollutants or solid waste materials are not

being discharged into Bray Lateral, and to prove that any other material being discharged into the Bray Lateral is not detrimental to soil, vegetation or livestock.

Anderson agrees that the District shall have the right to utilize, for irrigation purposes, the water produced by the wells to be drilled on the said Anderson property by Anderson, after such water has been used by Anderson in his fish farming operations, and that such right shall be prior and superior to the rights of any other persons claiming, under Anderson, the right to use said water from the Anderson wells.

All facilities constructed or used by Anderson under the license herein granted shall be constructed, maintained and kept in repair and kept clean at all times, by Anderson, and at the cost and expense of Anderson, and the conduit between the Patterson Wells and the Bray Lateral shall be maintained and kept in repair and kept clean at all times for the full flow of water therein, by Anderson, and at the cost and expense of Anderson.

Anderson agrees to construct and maintain his diversion, transmission and discharge facilities in a safe condition, all to the end that said facilities shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of Anderson to keep the same in safe condition.

The construction, maintenance and repair of such diversion, transmission and discharge facilities shall be accomplished by Anderson at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners.

Anderson agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson, or any use or condition thereof at any time or from the impairment of the flow of drainage or irrigation water therein from the failure of Anderson to maintain and keep in repair the said facilities of Anderson or to maintain and keep clean the conduit in said facilities of Anderson for the full flow of irrigation water through said facilities of Anderson.

Nothing herein contained shall be construed to impair the easement and right of way of the District in the Bray Lateral and all uses of said Bray Lateral and the said facilities of Anderson to be constructed and used, and the license herein provided therefor, shall remain inferior and subservient to the rights of the District in the Patterson Wells and to the use of said Bray Lateral for the transmission of drainage and delivery of irrigation water.

The District reserves the right, at its option, to remove any impediment to the flow of water through said facilities of Anderson and any hazards to persons or property which may arise by reason of the construction or condition of said facilities of Anderson at any time, and Anderson agrees to pay to the District, on demand, the costs which shall be reasonably expended for such purposes. If Anderson shall fail in any respect to properly maintain and repair such facilities of Anderson, then the District, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and Anderson agrees to pay to the District, on demand, the cost which shall be reasonably expended for such purposes.

The parties hereto understand and agree that the District has no right to in any respect impair the uses and purposes of the irrigation and drainage works and system of the District, by this contract, nor to grant any rights in its irrigation and drainage works and system incompatible with the uses to which such irrigation and drainage works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

In the event of the failure, refusal or neglect of Anderson to comply with all of the terms and conditions of this contract, then the license of Anderson under the terms hereof may be terminated by the District, and all structures in or over said Patterson

Wells and said Bray Lateral, and the rights of way therefor, which may impede or restrict the maintenance and operation of such wells or such ditch by the District with its equipment for the maintenance of its system may be removed by the District.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Anderson hereinbefore described and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and Byron V Anderson and Sonya J Anderson, husband and wife, have hereunto subscribed their names, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By Clarence L Gharring
Clarence L Gharring, President

ATTEST:

Joseph C Voight
Joseph C Voight, Secretary

Byron V Anderson
Byron V Anderson

Sonya J Anderson
Sonya J Anderson

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE L GHARRING and JOSEPH C VOIGHT, respectively, known to me to be the President and Secretary, respectively, of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Gladys L. Schaffer
Notary Public for the State of Idaho
Residing at Nampa, Idaho

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

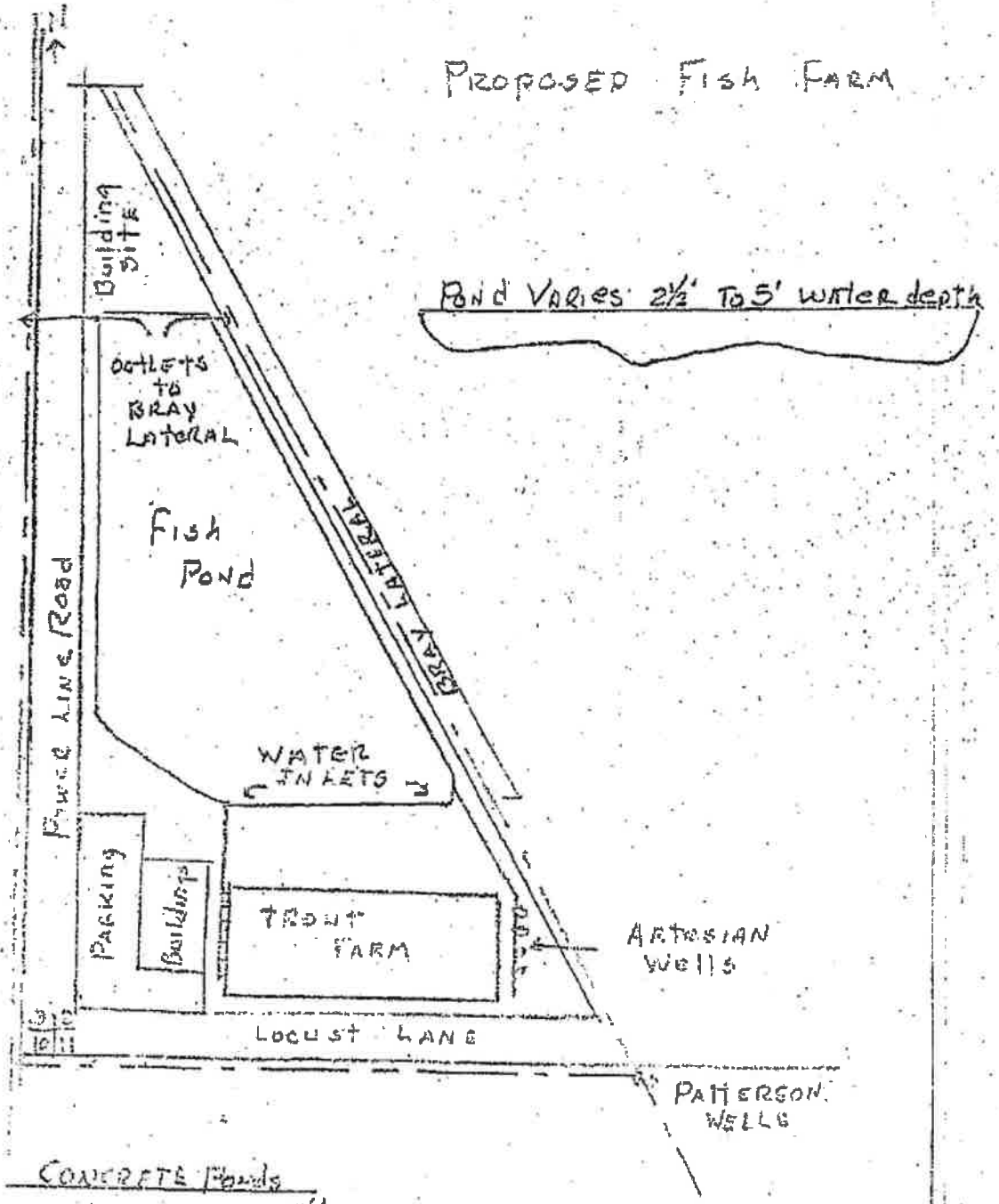
On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Joseph C Voight
Notary Public for the State of Idaho
Residing at Nampa, Idaho

94057

PROPOSED FISH FARM



CONCRETE PONDS

10- 3'x60'x3½'
4 13'x120'x4'
2- 18'x130'x4'

WATER APPROPRIATIONS

APP 800' NAMPA MERIDIAN
400" TO 1200' FROM NEW WELLS

EXHIBIT A

RAINBOW FARMS INC.
BYRON V. ANDERSON
13.15 ACRES NW SW
T. 2N. R 2W. B.M.
11/27/73
P.O. BOX 277
NAMPA IDAHO



LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

BYRON V ANDERSON AND SONYA J ANDERSON

18 December 1973

Instrument No 720649

COPY

INSTRUMENT NO 720649

LICENSE AGREEMENT

LICENSE AGREEMENT, Made and entered into this 18th day of December, 1973, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, parties of the second part, hereinafter referred to in the singular as "Anderson";

W I T N E S S E T H:

WHEREAS, Anderson is the owner of the real property (burdened with the easement of the District hereinafter mentioned) situate in the County of Canyon, State of Idaho, particularly described as follows:

> A portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M. described as commencing at the Southwest corner of said Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence East along the South line of said Section to the center of the drain ditch as now located; thence Northwesterly along the center of said drain ditch a distance of 22 rods; thence East from the center of said drain ditch, as now located, a distance of 22 feet; thence Northwesterly and parallel with said drain ditch to a point 100 feet from the North boundary line of said Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence West to the West line of said Southwest Quarter of the Southwest Quarter; thence South along the West boundary line of said Southwest Quarter of the Southwest Quarter to the point of beginning, being approximately 13.75 acres.

and,

WHEREAS, the District is the owner of the ditch known as Bray Lateral, together with the easement therefor, including the easement to convey drainage and irrigation water in such ditch and the easement to operate, maintain and repair such ditch, and which ditch is an integral part of the irrigation and drainage works and system of the District and which ditch and the said easements therefor cross and intersect said described real property of Anderson as shown on Exhibit A attached hereto; and,

WHEREAS, the District owns two artesian wells (formerly known as the "Hosack Wells" but now generally known as, and hereinafter referred to as, the "Patterson Wells") which are located in the Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, which the District uses for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage; and,

WHEREAS, the Patterson Wells were located along side the bank of the Bray Lateral, but a diversion from that point to the Wilson Drain was constructed by the District to receive the additional flow from the Patterson Wells at such time such flow could not be delivered through the Bray Lateral for irrigation use, and,

WHEREAS, all such references herein to use or development of additional discharge waters shall be consistent with and subservient to such diversion alterations between the aforementioned drain and lateral of the District, including whatever demands the

United States may make in conjunction with the use of the Wilson Drain, which is a part of its Boise Project drainage works; and,

WHEREAS, all references hereinafter appearing as the Bray Lateral shall be construed and interpreted to mean diversion under such circumstances and to either or both waterways as the District may from time to time determine to be convenient.

WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the "Anderson property") and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm; and,

WHEREAS, the District is willing to give Anderson a license for the use of water from the said Patterson Wells and for the use of said Bray Lateral for drainage purposes, upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties hereto agree each with the other as follows:

Anderson shall have the right to use the water which shall from time to time flow from said Patterson Wells, for purposes of fish propagation on the Anderson property hereinbefore described

and shall have the right to construct at the said Patterson Wells and in the Bray Lateral on the said Anderson property such diversion and transmission facilities as shall be necessary to transmit the water from the Patterson Wells to the fish farm facilities.

Anderson expressly agrees that the use of water from the Patterson Wells shall not be a consumptive use and that Anderson shall discharge into the Bray Lateral at the lower end of Anderson's facilities the same quantity of water as Anderson diverts into his facilities from the Patterson Wells, diminished only by a normal evaporation loss.

Anderson agrees that the wells to be drilled by him on the fish farm shall not be operated in such manner as to interfere with, or diminish, the flow of water from the Patterson Wells. However, the District agrees that, in conjunction with the use of water from the wells to be drilled by Anderson, the flow from the Patterson Wells may be decreased at any time when the Anderson wells are producing, and discharging into the Bray Lateral, either directly or through the fish propagation facilities of Anderson, a quantity of water equivalent to the quantity by which the flow from the Patterson Wells is then decreased.

Anderson acknowledges and agrees that the District neither guarantees any flow of water from the Patterson Wells nor agrees to supply to Anderson any specific quantity of water from the Patterson Wells. Anderson's use rights under this agreement shall be limited to whatever quantity of water is being produced by the Patterson Wells at any particular time.

The right and authority to control flow of water from the Patterson Wells shall at all times be vested in the District, and it shall be Anderson's responsibility to request the water

superintendent of the District to make any changes desired by Anderson in the amount of water being discharged from the Patterson Wells.

Anderson understands and agrees that the water flowing from the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation losses, by reason of being diverted into Anderson's fish propagation facilities. Therefore, Anderson expressly agrees that if, at any time during any irrigation season, the quantity of water being discharged into the Bray Lateral from Anderson's fish propagation facilities is less than the amount of water flowing from the Patterson Wells, the District, upon one hour's notice to Anderson, given to Anderson or to his employees or agents at the said fish farm, shall have the right to adjust the control devices at Anderson's diversion facilities as may be required to increase the flow of water in the Bray Lateral to that quantity which is being discharged by the Patterson Wells. In that regard, it shall be Anderson's responsibility to have someone available at said fish farm at all times to receive such notices from the District.

Anderson agrees to pay the District the sum of $100.00 annually to defray additional expenses incurred by provisions of this license agreement and such amount is to be paid on or before the 15th day of December each year and such amount will be subject to review or change at the request of Anderson

or the District at the first regular meeting of the Board of Directors of the District occurring within the month of payment.

Anderson shall have the right to discharge into the Bray Lateral the water used by Anderson in his fish farming operations on the Anderson property. In that regard, the parties understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners inches of drainage water flowing from the Patterson Wells and from other sources. It is further understood and agreed that Anderson shall be required to perform any work and furnish any materials which may be required to enlarge the Bray Lateral so as to carry any additional water that Anderson discharges into the Bray Lateral, over and above the quantity of water heretofore conveyed by the District in the Bray Lateral. Any such enlargement of the Bray Lateral, and any other work done by Anderson under the license herein granted, shall be accomplished by Anderson at his own expense and without any expense whatsoever to the District.

If additional easements are required for the purpose of carrying additional water in the Bray Lateral, over and above the quantity of water that can be accommodated by the rights of way of the District, those easements shall be obtained by Anderson and any expense involved in establishing or acquiring such easements shall be paid by Anderson.

The parties understand and agree that the Bray Lateral runs northwesterly from Patterson Wells, along the northeasterly boundary line of the fish farm, and that Anderson will construct

diversion facilities below those of the fish farm to operate in the same manner as that now existing at the Patterson Wells site and provide the District its option of diversion at such location. Anderson shall construct his discharge facilities in such manner as not to cause any erosion of the banks, sides or bottom of the Bray Lateral.

No diversion, transmission or discharge facilities shall be constructed by Anderson under the rights herein granted until the plans and specifications for such diversion facilities or such transmission or discharge facilities have been examined by, and approved by, the Board of Directors of the District and the engineers for the District. Any construction by Anderson shall be in accordance with such approved plans and specifications and no water from the Patterson Wells shall be diverted by Anderson until the completed construction of the diversion, transmission, and discharge facilities has been approved by the District and by its engineers.

Anderson agrees that he shall construct his facilities and conduct his fish farming operations in such manner as to insure that no pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock shall be discharged into the Bray Lateral. In that regard, Anderson expressly understands and agrees that in the event of a controversy between the parties regarding the discharge of pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock, it shall be Anderson's burden to prove that pollutants or solid waste materials are not

being discharged into Bray Lateral, and to prove that any other material being discharged into the Bray Lateral is not detrimental to soil, vegetation or livestock.

Anderson agrees that the District shall have the right to utilize, for irrigation purposes, the water produced by the wells to be drilled on the said Anderson property by Anderson, after such water has been used by Anderson in his fish farming operations, and that such right shall be prior and superior to the rights of any other persons claiming, under Anderson, the right to use said water from the Anderson wells.

All facilities constructed or used by Anderson under the license herein granted shall be constructed, maintained and kept in repair and kept clean at all times, by Anderson, and at the cost and expense of Anderson, and the conduit between the Patterson Wells and the Bray Lateral shall be maintained and kept in repair and kept clean at all times for the full flow of water therein, by Anderson, and at the cost and expense of Anderson.

Anderson agrees to construct and maintain his diversion, transmission and discharge facilities in a safe condition, all to the end that said facilities shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of Anderson to keep the same in safe condition.

The construction, maintenance and repair of such diversion, transmission and discharge facilities shall be accomplished by Anderson at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners.

Anderson agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson, or any use or condition thereof at any time or from the impairment of the flow of drainage or irrigation water therein from the failure of Anderson to maintain and keep in repair the said facilities of Anderson or to maintain and keep clean the conduit in said facilities of Anderson for the full flow of irrigation water through said facilities of Anderson.

Nothing herein contained shall be construed to impair the easement and right of way of the District in the Bray Lateral and all uses of said Bray Lateral and the said facilities of Anderson to be constructed and used, and the license herein provided therefor, shall remain inferior and subservient to the rights of the District in the Patterson Wells and to the use of said Bray Lateral for the transmission of drainage and delivery of irrigation water.

The District reserves the right, at its option, to remove any impediment to the flow of water through said facilities of Anderson and any hazards to persons or property which may arise by reason of the construction or condition of said facilities of Anderson at any time, and Anderson agrees to pay to the District, on demand, the costs which shall be reasonably expended for such purposes. If Anderson shall fail in any respect to properly maintain and repair such facilities of Anderson, then the District, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and Anderson agrees to pay to the District, on demand, the cost which shall be reasonably expended for such purposes.

The parties hereto understand and agree that the District has no right to in any respect impair the uses and purposes of the irrigation and drainage works and system of the District, by this contract, nor to grant any rights in its irrigation and drainage works and system incompatible with the uses to which such irrigation and drainage works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

In the event of the failure, refusal or neglect of Anderson to comply with all of the terms and conditions of this contract, then the license of Anderson under the terms hereof may be terminated by the District, and all structures in or over said Patterson

Wells and said Bray Lateral, and the rights of way therefor, which may impede or restrict the maintenance and operation of such wells or such ditch by the District with its equipment for the maintenance of its system may be removed by the District.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Anderson hereinbefore described and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and Byron V Anderson and Sonya J Anderson, husband and wife, have hereunto subscribed their names, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By Clarence L Gharring
Clarence L Gharring, President

ATTEST:

Joseph C Voight
Joseph C Voight, Secretary

Byron V Anderson
Byron V Anderson

Sonya J Anderson
Sonya J Anderson

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE L GHARRING and JOSEPH C VOIGHT, respectively, known to me to be the President and Secretary, respectively, of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Nampa, Idaho

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

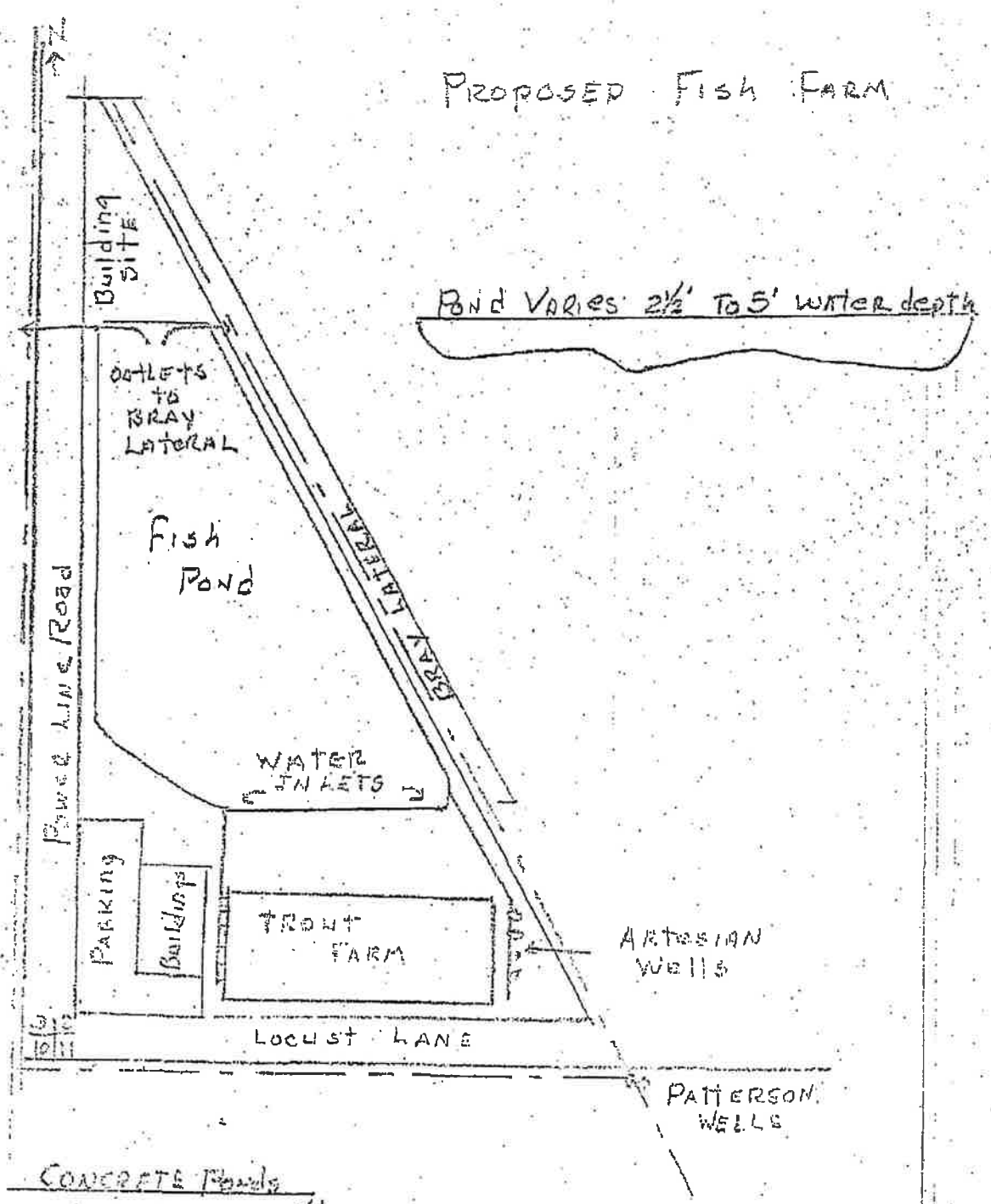
On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Nampa, Idaho

84205

Proposed Fish Farm



Concrete Ponds
10- 3' x 60' x 3½'
4 18' x 120' x 4'
2- 18' x 120' x 4'

Water Requirements
App 800' Nampa Meridian
400" to 1200' - from New Wells

Rainbow Farms Inc.
By Ron V. Anderson
13.45 Acres in Sec 2
T. 2N. R. 2W. B.M.
11/27/73
P.O. Box 277
Nampa Idaho

EXHIBIT A

7

COPY

LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

BYRON V ANDERSON AND SONYA J ANDERSON

18 December 1973

Instrument No 720649

COPY

INSTRUMENT NO 720649

LICENSE AGREEMENT

7/7

LICENSE AGREEMENT, Made and entered into this 18th day of December, 1973, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, parties of the second part, hereinafter referred to in the singular as "Anderson";

W I T N E S S E T H:

WHEREAS, Anderson is the owner of the real property (burdened with the easement of the District hereinafter mentioned) situate in the County of Canyon, State of Idaho, particularly described as follows:

> A portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M. described as commencing at the Southwest corner of said Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence East along the South line of said Section to the center of the drain ditch as now located; thence Northwesterly along the center of said drain ditch a distance of 22 rods; thence East from the center of said drain ditch, as now located, a distance of 22 feet; thence Northwesterly and parallel with said drain ditch to a point 100 feet from the North boundary line of said Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence West to the West line of said Southwest Quarter of the Southwest Quarter; thence South along the West boundary line of said Southwest Quarter of the Southwest Quarter to the point of beginning, being approximately 13.75 acres.

and,

WHEREAS, the District is the owner of the ditch known as Bray Lateral, together with the easement therefor, including the easement to convey drainage and irrigation water in such ditch and the easement to operate, maintain and repair such ditch, and which ditch is an integral part of the irrigation and drainage works and system of the District and which ditch and the said easements therefor cross and intersect said described real property of Anderson as shown on Exhibit A attached hereto; and,

WHEREAS, the District owns two artesian wells (formerly known as the "Hosack Wells" but now generally known as, and hereinafter referred to as, the "Patterson Wells") which are located in the Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, which the District uses for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage; and,

WHEREAS, the Patterson Wells were located along side the bank of the Bray Lateral, but a diversion from that point to the Wilson Drain was constructed by the District to receive the additional flow from the Patterson Wells at such time such flow could not be delivered through the Bray Lateral for irrigation use, and,

WHEREAS, all such references herein to use or development of additional discharge waters shall be consistent with and subservient to such diversion alterations between the aforementioned drain and lateral of the District, including whatever demands the

United States may make in conjunction with the use of the Wilson Drain, which is a part of its Boise Project drainage works; and,

WHEREAS, all references hereinafter appearing as the Bray Lateral shall be construed and interpreted to mean diversion under such circumstances and to either or both waterways as the District may from time to time determine to be convenient.

WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the "Anderson property") and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm; and,

WHEREAS, the District is willing to give Anderson a license for the use of water from the said Patterson Wells and for the use of said Bray Lateral for drainage purposes, upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties hereto agree each with the other as follows:

Anderson shall have the right to use the water which shall from time to time flow from said Patterson Wells, for purposes of fish propagation on the Anderson property hereinbefore described

and shall have the right to construct at the said Patterson Wells and in the Bray Lateral on the said Anderson property such diversion and transmission facilities as shall be necessary to transmit the water from the Patterson Wells to the fish farm facilities.

Anderson expressly agrees that the use of water from the Patterson Wells shall not be a consumptive use and that Anderson shall discharge into the Bray Lateral at the lower end of Anderson's facilities the same quantity of water as Anderson diverts into his facilities from the Patterson Wells, diminished only by a normal evaporation loss.

Anderson agrees that the wells to be drilled by him on the fish farm shall not be operated in such manner as to interfere with, or diminish, the flow of water from the Patterson Wells. However, the District agrees that, in conjunction with the use of water from the wells to be drilled by Anderson, the flow from the Patterson Wells may be decreased at any time when the Anderson wells are producing, and discharging into the Bray Lateral, either directly or through the fish propagation facilities of Anderson, a quantity of water equivalent to the quantity by which the flow from the Patterson Wells is then decreased.

Anderson acknowledges and agrees that the District neither guarantees any flow of water from the Patterson Wells nor agrees to supply to Anderson any specific quantity of water from the Patterson Wells. Anderson's use rights under this agreement shall be limited to whatever quantity of water is being produced by the Patterson Wells at any particular time.

The right and authority to control flow of water from the Patterson Wells shall at all times be vested in the District, and it shall be Anderson's responsibility to request the water

superintendent of the District to make any changes desired by Anderson in the amount of water being discharged from the Patterson Wells.

Anderson understands and agrees that the water flowing from the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation losses, by reason of being diverted into Anderson's fish propagation facilities. Therefore, Anderson expressly agrees that if, at any time during any irrigation season, the quantity of water being discharged into the Bray Lateral from Anderson's fish propagation facilities is less than the amount of water flowing from the Patterson Wells, the District, upon one hour's notice to Anderson, given to Anderson or to his employees or agents at the said fish farm, shall have the right to adjust the control devices at Anderson's diversion facilities as may be required to increase the flow of water in the Bray Lateral to that quantity which is being discharged by the Patterson Wells. In that regard, it shall be Anderson's responsibility to have someone available at said fish farm at all times to receive such notices from the District.

Anderson agrees to pay the District the sum of $100.00 annually to defray additional expenses incurred by provisions of this license agreement and such amount is to be paid on or before the 15th day of December each year and such amount will be subject to review or change at the request of Anderson

or the District at the first regular meeting of the Board of Directors of the District occurring within the month of payment.

Anderson shall have the right to discharge into the Bray Lateral the water used by Anderson in his fish farming operations on the Anderson property. In that regard, the parties understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners' inches of drainage water flowing from the Patterson Wells and from other sources. It is further understood and agreed that Anderson shall be required to perform any work and furnish any materials which may be required to enlarge the Bray Lateral so as to carry any additional water that Anderson discharges into the Bray Lateral, over and above the quantity of water heretofore conveyed by the District in the Bray Lateral. Any such enlargement of the Bray Lateral, and any other work done by Anderson under the license herein granted, shall be accomplished by Anderson at his own expense and without any expense whatsoever to the District.

If additional easements are required for the purpose of carrying additional water in the Bray Lateral, over and above the quantity of water that can be accommodated by the rights of way of the District, those easements shall be obtained by Anderson and any expense involved in establishing or acquiring such easements shall be paid by Anderson.

The parties understand and agree that the Bray Lateral runs northwesterly from Patterson Wells, along the northeasterly boundary line of the fish farm, and that Anderson will construct

diversion facilities below those of the fish farm to operate in the same manner as that now existing at the Patterson Wells site and provide the District its option of diversion at such location. Anderson shall construct his discharge facilities in such manner as not to cause any erosion of the banks, sides or bottom of the Bray Lateral.

No diversion, transmission or discharge facilities shall be constructed by Anderson under the rights herein granted until the plans and specifications for such diversion facilities or such transmission or discharge facilities have been examined by, and approved by, the Board of Directors of the District and the engineers for the District. Any construction by Anderson shall be in accordance with such approved plans and specifications and no water from the Patterson Wells shall be diverted by Anderson until the completed construction of the diversion, transmission, and discharge facilities has been approved by the District and by its engineers.

Anderson agrees that he shall construct his facilities and conduct his fish farming operations in such manner as to insure that no pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock shall be discharged into the Bray Lateral. In that regard, Anderson expressly understands and agrees that in the event of a controversy between the parties regarding the discharge of pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock, it shall be Anderson's burden to prove that pollutants or solid waste materials are not

being discharged into Bray Lateral, and to prove that any other material being discharged into the Bray Lateral is not detrimental to soil, vegetation or livestock.

Anderson agrees that the District shall have the right to utilize, for irrigation purposes, the water produced by the wells to be drilled on the said Anderson property by Anderson, after such water has been used by Anderson in his fish farming operations, and that such right shall be prior and superior to the rights of any other persons claiming, under Anderson, the right to use said water from the Anderson wells.

All facilities constructed or used by Anderson under the license herein granted shall be constructed, maintained and kept in repair and kept clean at all times, by Anderson, and at the cost and expense of Anderson, and the conduit between the Patterson Wells and the Bray Lateral shall be maintained and kept in repair and kept clean at all times for the full flow of water therein, by Anderson, and at the cost and expense of Anderson.

Anderson agrees to construct and maintain his diversion, transmission and discharge facilities in a safe condition, all to the end that said facilities shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of Anderson to keep the same in safe condition.

The construction, maintenance and repair of such diversion, transmission and discharge facilities shall be accomplished by Anderson at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners.

Anderson agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson, or any use or condition thereof at any time or from the impairment of the flow of drainage or irrigation water therein from the failure of Anderson to maintain and keep in repair the said facilities of Anderson or to maintain and keep clean the conduit in said facilities of Anderson for the full flow of irrigation water through said facilities of Anderson.

Nothing herein contained shall be construed to impair the easement and right of way of the District in the Bray Lateral and all uses of said Bray Lateral and the said facilities of Anderson to be constructed and used, and the license herein provided therefor, shall remain inferior and subservient to the rights of the District in the Patterson Wells and to the use of said Bray Lateral for the transmission of drainage and delivery of irrigation water.

The District reserves the right, at its option, to remove any impediment to the flow of water through said facilities of Anderson and any hazards to persons or property which may arise by reason of the construction or condition of said facilities of Anderson at any time, and Anderson agrees to pay to the District, on demand, the costs which shall be reasonably expended for such purposes. If Anderson shall fail in any respect to properly maintain and repair such facilities of Anderson, then the District, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and Anderson agrees to pay to the District, on demand, the cost which shall be reasonably expended for such purposes.

The parties hereto understand and agree that the District has no right to in any respect impair the uses and purposes of the irrigation and drainage works and system of the District, by this contract, nor to grant any rights in its irrigation and drainage works and system incompatible with the uses to which such irrigation and drainage works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

In the event of the failure, refusal or neglect of Anderson to comply with all of the terms and conditions of this contract, then the license of Anderson under the terms hereof may be terminated by the District, and all structures in or over said Patterson

Wells and said Bray Lateral, and the rights of way therefor, which may impede or restrict the maintenance and operation of such wells or such ditch by the District with its equipment for the maintenance of its system may be removed by the District.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Anderson hereinbefore described and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and Byron V Anderson and Sonya J Anderson, husband and wife, have hereunto subscribed their names, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By Clarence L Gharring
Clarence L Gharring, President

ATTEST:

Joseph C Voight
Joseph C Voight, Secretary

Byron V Anderson
Byron V Anderson

Sonya J Anderson
Sonya J Anderson

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE L GHARRING and JOSEPH C VOIGHT, respectively, known to me to be the President and Secretary, respectively, of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Gladys L. Schaffer
Notary Public for the State of Idaho
Residing at Nampa, Idaho

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

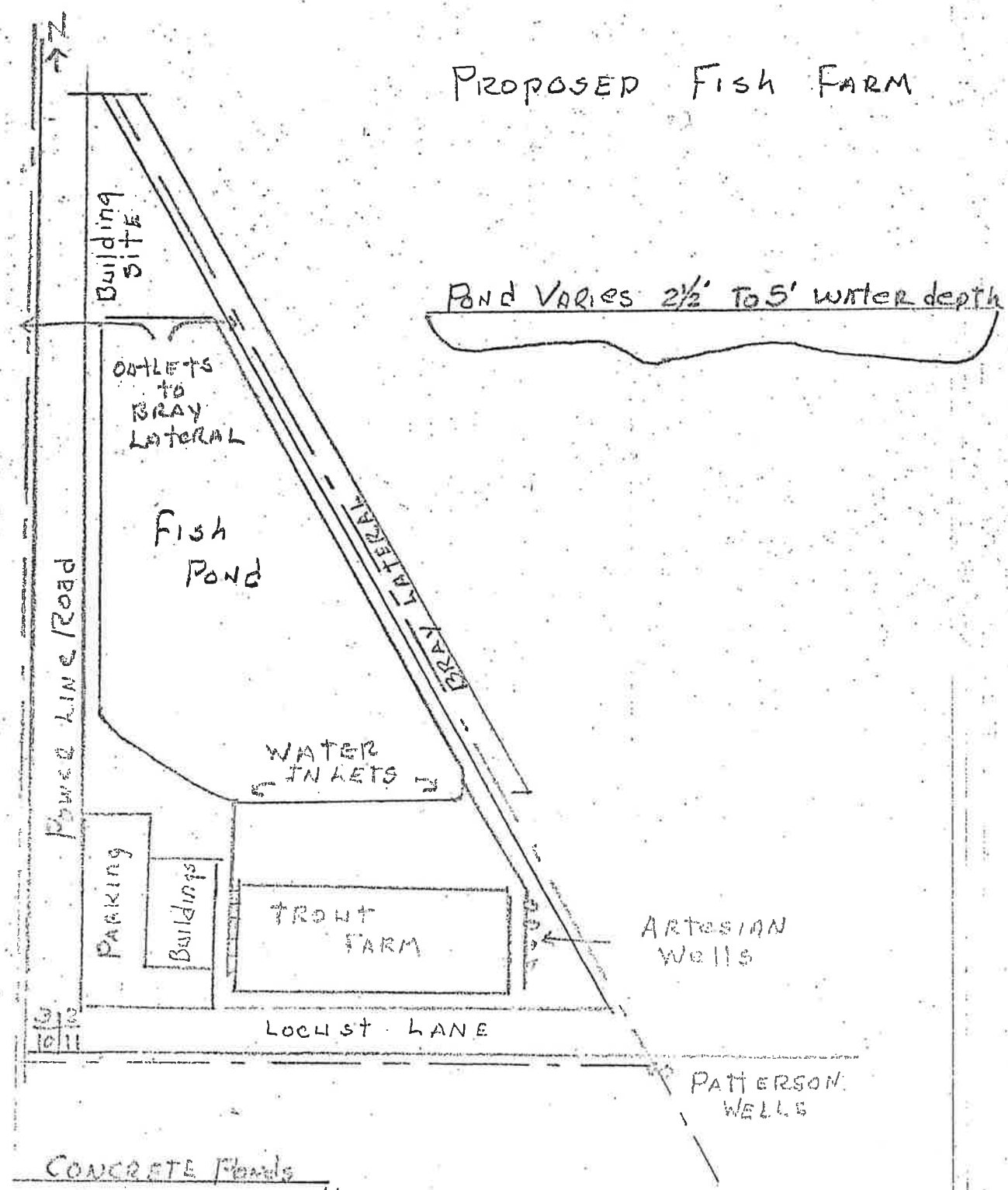
On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Joseph C Voight
Notary Public for the State of Idaho
Residing at Nampa, Idaho

93557

PROPOSED FISH FARM



CONCRETE Ponds

10- 3'x60'x3½'
4 18'X 120'X 4'
8- 18'X 180'X 4'

WATER REQUIREMENTS

APP 800' NAMPA MERIDIAN
400" TO 1200" -FROM NEW WELLS

EXHIBIT A

PAINTED ROCK FARMS, INC.
BYRON V. ANDERSON
13.45 ACRES IN SEC 2
T 2N. R 2W., B.M.
11/27/73
P.O. BOX 277
NAMPA, IDAHO

LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO

24 September 1991
Instrument #9119419

COPY

REQUEST Nampa & Meridian Irrig. Dist.
TYPE Deed FEE 36.00
BY Edith Hyde, Dep.
NED J. KERR
CANYON CNTY RECORDER
'91 SEP 30 PM 2 49
RECORDED
91194 19
34/1

LICENSE AGREEMENT

LICENSE AGREEMENT, made and entered into this 24th day of September, 1991, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and

DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO,
an agency of the State of Idaho

party or parties of the second part, hereinafter referred to as the "Licensee",

W I T N E S S E T H:

WHEREAS, the Licensee is the owner of the real property (burdened with the easement of the District hereinafter mentioned) particularly described in the "Description of Licensee's Lands" attached hereto as Exhibit A and by this reference made a part hereof; and,

WHEREAS, the District is the owner of the irrigation ditch or canal known as BRAY LATERAL together with the easement therefor, including the easement to convey irrigation water in such ditch or canal and the easement to operate, maintain and repair such ditch or canal, and includes an easement of ingress and egress for those purposes, and which ditch or canal is an integral part of the irrigation works and system of the District and which ditch or canal and the said easements therefor cross and intersect said described real property of the Licensee as shown on Exhibit B attached hereto and by this reference made a part hereof; and,

WHEREAS, the Licensee desires a license to alter or modify said ditch or canal, or to change the location of said ditch or canal in its course across the lands of the Licensee in the manner hereinafter appearing and under the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties agree each with the other as follows:

1. The Licensee shall have the right to alter, modify or change the location of said ditch or canal in the manner specified in the "Purpose of License" attached hereto as Exhibit C and by this reference made a part hereof.

Any alteration, modification or change in location of said ditch or canal by the Licensee shall be performed in accordance with the "Special Conditions" stated in Exhibit D, attached hereto and by this reference made a part hereof.

2. Any facilities constructed by the Licensee in altering, modifying or changing the location of said ditch or canal shall be constructed, maintained and kept in repair and kept clean at all times, by the Licensee, and at the cost and expense of the Licensee, and the conduit therein shall be maintained and kept in repair and kept clean at all times, for the full flow of water therein, by the Licensee, and at the cost and expense of the Licensee.

3. The Licensee agrees to construct and maintain any facilities constructed by the Licensee in said ditch or canal pursuant to this agreement in a safe condition to the end that the ditch or canal shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of the Licensee to keep the same in safe condition.

4. The alteration, modification or change in location of said ditch or canal shall be accomplished by the Licensee at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of irrigation water in said ditch or canal, or with the delivery of irrigation water by the District to any of its landowners.

5. The Licensee agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of irrigation water in said ditch or canal which may be caused by said alteration, modification or change in location of said ditch or canal, or any use or condition of any such facilities constructed by the Licensee at any time, or from the impairment of the flow of irrigation water therein from the failure of the Licensee to maintain and keep in repair the said ditch or canal and such facilities or to maintain and keep clean the conduit in said facilities for the full flow of irrigation water through said ditch or canal and the facilities, if any, constructed therein by the Licensee.

6. The District reserves the right, at its option, to remove any impediment to the flow of water through said ditch or canal and any facilities installed therein by the Licensee, and to remove any hazards to person or property which may arise by reason of the alteration, modification or change in location made by the Licensee, at any time, and the Licensee agrees to pay to the District, on demand, the costs which shall be reasonably expended by the District for such purposes. If the Licensee shall fail in any respect to properly maintain and repair such altered, modified or relocated portion of said ditch or canal, then the District, at its option, and

without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and the Licensee agrees to pay to the District, on demand, the cost or expense which shall be reasonably expended or incurred by the District for such purposes.

7. The Licensee agrees that the work performed and the materials used in altering, modifying or changing the location of said ditch or canal, at all times shall be subject to inspection by the District and by the engineers for the District, and that final acceptance of the construction work shall not be made until all such work and materials shall have been expressly approved by the District.

8. The Licensee agrees that the District shall not be liable for any damages which shall occur to any plants, structures or any other improvements of any kind or nature whatsoever which the Licensee shall place, raise, construct or install on the said easement area of the District, in the reasonable exercise of the rights of the District in the course of performance of maintenance or repair of said ditch or canal. The Licensee further agrees to suspend its use of the said easement area when the use of the easement area is required by the District for maintenance or repair under this or any other paragraph of this agreement.

9. The Licensee acknowledges that its use of its said property hereinbefore described might, either now or at some future time, cause an increase in the amount of surface water or ground water draining or wasting into said ditch or canal or some other ditch or canal of the District. The Licensee understands and agrees that it has no right to drain or waste into said facilities of the District more surface or ground water than drains or wastes from said property of the Licensee in its present state and condition. The Licensee expressly agrees that it shall not cause, suffer or permit any such additional surface or ground water to drain or waste into said facilities of the District unless the Licensee shall have (1) obtained all necessary rights of way or easements for the draining or wasting of such additional water and (2) created the necessary additional carrying capacity in the ditches, pipelines or other facilities through which such additional water is to be carried and (3) complied with all statutes, regulations, ordinances, and other laws regarding the discharge of drainage or waste water into surface streams, whether natural or artificial, and into aquifers or other bodies of ground water and (4) removed all pollutants, contaminants, debris and other foreign material which in any manner have been placed in or mixed with such additional water while on the said property of the Licensee, and in the event of any dispute as to the source of such pollutants, contaminants, debris or other foreign material, the burden shall be upon the Licensee to show that the pollutants, contaminants, debris or foreign material do not come from the Licensee's said property. The Licensee expressly agrees that the District shall be entitled to enforce compliance with the provisions of this paragraph by injunction and that violation of the provisions of this paragraph shall be

sufficient cause for issuance of a preliminary or permanent injunction. The right to such injunctive relief, and any other remedies set forth herein, shall be cumulative of any other remedies available to the District under the laws of the State of Idaho. If the Licensee shall cause, suffer or permit any such additional water to drain or waste into said ditch or canal or into any other facility of the District without having complied with the requirements of this paragraph, the District shall have the right to stop such additional water from draining or wasting into said ditch or canal or any other facility of the District, and the Licensee agrees to reimburse the District on demand for the costs and expenses expended or incurred by the District in stopping such drainage or wasting.

10. Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this agreement, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of the provisions of this agreement, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

11. The parties hereto understand and agree that the Licensee has no right to in any respect impair the uses and purposes of the irrigation works and system of the District, by this contract, nor to grant any rights in its irrigation works and system incompatible with the uses to which such irrigation works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

12. Nothing herein contained shall be construed to impair the easement and right of way of the District in the said ditch or canal and all uses of said ditch or canal and the said altered, modified or changed location of said ditch or canal and the license herein provided therefor shall remain inferior and subservient to the rights of the District to the use of said ditch or canal for the transmission and delivery of irrigation water.

13. In the event of the failure, refusal or neglect of the Licensee to comply with all of the terms and conditions of this contract, then the license of the Licensee under the terms hereof may be terminated by the District, and all structures in or over said ditch or canal, and the right of way therefor, which may impede or restrict the maintenance and operation of such ditch or canal by the District with its equipment for the maintenance of its said ditch or canal may be removed by the District.

14. The Licensee acknowledges that the license herein granted is for his or its benefit, and not for the benefit of the District, and, for that reason, the Licensee agrees to pay any attorney fees or engineering fees charged by the attorney for the District or by the engineers for the District in connection with the preparation of this License Agreement or in connection with

negotiations covering the terms and conditions of this License Agreement.

15. The word "Licensee", if used in the neuter in this agreement, includes the masculine and feminine genders, the singular number includes the plural, and the plural number includes the singular.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of the Licensee described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors and the Licensee has hereunto subscribed his name, or if a corporation, has hereunto caused its corporate name to be subscribed and its seal to be affixed by it officers first thereunto duly authorized by resolution of its Board of Directors, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By _____
Its President

ATTEST:

_____
Its Secretary

DEPARTMENT OF FISH & GAME
OF THE STATE OF IDAHO

By _____

ATTEST:

_____

STATE OF IDAHO)
) ss:
County of Canyon)

On this 24th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Henry Weick and Daren R. Coon, known to me to be the President and Secretary, respectively, of NAMPA & MERIDIAN IRRIGATION DISTRICT, the irrigation district that executed the foregoing instrument and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DONNA N. MOORE NOTARY PUBLIC STATE OF IDAHO

Donna N. Moore
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 11/04/94

STATE OF IDAHO)
) ss:
County of Ada)

On this 30th day of August, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth D. Norrie and _____, known to me to be the Assistant Director and Planning/Administrator, respectively, of DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO, the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DOROTHY J. BAKER NOTARY PUBLIC STATE OF IDAHO

Dorothy J. Baker
Notary Public for Idaho
Residing at ~~Boise, Idaho~~ Emmett Idaho
My Commission Expires: 10/31/1991

EXHIBIT A

Legal Description

NE¼SE¼ of Section 3, Township 2 North, Range 2 West, B.M., Canyon County, Idaho.

EXHIBIT B

There is no Exhibit B attached to this agreement.

EXHIBIT C

Purpose of License

The purpose of this License Agreement is to permit Licensee to:

1. Deposit water into Bray Lateral at a different location in Bray Lateral from the previous location.

2. Cross Bray Lateral with pipes or culverts at three different locations.

3. Place a fence on the District's right of way along Bray Lateral parallel to and west of South Power Line Road.

The site is known as Wilson Springs Pond Development and is generally located northwest of the intersection of South Power Line Road and Locust Lane, Canyon County, Idaho.

EXHIBIT D

Special Conditions

1. Construction shall be accordance with certain plans consisting of one sheet entitled "Wilson Springs Pond Development Project for Idaho Department of Fish & Game, Site Plan", sheet 4 of 14, dated March 1990, prepared by J-U-B Engineers, Inc. Such plans are in the possession of the District's water superintendent at his offices and are hereby incorporated by this reference.

2. Crossings of Bray Lateral by Licensee are as follows:

a. Two 8" pipelines to be placed no less than 4 feet under Bray Lateral to serve Licensee's fire hydrants.

b. Culvert (bridge) crossing over Bray Lateral.

c. Squash pipe (bridge) crossing over Bray Lateral.

3. The fence to be installed by Licensee shall be located as depicted in the plans incorporated by reference in par. 1 above.

4. The District has prior to this agreement entered its right of way along Bray Lateral at a point at or near the intersection of Bray Lateral and South Power Line Road. To accommodate Licensee and its construction and activity in this area, the District agrees to enter Licensee's property at a point at the southeast corner of Licensee's property as the property is depicted in the plans or map referred to in par. 1 above. Licensee hereby grants the District an easement to enter Licensee's property from South Power Line Road at such location shown on said plans or map in the southeast corner thereof with the reference to "12' wide gate." Licensee shall install a 12' gate at such location, which gate shall be subject to the District's control and the

District's lock. Licensee shall construct a 12' roadway north from such point of entry which shall lie immediately west of and parallel to the fence along South Power Line Road referred to above. Such roadway and the right to its use by the District to reach Bray Lateral and for operation and maintenance in connection with irrigation district purposes is and shall constitute a perpetual easement from Licensee to the District for such purposes. As part of such easement, Licensee hereby grants to the District a right to the use of Licensee's property immediately south of Bray Lateral and immediately west of South Power Line Road, referred to and located in said plans or map as "100' Diamr Turnaround," for purposes of turning vehicles around and for other vehicular activity.

5. Licensee shall construct and install a spillway satisfactory to the District at a location in the area of Ponds B and C, as Ponds B and C are shown in said plans or map, to be designated more particularly by the District.

6. The District shall have the right in its sole discretion to require that Licensee install walkways on the upstream sides of the check board guides at the outlet structures of Ponds B and C.

7. Ultimate control of the flow of water into and in Bray Lateral shall be in the District. Licensee shall adhere to the directions of the District in that regard.

8. Licensee's construction and activity on its property as it affects the District entails creation of a system of ponds for use in connection with fish and fishing. This construction and activity affects the District's operation of its irrigation system in the area

of Licensee's described property. The District is not certain that Licensee's implementation of its pond system will permit satisfactory operation of the District's irrigation system. The District therefore reserves the right, should the flow of water in Bray Lateral be disrupted or should the operation and function of its irrigation system otherwise be adversely affected, in the sole judgment of the District, by Licensee's construction and activities on its property or by implementation of the terms of this agreement, to terminate this agreement or any provision thereof after reasonable notice under the circumstances to Licensee.

9. Nothing in this agreement shall affect the terms and conditions of that certain Supplement to License Agreement entered into by the parties hereto dated July 5, 1989.

10. Licensee shall notify the water superintendent of the District prior to and immediately after construction so that he or the District's engineers may inspect and approve construction. If the District's engineers perform such inspection, Licensee shall pay the District's engineers any fee charged in connection therewith.

11. Licensee shall place no structures of any kind above ground on the District's easement area except as referred to in this agreement or exhibits thereto without the prior written consent of the District. The District's easement along this section of Bray Lateral is 55 feet, 30 feet left looking downstream, 25 feet right.

AGREEMENT CONCERNING OPERATION OF ANY NEW PONDS, ETC. W/NMID & F&G. NO WTR. RT. INFO.

LICENSE AGREEMENT

between

NAMPA & MERIDIAN IRRIGATION DISTRICT

and

DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO

24 September 1991
Instrument #9119419

34/1

91119419

RECORDED

'91 SEP 30 PM 2 49

NED J. KERR
CANYON CNTY RECORDER
BY

REQUEST Nampa Meridian Irrig. Dist.
TYPE Bray Lateral FEE 36.00

COPY

LICENSE AGREEMENT

LICENSE AGREEMENT, made and entered into this 24th day of September, 1991, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and

DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO,
an agency of the State of Idaho

party or parties of the second part, hereinafter referred to as the "Licensee",

W I T N E S S E T H:

WHEREAS, the Licensee is the owner of the real property (burdened with the easement of the District hereinafter mentioned) particularly described in the "Description of Licensee's Lands" attached hereto as Exhibit A and by this reference made a part hereof; and,

WHEREAS, the District is the owner of the irrigation ditch or canal known as BRAY LATERAL together with the easement therefor, including the easement to convey irrigation water in such ditch or canal and the easement to operate, maintain and repair such ditch or canal, and includes an easement of ingress and egress for those purposes, and which ditch or canal is an integral part of the irrigation works and system of the District and which ditch or canal and the said easements therefor cross and intersect said described real property of the Licensee as shown on Exhibit B attached hereto and by this reference made a part hereof; and,

WHEREAS, the Licensee desires a license to alter or modify said ditch or canal, or to change the location of said ditch or canal in its course across the lands of the Licensee in the manner hereinafter appearing and under the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties agree each with the other as follows:

1. The Licensee shall have the right to alter, modify or change the location of said ditch or canal in the manner specified in the "Purpose of License" attached hereto as Exhibit C and by this reference made a part hereof.

Any alteration, modification or change in location of said ditch or canal by the Licensee shall be performed in accordance with the "Special Conditions" stated in Exhibit D, attached hereto and by this reference made a part hereof.

2. Any facilities constructed by the Licensee in altering, modifying or changing the location of said ditch or canal shall be constructed, maintained and kept in repair and kept clean at all times, by the Licensee, and at the cost and expense of the Licensee, and the conduit therein shall be maintained and kept in repair and kept clean at all times, for the full flow of water therein, by the Licensee, and at the cost and expense of the Licensee.

3. The Licensee agrees to construct and maintain any facilities constructed by the Licensee in said ditch or canal pursuant to this agreement in a safe condition to the end that the ditch or canal shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of the Licensee to keep the same in safe condition.

4. The alteration, modification or change in location of said ditch or canal shall be accomplished by the Licensee at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of irrigation water in said ditch or canal, or with the delivery of irrigation water by the District to any of its landowners.

5. The Licensee agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of irrigation water in said ditch or canal which may be caused by said alteration, modification or change in location of said ditch or canal, or any use or condition of any such facilities constructed by the Licensee at any time, or from the impairment of the flow of irrigation water therein from the failure of the Licensee to maintain and keep in repair the said ditch or canal and such facilities or to maintain and keep clean the conduit in said facilities for the full flow of irrigation water through said ditch or canal and the facilities, if any, constructed therein by the Licensee.

6. The District reserves the right, at its option, to remove any impediment to the flow of water through said ditch or canal and any facilities installed therein by the Licensee, and to remove any hazards to person or property which may arise by reason of the alteration, modification or change in location made by the Licensee, at any time, and the Licensee agrees to pay to the District, on demand, the costs which shall be reasonably expended by the District for such purposes. If the Licensee shall fail in any respect to properly maintain and repair such altered, modified or relocated portion of said ditch or canal, then the District, at its option, and

without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and the Licensee agrees to pay to the District, on demand, the cost or expense which shall be reasonably expended or incurred by the District for such purposes.

7. The Licensee agrees that the work performed and the materials used in altering, modifying or changing the location of said ditch or canal, at all times shall be subject to inspection by the District and by the engineers for the District, and that final acceptance of the construction work shall not be made until all such work and materials shall have been expressly approved by the District.

8. The Licensee agrees that the District shall not be liable for any damages which shall occur to any plants, structures or any other improvements of any kind or nature whatsoever which the Licensee shall place, raise, construct or install on the said easement area of the District, in the reasonable exercise of the rights of the District in the course of performance of maintenance or repair of said ditch or canal. The Licensee further agrees to suspend its use of the said easement area when the use of the easement area is required by the District for maintenance or repair under this or any other paragraph of this agreement.

9. The Licensee acknowledges that its use of its said property hereinbefore described might, either now or at some future time, cause an increase in the amount of surface water or ground water draining or wasting into said ditch or canal or some other ditch or canal of the District. The Licensee understands and agrees that it has no right to drain or waste into said facilities of the District more surface or ground water than drains or wastes from said property of the Licensee in its present state and condition. The Licensee expressly agrees that it shall not cause, suffer or permit any such additional surface or ground water to drain or waste into said facilities of the District unless the Licensee shall have (1) obtained all necessary rights of way or easements for the draining or wasting of such additional water and (2) created the necessary additional carrying capacity in the ditches, pipelines or other facilities through which such additional water is to be carried and (3) complied with all statutes, regulations, ordinances, and other laws regarding the discharge of drainage or waste water into surface streams, whether natural or artificial, and into aquifers or other bodies of ground water and (4) removed all pollutants, contaminants, debris and other foreign material which in any manner have been placed in or mixed with such additional water while on the said property of the Licensee, and in the event of any dispute as to the source of such pollutants, contaminants, debris or other foreign material, the burden shall be upon the Licensee to show that the pollutants, contaminants, debris or foreign material do not come from the Licensee's said property. The Licensee expressly agrees that the District shall be entitled to enforce compliance with the provisions of this paragraph by injunction and that violation of the provisions of this paragraph shall be

sufficient cause for issuance of a preliminary or permanent injunction. The right to such injunctive relief, and any other remedies set forth herein, shall be cumulative of any other remedies available to the District under the laws of the State of Idaho. If the Licensee shall cause, suffer or permit any such additional water to drain or waste into said ditch or canal or into any other facility of the District without having complied with the requirements of this paragraph, the District shall have the right to stop such additional water from draining or wasting into said ditch or canal or any other facility of the District, and the Licensee agrees to reimburse the District on demand for the costs and expenses expended or incurred by the District in stopping such drainage or wasting.

10. Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this agreement, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of the provisions of this agreement, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

11. The parties hereto understand and agree that the Licensee has no right to in any respect impair the uses and purposes of the irrigation works and system of the District, by this contract, nor to grant any rights in its irrigation works and system incompatible with the uses to which such irrigation works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

12. Nothing herein contained shall be construed to impair the easement and right of way of the District in the said ditch or canal and all uses of said ditch or canal and the said altered, modified or changed location of said ditch or canal and the license herein provided therefor shall remain inferior and subservient to the rights of the District to the use of said ditch or canal for the transmission and delivery of irrigation water.

13. In the event of the failure, refusal or neglect of the Licensee to comply with all of the terms and conditions of this contract, then the license of the Licensee under the terms hereof may be terminated by the District, and all structures in or over said ditch or canal, and the right of way therefor, which may impede or restrict the maintenance and operation of such ditch or canal by the District with its equipment for the maintenance of its said ditch or canal may be removed by the District.

14. The Licensee acknowledges that the license herein granted is for his or its benefit, and not for the benefit of the District, and, for that reason, the Licensee agrees to pay any attorney fees or engineering fees charged by the attorney for the District or by the engineers for the District in connection with the preparation of this License Agreement or in connection with

negotiations covering the terms and conditions of this License Agreement.

15. The word "Licensee", if used in the neuter in this agreement, includes the masculine and feminine genders, the singular number includes the plural, and the plural number includes the singular.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of the Licensee described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors and the Licensee has hereunto subscribed his name, or if a corporation, has hereunto caused its corporate name to be subscribed and its seal to be affixed by it officers first thereunto duly authorized by resolution of its Board of Directors, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By _____
Its President

ATTEST:

_____
Its Secretary

DEPARTMENT OF FISH & GAME
OF THE STATE OF IDAHO

By _____

ATTEST:

_____

STATE OF IDAHO)
) ss:
County of Canyon)

On this 24th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Henry Weick and Daren R. Coon, known to me to be the President and Secretary, respectively, of NAMPA & MERIDIAN IRRIGATION DISTRICT, the irrigation district that executed the foregoing instrument and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DONNA N. MOORE NOTARY PUBLIC STATE OF IDAHO

Donna N. Moore
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 11/04/94

STATE OF IDAHO)
) ss:
County of Ada)

On this 30th day of August, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth D. Rorkie ~~and~~ _____, known to me to be the Assistant Director ~~and~~ Planning/Administrator, respectively, of DEPARTMENT OF FISH & GAME OF THE STATE OF IDAHO, the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

DOROTHY J. BAKER NOTARY PUBLIC STATE OF IDAHO

Dorothy J. Baker
Notary Public for Idaho
Residing at ~~Boise, Idaho~~ Emmett Idaho
My Commission Expires: 10/31/1991

EXHIBIT A

Legal Description

NE¼SE¼ of Section 3, Township 2 North, Range 2 West, B.M., Canyon County, Idaho.

EXHIBIT B

There is no Exhibit B attached to this agreement.

EXHIBIT C

Purpose of License

The purpose of this License Agreement is to permit Licensee to:

1. Deposit water into Bray Lateral at a different location in Bray Lateral from the previous location.

2. Cross Bray Lateral with pipes or culverts at three different locations.

3. Place a fence on the District's right of way along Bray Lateral parallel to and west of South Power Line Road.

The site is known as Wilson Springs Pond Development and is generally located northwest of the intersection of South Power Line Road and Locust Lane, Canyon County, Idaho.

EXHIBIT D

Special Conditions

1. Construction shall be accordance with certain plans consisting of one sheet entitled "Wilson Springs Pond Development Project for Idaho Department of Fish & Game, Site Plan", sheet 4 of 14, dated March 1990, prepared by J-U-B Engineers, Inc. Such plans are in the possession of the District's water superintendent at his offices and are hereby incorporated by this reference.

2. Crossings of Bray Lateral by Licensee are as follows:

a. Two 8" pipelines to be placed no less than 4 feet under Bray Lateral to serve Licensee's fire hydrants.

b. Culvert (bridge) crossing over Bray Lateral.

c. Squash pipe (bridge) crossing over Bray Lateral.

3. The fence to be installed by Licensee shall be located as depicted in the plans incorporated by reference in par. 1 above.

4. The District has prior to this agreement entered its right of way along Bray Lateral at a point at or near the intersection of Bray Lateral and South Power Line Road. To accommodate Licensee and its construction and activity in this area, the District agrees to enter Licensee's property at a point at the southeast corner of Licensee's property as the property is depicted in the plans or map referred to in par. 1 above. Licensee hereby grants the District an easement to enter Licensee's property from South Power Line Road at such location shown on said plans or map in the southeast corner thereof with the reference to "12' wide gate." Licensee shall install a 12' gate at such location, which gate shall be subject to the District's control and the

District's lock. Licensee shall construct a 12' roadway north from such point of entry which shall lie immediately west of and parallel to the fence along South Power Line Road referred to above. Such roadway and the right to its use by the District to reach Bray Lateral and for operation and maintenance in connection with irrigation district purposes is and shall constitute a perpetual easement from Licensee to the District for such purposes. As part of such easement, Licensee hereby grants to the District a right to the use of Licensee's property immediately south of Bray Lateral and immediately west of South Power Line Road, referred to and located in said plans or map as "100' Diamr Turnaround," for purposes of turning vehicles around and for other vehicular activity.

5. Licensee shall construct and install a spillway satisfactory to the District at a location in the area of Ponds B and C, as Ponds B and C are shown in said plans or map, to be designated more particularly by the District.

6. The District shall have the right in its sole discretion to require that Licensee install walkways on the upstream sides of the check board guides at the outlet structures of Ponds B and C.

7. Ultimate control of the flow of water into and in Bray Lateral shall be in the District. Licensee shall adhere to the directions of the District in that regard.

8. Licensee's construction and activity on its property as it affects the District entails creation of a system of ponds for use in connection with fish and fishing. This construction and activity affects the District's operation of its irrigation system in the area

of Licensee's described property. The District is not certain that Licensee's implementation of its pond system will permit satisfactory operation of the District's irrigation system. The District therefore reserves the right, should the flow of water in Bray Lateral be disrupted or should the operation and function of its irrigation system otherwise be adversely affected, in the sole judgment of the District, by Licensee's construction and activities on its property or by implementation of the terms of this agreement, to terminate this agreement or any provision thereof after reasonable notice under the circumstances to Licensee.

9. Nothing in this agreement shall affect the terms and conditions of that certain Supplement to License Agreement entered into by the parties hereto dated July 5, 1989.

10. Licensee shall notify the water superintendent of the District prior to and immediately after construction so that he or the District's engineers may inspect and approve construction. If the District's engineers perform such inspection, Licensee shall pay the District's engineers any fee charged in connection therewith.

11. Licensee shall place no structures of any kind above ground on the District's easement area except as referred to in this agreement or exhibits thereto without the prior written consent of the District. The District's easement along this section of Bray Lateral is 55 feet, 30 feet left looking downstream, 25 feet right.

RINGERT LAW
CHARTERED LAWYERS

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

May 24, 2011

RECEIVED
MAY 25 2011
WATER RESOURCES
WESTERN REGION

BY HAND DELIVERY

Jan Shurte
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 63-32695 claimed by Nampa & Meridian Irrigation District (District); Wells known as the "Patterson Wells."

Dear Jan:

Thank you for meeting with us on April 13, 2011 to discuss your recommended denial of the District's claim for water right no. 63-32695.

You have explained that your denial was based upon your belief that a well drillers report dated June 15, 1970 demonstrates that the Patterson Wells were drilled in 1965, two years after the permitting and licensing requirement of I.C. § 42-229 became effective on July 1, 1963. During our meeting, we discussed that report and provided additional evidence showing that the wells were drilled and in use prior to 1963, and that, in any case, I.C. § 42-228 exempts the Patterson Wells from the permitting and licensing requirement of I.C. § 42-229.

This letter provides a written summary of the information we discussed on April 13th to assist in your reconsideration of your recommendation to deny the District's claim.

1. No Water Right Permit Was Required for the Patterson Wells

NOT THE REASON

– Mr. Hosack's failure to obtain a water right permit for the Patterson Wells is not a basis for denying the District's water right claim.

As originally enacted in 1951, I.C. § 42-228 exempted drainage and recovery wells from all of the requirements Ground Water Act. **Exhibit F**, 1951 Session Laws, § 3. I.C. § 42-228 provides:

F

455 South Third Street PO Box 2773 Boise, Idaho 83701 208.342.4591 FAX 208.342.4657
www.ringertlaw.com

* also licensed in OR
** also licensed in CO

> The excavation and opening of wells and the withdrawal of water therefrom for the sole purpose of improving or preserving the utility of land by draining them shall not be forbidden or governed by this act, and, likewise, there shall be excepted from the provisions of this act the excavation and opening of wells and withdrawal of water therefrom by canal companies, irrigation districts, and other owners of irrigation works for the sole purpose of recovering ground water resulting from irrigation under such irrigation works for further use on or drainage of lands to which appurtenant; providing that the drilling of such wells shall be subject to the licensing provisions of section, 42-238, Idaho Code.

Section 4 of the 1951 Act (currently I.C. § 42-229) provided that ground water rights could be appropriated either by beneficial use or by the permit and license procedure of the Act. **Exhibit F**. I.C. § 42-229 was amended in 1963 to require ground water appropriators to comply with the permit and license procedure of the Ground Water Act. **Exhibit H**. No change has ever been made to I.C. § 42-228 or any other portion of the Ground Water Act that would require drillers of drainage and recovery wells to comply with I.C. § 42-229 and the permit and license requirements of the Ground Water Act.

All of the evidence discussed in this letter (the NMID Board minutes, the 1964 Deed, and the Well Driller's Reports) confirms that the Patterson wells were drilled and have been used for drainage and recovery of water for use by NMID landowners.

2. Facts

The Patterson Wells are located in Nampa, Idaho, in the NWNW of section 11, T2N, R. 2W. B.M., on the south side of Locust Lane, east of the intersection of Locust Lane and South Powerline Road. The Nampa Fish Hatchery, owned by the Idaho Department of Fish and Game (IDFG), is located on the north side of Locust Lane, in the SWSW of Section 2, T2N, R. 2W, B.M. *See* **Exhibit A**.

a. Early Well Development on the Hosack Property

The property where the Patterson Wells are located was owned by Allen E. Hosack and Charlotte M. Hosack from May 2, 1961 until July 13, 1972, (sold after Mr. Hosack passed away). *See* **Exhibit B**. The land is part of NMID for irrigation water delivery and drainage purposes. Several NMID water delivery and drainage facilities cross or are located nearby these properties, including the Bray Lateral, the Partridge Lateral, the Ridenbaugh Canal, and the Wilson Drain.

The Hosacks' land was water-logged by seepage from NMID's nearby canals. Apparently, the Wilson Drain did not provide adequate drainage. Mr. Hosack was a well driller. A well drillers report prepared by Mr. Hosack in 1970 indicates that he began drilling drainage wells on the property as early as 1955 before he owned it. **Exhibit E**. Minutes of the June 6, 1962 meeting of NMID's

board of directors **(Exhibit C)** indicate that Mr. Hosack and NMID had been working together for some time prior to the meeting to drill and maintain drainage wells on Mr. Hosack's property:

> Allen Hosack requested the Board to do further drainage work on his property located on South Power Line Road south of Nampa. He stated that some of **the wells** need attention and that he would pay the cost of drilling **more wells** if the District would pay for the necessary material and fuel. The Board promised to meet with him at a later time and look it over.

Drainage from the wells discharged into NMID's drainage system through the Bray Lateral and/or the Wilson Drain, where it became available for use by NMID land owners. This June 6, 1962 reference to drainage wells on the Hosack property is the basis for the priority date claimed by NMID for Water Right No. 63-32695.

Minutes of the July 2, 1963 meeting of the NMID board of directors **(Exhibit C)** show that Mr. Hosack again discussed existing and proposed drainage wells on the Hosack property:

> Mr. A.E. Hosack asked the District to pay one half the cost of about **a half dozen more wells** in his property in NW1/4 Section 11, Township 2 North Range 1West. Mr. Barker suggested that, if the whole Board is willing, the District reimburse him for half the cost of **one more well** or $250.00 on one well, whichever amount is the smaller. — **the size of the well to be 16" the same as the one just drilled**. Mr. Wymer expressed his doubt that wells are the answer and **Mr. Patterson** suggested that the District agree to one more well but no more unless good result is experienced.
>
> Mr. Wymer moved that the District pay Mr. Hosack $250.00 as its share of the cost of drilling **another 16" inch well** and that if that does no good the District will do nothing further toward drainage in the NW1/4 NW1/4 Section 11 Township 2 North Range 1 West. Mr. Patterson seconded this motion and it was passed unanimously.

These minutes confirm that, prior to July 2, 1963, Mr. Hosack and NMID had developed and used several drainage wells on the Hosack property, one of which was a 16" well. As of July 2, 1963, the wells were not adequately draining the property for Mr. Hosack's purposes, and they agreed to drill another 16" well.

b. <u>1964 Deed Conveying the Patterson Wells to NMID</u>

By a Deed dated September 21, 1964, the Hosacks conveyed to the District the Patterson Wells, a parcel of land were the wells are located, and the right to use the water produced b the wells. **Exhibit D**. The Deed also ensured that the Hosacks and their successors would not drill additional

wells that would diminish the flow of water from the Patterson Wells:

> [The Hosacks] grant, bargain, sell, convey and confirm unto the [District] all of the following described real estate . . .
>
> Together with the two artesian wells situate thereon and the water therefrom and the right to the use thereof.
>
> The [Hosacks] covenant and agree not to construct or permit the flow nor extraction of water from, any well in the northwest quarter of the northwest quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, outside the area hereinbefore conveyed, which shall reduce the flow from either of the two wells on the area hereinbefore conveyed, and this covenant shall be a covenant running with all said described premises and shall bing the [Hosacks] and their successors in interest and shall inure to the benefit of the [District] and its successors in interest.

The Deed was recorded in Canyon County. The Deed is conclusive evidence that the Patterson Wells in use before September 21, 1964. The above-quoted provision to protect the flow of water from the wells also demonstrates the District's reliance upon the wells for water supply in addition to drainage.

c. <u>Hosack's 1970 Well Driller's Reports</u>

In June of 1970, Mr. Hosack prepared and filed with IDWR three well driller's reports for wells he drilled many years earlier on the Hosacks' property in the NWNW of Section 11. **Exhibit E**. Together the reports indicate the drilling of 3 or 4 wells in the NWNW of Section 11. ↳ E

The reports appear to have been signed on two or three different dates (June, 1970, June 15, 1970, and June 19, 1970). Mr. Hosack identified his well driller's number as 27 in two of the reports and as 520A in one of the reports.[1] It is difficult from the copies we have to decipher the dates the reports were received by the Reclamation Department.

Each report is on an IDWR form which states that: "State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well." Obviously, the filing of the reports in 1970 could not have complied with the 30 day requirement. The reports do not explain why Mr. Hosack chose to file the reports years after the drilling occurred.

---

[1] Lee Sisco, an NMID Director and former Water District 63 Watermaster, knew Mr. Hosack and recalls that he may have had two drilling rigs, one that may have been operated by his son, and that this may be the reason for the two well driller's numbers.

In judging the accuracy of the statements in the well driller's reports, it must be kept in mind that Mr. Hosack was describing drilling that, according to the reports, occurred either 5 or 15 years before the reports were prepared in 1970. Also, Mr. Hosack was near the end of his life, as indicated by the fact that the Hosack property was conveyed by Mr. Hosack's estate July 3, 1972.

i. IDWR Request for Reports & Modification of the Ground Water Act

It appears that Mr. Hosack was not aware of the reporting requirement when he drilled the wells. Like many other well drillers, during the 1960s and 1970s he was encouraged by IDWR to file reports for all previously drilled wells in response to changes to the Ground Water Act.

Norm Young and Lee Sisco suggested this possibility to us. Mr. Sisco, a current NMID Board member and former Water District 63 Watermaster who knew Mr. Hosack, worked at IDWR while he was in college during the late 1960s. Mr. Sisco recalls that, in response to IDWR's request that well drillers turn in logs for all wells they had drilled, IDWR received several hundred reports. Mr. Sisco reviewed the reports filed by Mr. Hosack and recalls that they are the same form he reviewed in the late 1960s. It appears that IDWR's request was made as a result of changes to the Ground Water Act.

Lee Sisco advised us that Mr. Hosack drilled many wells in southern Idaho, and that he specialized in large irrigation wells. His well drilling work may have started before the 1951 Ground Water Act, through which the State began regulating ground water use and well drilling. As previously mentioned, the 1951 Act exempted drainage and recovery wells from all of the requirements Ground Water Act. **Exhibit F**, 1951 Session Laws, § 3. Section 13 of the 1951 Act (currently I.C. § 42-238(11)) required well drillers to keep logs and to submit them to the Reclamation Engineer (IDWR) within 30 days after completion. *Id.* That section was amended in 1953 to add drainage and recovery wells to the reporting requirement. **Exhibit G**, 1953 Session Laws, § 22. No cross reference to the reporting requirement has ever been included in I.C. § 42-228. Perhaps because of these changes, Mr. Hosack was not aware of the reporting requirement when he drilled the drainage wells on his property during the 1950s and early 1960s.

In 1967 I.C. § 42-238 was repealed and reenacted to require well drillers to obtain licenses from the Reclamation Engineer (IDWR). **Exhibit I**. Section 22 of the 1953 Act was incorporated into the new I.C. § 42-238 as subsection 3 under the heading "Well Driller's Report." The reference that had previously made the reporting requirement applicable to domestic wells and drainage and recovery wells was erroneously changed from "including wells excepted under Sections 42-227 and 42-228," to "including wells excepted under Sections 42-201 and 42-202 of this title. Thus, as of July 1, 1967, the reporting requirement no longer applied to drainage and recovery wells.

In 1970, the legislature corrected the error of the 1967 legislation by changing the reference in I.C. § 42-238 from 42-201 and 42-202 back to 42-227 and 42-228. **Exhibit J**. As a result, the reporting requirement of I.C. § 42-238 again applied to drainage and recovery wells. The legislature

also included in I.C. § 42-228 the provision that drilling drainage and recovery wells "shall be subject to the licensing provision of section 42-238, Idaho Code." This is the only time the I.C. § 42-228 was modified to indicate that drainage and recovery wells are subject to any of the Ground Water Act's requirements. The legislation included an emergency clause, which made it effective as of March 13, 1970.

The anecdotal history from Norm Young and Lee Sisco, as well as the legislative history of I.C. §§ 42-228 and 42-238 suggest that: (1) Mr. Hosack did not know that the reporting requirement applied to drainage and recovery wells when he drilled them; (2) there was no obligation to report the drilling between 1967 and 1970, and (3) Mr. Hosack filed the three reports in 1970 in response to IDWR's request that well drillers file such reports after legislative changes that required reporting and licensed drilling of drainage and recovery wells.

E

ii. June 15, 1970 Report: Two 16 Inch Wells

Mr. Hosack signed one of the three reports for wells in the NWNW of Section 11 on June 15, 1970. **Exhibit E**. You recommended denial of the District's claim for water right no. 63-32695 based on your belief that this report shows that the Patterson Wells were not drilled until 1965. As we discussed on April 13th, this report does not itself establish the date the Patterson Wells were drilled or put in use.

The description of the wells in this report is generally consistent with the Patterson Wells and the other information we have discussed. In section 1 of the report, Mr. Hosack identified NMID as the owner of the wells. This is consistent the Hosacks conveyance of ownership of the wells to NMID in September of 1964. Like the 1964 deed, in section 7 of the report Mr. Hosack described the wells as artesian. Consistent with the discussions between Mr. Hosack and the NMID board in 1962 and 1963, in sections 3 and 9 Mr. Hosack identified drainage as the purpose of the wells, and in section 6 he explained that water from the wells flows into NMID's Bray Lateral.

In sections 5 and 9 of the report he described two 16" wells, 99 feet deep and producing a total of 9,100 gpm or 20.3 cfs. This quantity is generally consistent with 1973 License Agreement between NMID and the Andersons (predecessors in interest to IDFG), which states that NMID receives 24 cfs from the Patterson Wells and other sources **Exhibit K**, p. 6.

K

In section 10, Mr. Hosack identified the date the work started as "June 15" without identifying the year. June 15th is also the date in 1970 that Mr. Hosack signed the Report. The report identifies the finish date as 1965 with no month or date.

On its face, this report does not provide reliable evidence of when the Patterson Wells were drilled. The drilling dates are incomplete and correspond with the date the report was signed ("June 15"). The time that had elapsed between the drilling of the wells and the preparation of the report and Mr. Hosack's age at the time it was prepared raise additional doubt about the accuracy of the

indicated drilling date. Since no water right permit application was required for the Patterson Wells, Mr. Hosack did not have such records to help him confirm the date of drilling. The reason and context of the report are also significant. Like other drillers, Mr. Hosack was likely responding to an IDWR request to document all wells he had drilled. The existence, location and specifications for the well would have been the most significant information, rather than the precise date of drilling.

Most importantly, the indication in the report that the drilling of the wells was completed in 1965 cannot be reconciled with Mr. Hosack's 1964 deed conveying the wells to NMID or the NMID minutes discussing the existing Hosack wells in 1962 and 1963.

For these reasons, the June 15, 1970 report cannot be used to not establish the date the Patterson Wells were drilled.

iii. June 19, 1970: One 16 Inch Well

Four days later, on June 19, 1970, Mr. Hosack signed another report for a well constructed within the NWNW of Section 11. In this report, Mr. Hosack identified himself as the owner.

In sections 5 and 7, Mr. Hosack showed the well to be 260 feet, much deeper than the Patterson Wells, flowing 2,500 gpm. In section 6 Mr. Hosack showed the location of the well to be in virtually the same location as the Patterson Wells. In sections 2 and 9, Mr. Hosack described drainage as the purpose of this well, and explained that the water flowed to a drain ditch dug by himself. There is no reference to NMID, however, it is likely that water was delivered to NMID's drainage system to convey the water away from the area.

In section 10, Mr. Hosack identified the work start date as June 6, 1955, and the finish date as July 2, 1955. The 1955 dates are curious, because Mr. Hosack did not acquire the property where the wells were located until 1961. *See* **Exhibit B**. If the dates are incorrect, Mr. Hosack constructed the well and the drain ditch for the prior owner. The construction of a well in the NWNW of Section 11 is consistent with Mr. Hosack's discussion with the NMID Board on June 6, 1962, during which Mr. Hosack "requested the NMID Board to do further drainage work on his property," and explained "that some of the wells need attention." *See* **Exhibit C**.

It is difficult to draw conclusions regarding the Patterson Wells from this report. This report may or may not relate to either of the Patterson Wells, and it may or may not accurately indicate the drilling of a well in that location in 1955. It is consistent with drilling of multiple drainage wells on the Hosack property at the times Mr. Hosack discussed such wells with NMID in 1962 and 1963.

iv. June, 1970: One 12 Inch Well

The third report Mr. Hosack prepared for a well constructed within the NWNW of Section 11 was signed "June, 1970."

Sections 5 and 7 of this report describe a 12" well, 255 feet deep and flowing 2,000 gpm. Like the June 19, 1970 report, sections 2 and 9 of this report describe the purpose as drainage to a drain ditch dug by Mr. Hosack.

In section 10, Mr. Hosack reported that the work started "June 16 65" and finished "July 2, 1965." The start and finish months and dates are the same as those Mr. Hosack reported in the June 19, 1970 report, but ten years later.

Either individually or collectively, these three Well Driller's Reports do not provide reliable evidence of dates of construction of the Patterson Wells. The most reasonable interpretation of these reports is that, after receiving IDWR's request to file reports and learning of the legislature's 1970 amendment of the Ground Water Act to clearly require reporting and licensed drilling of drainage and recovery wells, Mr. Hosack prepared the reports to document the drilling of the wells several years earlier. In 1970, his recollection of the dates of construction was not clear or accurate, or essential to his purpose of documenting the construction of the wells.

The evidence we have provided shows that the 1965 reference in the June 15, 1970 report does not accurately reflect the date of construction. The Patterson Wells had been constructed and in use by the time Hosack conveyed them to the NMID in 1964. The NMID Board minutes show that, by 1962, Hosack, and possibly his predecessor in interest, had been working together for some time with NMID to drain the Hosack property through the use of wells. The 1970 Well Driller's reports verify that numerous drainage wells were constructed in an effort to reclaim the land. The water produced by those wells was drained through NMID's drainage system, and used by NMID landowners.

Please contact me if you have any questions regarding the information in this letter. I know you will be investigating further the quantity and additional points of diversion claimed by NMID. Please let me know when you want to visit the additional artesian wells with NMID's Water Superintendent, John Anderson.

In the meantime, I will contact David Stanish to discuss resolution of the NMID and IDFG claims and, hopefully, we will have an agreed-upon approach to present to the Special Master at the July 12th scheduling conference.

Yours very truly,

Daniel V. Steenson

Enclosures
cc: NMID
Andrea Courtney
David Stanish

EXHIBIT A

NAMPA

LOWELL AVENUE

LOCUST LANE

LEWIS LANE

AVENUE

CANYON COUNTY

KURTZ LAT

SOUTH LINE

NAMPA LANGDON LATERAL

GREENHURST

BRAY DRAIN

CONLEY LAT

AARON DRAIN

PARTRIDGE LAT

WILSON DRAIN

12th AVENUE DRAIN

LATERAL

O S L B R

SAVAGE

ELIJAH DRAIN

DEAL DRAIN

CANAL

HERRON FEEDER

MURPHY BRANCH

RANDALL LAT

RIDENBAUGH LATERAL

BURKE

HOCKTITLE LAT

BURKE DRAIN

NIDAY LAT

NIDAY DRAIN

MURPHY DRAIN

TOBIAS DRAIN

ODEL DRAIN

FOGARTY

RAILROAD

NAMPA FEEDER

ELLIS DRAIN

ELLIS STUB

EISELMAN LAT

BRAY STUB

AMITY LATERAL

RYBERG AMITY

AMITY SPUR NO. 1

AMITY SPUR NO. 2

HUFF

LAT

DRAIN

CANAL

ORR & SHERRY DRAIN

FISHER LAT

POST LAT

LAT LAT

NMID Boundary

1st Patterson well

Lowell well

MIDLAND BLVD

STATE HWY 45

SO. POWER LINE ROAD

SO. SIDE BLVD

HAPPY VALLEY ROAD

ROBINSON BOULEVARD

FOR LOCATION OF WELLS

PROPOSED FISH FARM

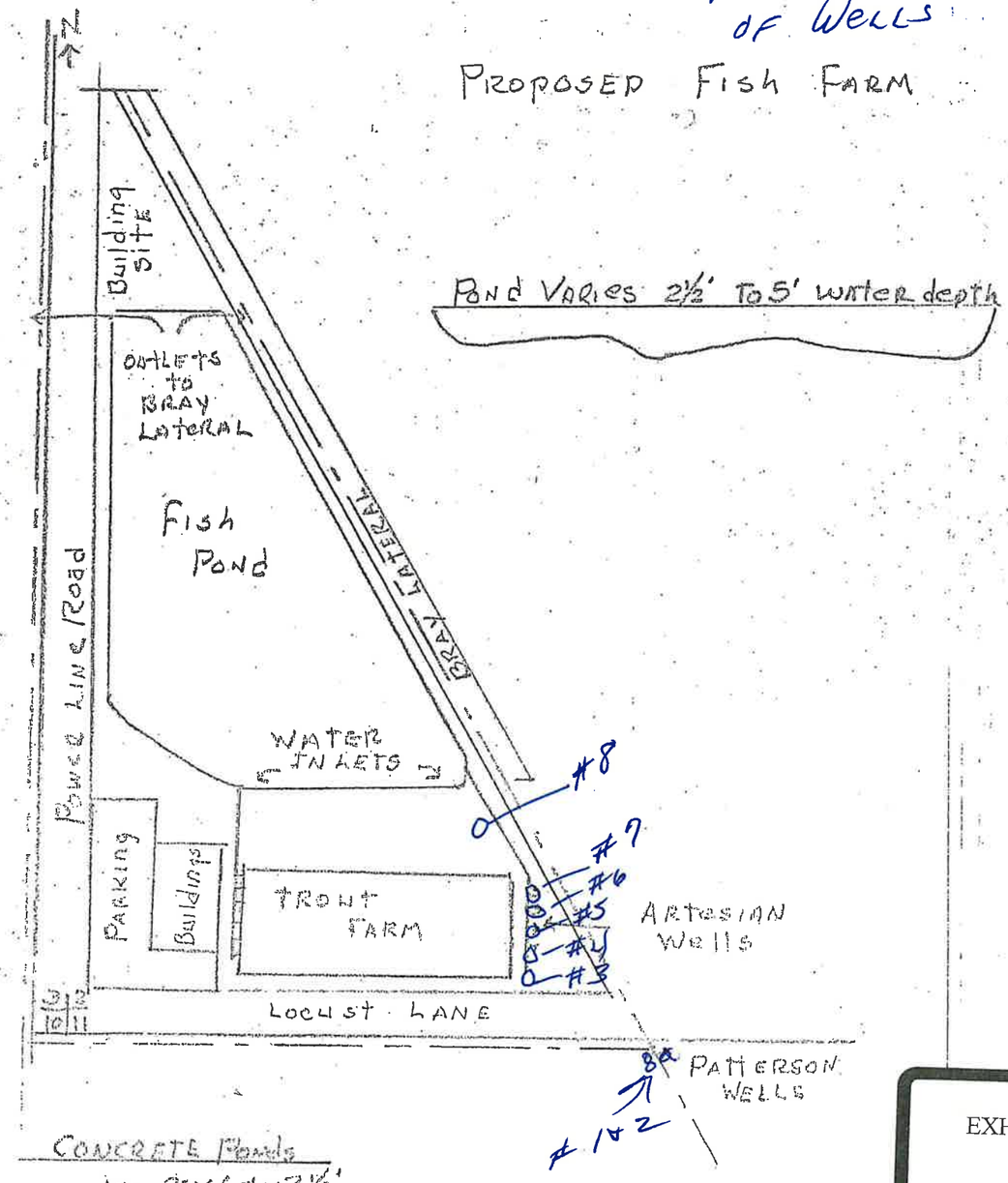


EXHIBIT A

CONCRETE Ponds

10- 3'x60'x3½'
4 18'X 120'X 4'
8- 18'X 180'X 4'

WATER REQUIREMENTS

App 800' NAMPA MERIDIAN
400" to 1200" FROM NEW WELLS

EXHIBIT A

RAINBOW FARMS, INC.
BYRON V. ANDERSON
13.45 ACRES IN SEC 2
T 2N. R 2W., B.M.
11/27/73
P.O. Box 277
NAMPA, Idaho

EXHIBIT B

FORM No. 1— WARRANTY DEED.

296

502538

THIS INDENTURE, made this 2nd day of May, 19 61 between JAMES T. WATERS, a single man, and being a single man during all times of ownership of Nampa, County of Canyon, State of Idaho the part y of the first part and ALLEN E. HOSACK and CHARLOTTE M. HOSACK, husband and wife of Nampa, County of Canyon, State of Idaho, the part ies of the second part,

WITNESSETH, that the said part y of the first part, for and in consideration of the sum of SIX THOUSAND FIVE HUNDRED & NO/100- - - - - - - - - - - - - - Dollars lawful money of the United States of America to him in hand paid by the part ies of the second part, the receipt whereof is hereby acknowledged, ha s granted, bargained, sold, and by these presents, do es grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the, County of Canyon, State of Idaho, to-wit:

All of the NW¼ of the NW¼ of Section 11, Township 2 North, Range 2 West of the Boise Meridian, in Canyon County, State of Idaho.

Together with all appurtenant water, ditch and easement rights, and subject to existing rights of way for roads, ditches and canals along or upon said property.

The party of the first part does hereby covenant and warrant that during all times of ownership he has been, and now is, a single and unmarried man.



PLATTED
25 1961
L. PALMER
Assessor

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever. And the said part y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part, their heirs and assigns, against the said part y of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part y of the first part ha s hereunto set his hand and seal the day and year first above written.

Executed and Delivered in the Presence of

James T Waters [SEAL]

[SEAL]

[SEAL]

[SEAL]

EXHIBIT B

WARRANTY DEED

TO

Dated , 19

STATE OF IDAHO, } ss.

County of

I hereby certify the this instrument was filed for record at request of

at o'clock M., this day of , 19 , in my office, and duly entered in Book of at page

Ex-Officio Recorder.

By Deputy.

Fees $

Mail to

STATE OF IDAHO, } ss.
County of Gumyon

On this 2nd day of May in the year 19 61 before me the undersigned a Notary Public in and for said State, personally appeared JAMES T. WATERS, a single man

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Nampa, Idaho.

WARRANTY DEED

For Value Received CLARENCE D. HARRIS, As Trustee of the Testamentary Trust created by the Last Will and Testament of Allen E. Hosack, deceased, of Rolling Hills, Los Angeles County, State of California,

the grantor , does hereby grant, bargain, sell and convey unto KENNETH D. PFEIFER and KRISTA L. PFEIFER, husband and wife, of ~~ROSEXENXXXXXXX~~, Canyon County, 1825 Locust Lane, Nampa ID 83686 State of Idaho,

the grantees , the following described premises, situated in Canyon County, State of Idaho, to-wit:

The Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM:

A part of Section 11, Township 2 North, Range 2 West of the Boise Meridian, more particularly described as follows:

COMMENCING At the Northwest corner of Section 11, Township 2 North, Range 2 West of the Boise Meridian; thence North 89° 57' East 749.7 feet along the North line of the said Section 11, to a point in the centerline of the pavement, the INITIAL POINT; thence continuing North 89° 57' East 49.7 feet to the centerline of the Bray Pick Up Lateral; thence continuing North 89° 57' East 49.7 feet, to a point; thence South 36° 24' East 70.6 feet parallel to and 40 feet from the centerline of the said Lateral to a point; thence South 53° 36' West 40 feet to a point in the centerline of the said Lateral; thence continuing South 53° 36' West 40 feet to a point; thence North 36° 24' West 129.4 feet, parallel to and 40 feet from the centerline of the said Lateral, to the INITIAL POINT; together with two artesian wells situate thereon and the water therefrom, and the right to the use thereof.

Together with all water and ditch rights and rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 1972.

Clarence D. Harris

STATE OF IDAHO, COUNTY OF CANYON

On this 13th day of July, 19 72 before me, a notary public in and for said State, personally appeared CLARENCE D. HARRIS,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

E. Aoun

Notary Public. Residing at Caldwell, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record

REQUEST PIONEER — NAMPA

'92 JUL 1 PM 4 33

HEID, KERR CANYON CNTY RECORDER BY

RECORDED

9214756

EXHIBIT C

REGULAR MEETING

6 June 1962

The meeting was called to order at 10:11 a. m. in theoffice of the Board by President Wm. Wymer.

Present were: Mr. Wymer, Dan Barker, Sr., Ray Patterson, Directors; Oren Evans, Superintendent and Joseph C. Voight, Secretary of the Board.

Visitors were: Francis O'Hare of Great Falls, Montana; Robert Underkofler of Boise; Vernon Turner of Boise; Kenneth Jackson of Boise and Allen Hosack of Nampa. see page 73

The minutes of the previous meeting were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, for materials and supplies were read as follows:

Payable to	Service	Amount
Ada County Recorder	38 Redemption Dertificates	
	1 Tax Deed # 80-3	$ 11.00
American Linen Supply Co	Linen Service - May	7.85
Barker, Dan Sr.	5 Additional Days	50.00
	Additional Mileage	2.50
Business Men's Assurance Co	June Premium	265.21
Campbell Tractor & Imp Co	Repairs for Mossing Disk	79.38
Canyon County Recorder	24 Redemption Certificates	6.00
Credit Bureau of Boise	Reporter Service	5.25
Gibbs Industrial Hardware	Repairs for Backhoes	2.56
Gibson-Welker Ford Sales	Repair Windshield Wipers '60 Ford	5.35
Goodman Oil Company	Service Trucks	7.90
Guffey, John D.	Telephone Adjustment - May	9.68
Hazzy's	Office Supplies - Type Erase Paper	7.80
Hudelson Ford	Service & Parts '60 Ford	63.14
Idaho Blueprint Supply Co	Ada County Plats	19.76
Idaho Concrete Pipe Company	Tile	147.00
Idaho First National Bank	Federal Withholding - May	945.30
Idaho Hardware & Plumbing Co	Padlocks; Weed Hooks; Handles	131.86
Idaho Power Company	Electricity - Office	23.40
Idaho Power Company	Electricity - Warehouse	1.00
Idaho Power Company	Electricity - Burke Pump	68.71
Intermountain Gas Company	Gas to 17 May	32,86
Kalbus Office Supply	Office Supplies	20.21
Lubrication Engineers, Inc.	Grease	115.10
Mountain States T & T Co	888-2585	12.10
Mountain States T & T Co	385-7225; 385-7226	116.00
Nampa Lumber & Coal Co	Lumber	87.53

EXHIBIT C

reference to Mr. Anderson for working out contractual arrangements.

Allen Hosack requested the Board to do further drainage work on his property located on South Power Line Road south of Nampa. He stated that some of the wells need attention and that he would pay the cost of drilling more wells if the District would pay for the necessary material and fuel. The Board promised to meet with him at a later time and look it over.

At 12:15 p. m. the meeting was recessed for lunch. It was called to order again at 1:10 p. m.

A letter from Eugene H. Anderson pertaining to Lucky Peak Reservoir water filings was read and was ordered filed. Mr. Wymer stated that he had authorized Mr. Anderson to look into the matter fully.

It was reported that the First Security Bank of Idaho - Nampa Branch has placed securities in the amount of $250,000.00 to cover deposits of the District up to that amount.

Mr. Evans reported that the larger caterpillar needed repair and he was making arrangements to have it done.

The Secretary reported that $431.25 had been spent for gopher bounty during May 1962 and that in the same month of 1961, $798.75 was spent.

The Secretary also reported that the entire cost of the New York Canal Rehabilitation Contract is being readied for charging to the individual accounts of the District. He explained that based on 39,389.57 project acres on the District's assessment roll and 1,122.13 project acres on the Nampa City Municipal roll, this charge would amount to $13.40106685 to develope the total cost of $542,900.

At 1:20 p. m. Mr. Barker moved for adjournment. A second was made by Mr. Patterson and it was so ordered by President Wymer.

Wm Wymer
President of the Board

Joseph C. Voight
Secretary of the Board

REGULAR MEETING

4th September 1962

The meeting was called to order at 10:05 a.m. in the office of the Board by President Wm. Wymer.

Present were: Directors - Mr. Wymer, Dan Barker, Sr. and Ray Patterson

Officers - Oren Evans, Manager
Joseph C. Voight, Secretary of the Board

Visitors: H. A. Showalter of Boise
Allen Hosack of Nampa see page 97 & 98

The minutes of the previous meeting were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, for materials, supplies and other services were read as follows:

Payable to	Explanation	Amount
Ada County Recorder	178 Redemption Certificates	$ 44.50
American Linen Supply	Linen Service	7.85
Canyon County Recorder	57 Redemption Certificates	
	1 Tax Deed	15.75
Barker, Dan Sr.	7 Aditional Days	70.00
	Additional Mileage	5.00
Business Men's Assurance Co	September Premium	265.21
Credit Bureau of Boise	Reporter Service	5.25
Firestone Stores	Service & Recap Tires	68.00
General Electric Supply Co	Grease for Drainage Pumps	4.95
Goodman Oil Company	Grease International Truck	3.75
Guffey, John D.	Telephone Adjustment - August	9.68
Burke Hudelson-Ford	Service 1960 Ford	15.99
Idaho Blueprint & Supply Co	Plat	1.92
Idaho First National Bank	Federal Withholding Taxes	1,205.10
Idaho Industrial Supply Co	Wheels - Tax Roll File	217.80
Idaho Power Company	Electricity - Office	21.84
Idaho Power Company	Electricity - Burke Pump	89.17
Idaho Power Company	Electricity - Ellis Pump	183.93
Intermountain Gas Co	Gas Service to Sug	2.27
Kalbus Office Supply	Office Supplies	7.65
Mountain States T & T Co	888-2585	12.10
Mountain States T & T Co	466-7861; 466-7862	84.55
O. K. Rubber Welders	Tire	26.68
Patterson, Ray	2 Additional Days	20.00
Prudential Insurance Co	September Premium	44.66
Ramsey's Gara ge	Repair to Backhoe #2	108.68
R & V Oil Company	Oil	23.00

Salt Lake Hardware Co.	Pipe Wrench & Coupling, Oil Can	56.05
Strang Sand & Gravel, Inc.	Road Mix	12.50
Treasurer of District	District Cash Expense	230.20
Western Equipment Co	Brackets, Oil Filters, Pipe	50.56
Wymer, Wm	6 Additional Days	60.00
	Additional Mileage	3.50
Wood Co	Repairs - Mason Creek Pump	36.90
		$ 3,014.99

The Pay Roll for the period of August 16-31, 1962 was read and the totals were:

Gross Earnings - - - - - -	$5,607.63	
Mileage - - - - - - - - - -	533.09	
Gross Roll - - - - - - - - - - - - - - - -		$6,140.72
Deductions:		
Federal Withholding Tax - - - - - - - -		555.00
Idaho Withholding Tax - - - - - - - - -		83.25
FICA - - - - - - - - - - - - - - - - - -		174.30
Insurance - - - - - - - - - - - - - - - -		186.35
Net Pay Roll -		5,141.82

Total payable from the Ridenbaugh Maintenance Fund for Claims and Pay Roll - $ 8,156.81

Mr. Patterson moved that the claims and pay roll be allowed. Mr. Barker seconded his motion and thus the President and Secretary drew Ridenbaugh Maintenance Fund warrants numbered 23130 thru 23203.

Mr. H. A. Showalter appeared before the Board to protest paying the complete amount due on assessment number 125-20 which is presently being advertised for tax deed. The Secretary explained that the lot concerned had been segregated from the rest of Mr. Showalter's ownership because of a typographical on the reporter service received from the Credit Bureau of Boise. Thus the Board determined that additional amounts now due were not justified. Mr. Barker moved that Mr. Showalter be allowed to pay the amount of the assessment number which would have been assessed against the lot if it were not segregated, which amount would be $1.77 for 1959, $1.92 for 1960 and $1.98 for 1961 and that all remaining assessments and fees be cancelled. Mr. Patterson seconded this motion and it was thus ordered.

Mr. Allen Hossack requested additional drainage on his property. Mr. Barker suggested that Oren check it over and give his opinions to the Board. Mr. Patterson questioned if anything could be accoumplished. It was decided that Mr. Evans would meet with Mr. Patterson and

that they would look it over.

A letter from James L. Pline in which he protested payment of delinquent irrigation taxes of 1959 because he had not known of the requirement for irrigation taxes was read. The Board ordered this matter to be referred to Eugene H. Anderson.

Copy of a letter from Eugene H. Anderson to Lawyer A. L. Lyons in which Mr. Anderson stated that the terms of an agreement which Mr. Lyons had submitted on behalf of one of the Albertson corporations were unsatisfactory to the district, were read.

At 11:42 a. m. the meeting recessed for lunch and was resumed at 12:58 p. m.

It was moved by Mr. Patterson that a tax deed and the necessary lien clearances be approved to clear the deed and liens still showing for property described as lots 2, 5, and 7 Block 8 of Nampa Park Addition. Purpose of this clearance is to replace clearance by Tax Title Deed which was issued at page 2188 book-12 of the Minutes of the Board for May 5th, 1942 and which Tax Title Deed is now lost. The deed is to again be made to Vincent J. Domogolla and the Secretary is authorized to make the deed upon the payment of-$15.00 by the interested party or parties. Mr. Barker seconded Mr. Patterson's motion and thus the motion was passed.

The following reports of the August operation was given by the Secretary:

Allocation of Ridenbaugh Maintenance Fund Expenditures:

Total	Assessment Expense	District Drainage	U. S. Maintenance	Ridenbaugh Maintenance	Joint Maintenance
Diversion Works					
466.45				466.45	
Joint System Maintenance					
12,233.98					12,233.98
District Drainage Maintenance					
2,121.22		2,121.22			
Government Drainage Maintenance					
13.60			7.11	6.49	
Electric Power Pumping					
324.31		297.87			26.44
Directors Per Diem					
180.00		82.74		17.42	79.84
Directors Mileage, Elections, Etc.					
65.54		30.90		6.52	28.12
Office Expense					
1,857.59	1,128.26	55.98			673.35
Building Maintenance and Utilities					
295.98	72.30	19.88		18.83	184.97

REGULAR MEETING

2 July 1963

The meeting was called to order at 10:05 a. m. in the office of the Board by President Dan Barker, Sr.

Present were: Mr. Barker and Wm Wymer, Directors; Oren Evans, Water Superintendent and Joseph C. Voight, Secretary-Treasurer.
Mr. Patterson arrived at 10:40 a. m.

Visitors: W. R. Brown and A. E. Hossack see page 226

The minutes of the previous regular meeting and the special meeting held 24 June 1963 were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, were read as follows:

Payable to	Service	Amount
Ada County Recorder	18 Redemption Certificates 1 Tax Deed	$ 6.00
Barker, Dan Sr.	8 Additional Days & Mileage	84.50
Businessmen's Assurance Co	July Premium - Policy No 22341	282.35
Campbell Tractor Company	Repairs for Mossing Disks S	66.16
Canyon County Recorder	13 Redemption Certificates	3.25
Davis Well Drilling	Perry Kasel Well #3 (½ Cost)	162.25
Davis Well Drilling	Perry Kasel Well #4 (½ Cost)	209.00
Duro-Test Corporation	4 Power Twist Light Tubes	18.10
Firestone Stores	Repair Flats	9.70
First Security Bank	Safety Deposit Box Rent	4.40
Frankel Carbon & Ribbon Co	Special Carbon for Lein Books	15.00
Gibbs Industrial Hardware	Repairs for Mossing Chains	7.28
Guffey, John D.	Telephone Adjustment	9.68
Hall's Sport Store	Door Closer	32.32
Hudelson-Ford, Burke	Service	13.98
Idaho First National Bank	Federal Withholding - 2nd ¼	1,012.20
Idaho Power Company	Power - Burke Pump	90.14
Idaho Power Company	Electricity - Warehouse	2.00
Intermountain Gas Co	Service to 19 June	16.20
Johnson Electric	Install 230 Volt Outlet	19.42
Kalbus Office Supply	Supplies	35.40
Mountain States T & T Co	466-7861	84.75
Nampa Auto Parts	Parts	7.08
Nampa Lumber Company	Check Boards	32.76
Nampa Sanitary Service	June Trash Service	6.00
Nordling Parts Company	Supplies for Shop	22.14
Patterson, Ray	Additional Days	10.00
Prudential Insurance Co	July Premium	48.72
Ramsey's Garage	Repairs to Trucks	83.33
R & V Oil Company, Inc.	Oil For Drainage Pumps	11.70

Mr. A. E. Hosack asked the District to pay one half the cost of about a half dozen more wells in his property in NW¼ Section 11 Township 2 North Range 1 West. Mr. Barker suggested that, if the whole Board is willing, the District reimburse him for half the cost of one more well or $250.00 on one well, whichever amount amount is the smaller.—— the size of the well to be 16" the same as the one just drilled. Mr. Wymer expressed his doubt that wells are the answer and Mr. Patterson suggested that the District agree to one more well but no more unless good result is experienced.

Mr. Wymer moved that the District pay Mr. Hosack $250.00 as its share of the cost of drilling another 16" inch well and that if that does no good the District will do nothing further toward drainage in the NW¼ NW¼ Section 11 Township 2 North Range 1 West. Mr. Patterson seconded this motion and it was passed unanimously.

Mr. Wymer moved that title be transferred to J. H. Harper with Irwin C. Hansen as Contract Purchaser for land described in the District's assessment number 1549A as N½ NE¼ SE¼ Section 30 Township 3 North Range 1 West for payment to the District Treasurer the amount of $750.00. Mr. Patterson seconded this motion and thus the Treasurer was ordered to receipt this amount and clear all recorded liens of the District.

At 11:59 a. m. the meeting was recessed for lunch. At approximately 1:20 p.m. the Board returned and adjourned the meeting by motion of Patterson and second of Wymer.

Dan Barker

Dan Barker, Sr.
President of the Board

Joseph C. Voight

Joseph C. Voight
Secretary of the Board

EXHIBIT D

316

INSTRUMENT NO. 556494

THIS INDENTURE, Made this 21st day of September,

in the year of our Lord one thousand nine hundred and sixty-four, between

ALLEN E. HOSACK and CHARLOTTE M. HOSACK, husband and wife,

of Nampa, County of Canyon, State of Idaho,

the parties of the first part, and NAMPA AND MERIDIAN IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho and having its principal office at

ak Nampa, County of Canyon, State of Idaho,

the party of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

TEN DOLLARS and other valuable consideration ----------

lawful money of the United States of America,

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

A part of Section 11, Township 2 North, Range 2 West, Boise Meridian, more particularly described as follows, to-wit: Commencing at the Northwest corner of Section 11, Township 2 North, Range 2 West of the Boise Meridian; thence North 89°57' East 749.7 feet along the North line of the said Section 11, to a point in the centerline of the pavement, the INITIAL POINT; thence continuing North 89°57' East 49.7 feet to the centerline of the Bray Pick Up Lateral; thence continuing North 89°57' East 49.7 feet, to a point; thence South 36°24' East 70.6 feet parallel to and 40 feet from the centerline of the said Lateral to a point; thence South 53°36' West 40 feet to a point in the centerline of the said Lateral; thence continuing South 53°36' West 40 feet to a point; thence North 36°24' West 129.4 feet, parallel to and 40 feet from the centerline of the said Lateral, to the INITIAL POINT:

Together with the two artesian wells situate thereon and the water therefrom, and the right to the use thereof;

PLATTED
OCT 29 1964
LLOYD E. ALLISON

EXHIBIT D

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well at law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to its successors heirs and assigns forever. And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, its successors heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons who lawfully claim or shall claim the same, shall and will WARRANT and by these presents forever DEFEND.

The parties of the first part covenant and agree not to construct, or permit the flow nor extraction of water from, any well in the northwest quarter of the northwest quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, outside the area hereinbefore described, which shall reduce the flow from either of the two wells on the land hereinbefore conveyed, and this covenant shall be a covenant running with all said described premises and shall bind the parties of the first part and their successors in interest and shall inure to the benefit of the party of the second part and its successors in interest.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Allen E Hosack [Seal]
Allen E. Hosack

Charlotte M. Hosack [Seal]
Charlotte M. Hosack

[Seal]

[Seal]

STATE OF IDAHO }
County of CANYON, } ss.

On this 7th day of ~~September~~ October, in the year 19 64, before me the undersigned, a Notary Public in and for said State, personally appeared Allen E. Hosack and Charlotte M. Hosack, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Nampa, Idaho

No documentary stamps required

FILED
at the request of
Chicago Title Co.
..... 19....
STATE OF IDAHO } ss.
County of Canyon }
I hereby certify that the within instrument was filed
for record at the request of Lyman T. Anderson
at 9 o'clock past A. M. on the 7 day
of Oct, A. D. 1964
and recorded in Book 294 of Deeds
at page 316
Ex Officio Recorder.
By Angie Deputy.
Fee $ 1.00

EXHIBIT E

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

RECEIVED
JUN 22
Department of Reclamation

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER Well No 1 of 2

Name NAMPA & Meridian Irr Dist

Address 1503 1st St So Nampa

Owner's Permit No. _____

2. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☒ Drainage

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 99 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
10 High inches	16 inches	0 feet	20 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Diameter ___ Slot size ___ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

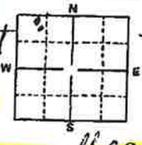
Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

2 16" Well Drilled 30 feet apart. Flowing in To Ditch



2/16" Well Flowing

Material of small canal

County Canyon

NE¼ NW¼ Sec. 11 T. 2 N. R. 3 W

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☒ Yes ☐ No G.P.M. flow 4050 Each

Temperature 54° F. Quality Good

Artesian closed-in pressure 3 p.s.i.

Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

11 16" Wells / 82

9. LITHOLOGIC LOG 31627

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
16	0	10	Soil		
16	10	60	Lava Rock		
16	60	99	Broken Lava Rock		
			Two 16" Wells Drilled To the Same Depth To Drain Well Land		
			Both wells Flowing Total 9000 GPM		
			Flowing Water From 10 to 99 feet in Large pieces of Blue Lava Rock		
			Entry Cold Water		
			30° Deg well Drilled 30 feet from Each of the Water Flowed when Drilled to 2 feet above pavement		
			16" Typ 5 feet below top of 16" pipe For Wells To flow into Drain Ditch		

10. Work started June 15 finished 1965

11. DRILLER'S CERTIFICATION J. S.

This well was drilled under my supervision and this report is true to the best of my knowledge.

A E Hozack 27
Driller's or Firm's Name Number

RD 5 Nampa
Address

A E Hozack June 15 70
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

EXHIBIT E

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name A E Hosack
Address RFD 5 Nampa Ida
Owner's Permit No.

2. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE Drainage Well

☐ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 260 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
250 inches	16 inches	0 feet	20 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

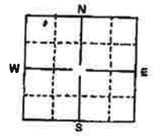
Well screen installed? ☐ Yes ☒ No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County
NW¼ NW¼ Sec. 11, T. 2 N/S, R. 2 E/W

7. WATER LEVEL

Static water level feet below land surface
Flowing? ☒ Yes ☐ No G.P.M. flow 2500
Temperature 56° F. Quality Good
Artesian closed-in pressure 32 lbs. p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

34083

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
16"	0	20	Sand & Gravel		
16	20	80	Lava Rock		
16	80	105	Red Lava Rock		
16	105	165	Lava Rock		
16	165	225	Broken Lava Rock		
16	225	260	Cinders & Gravel in Lava Rock		
Type	was Welded		1/4" pipe to feet		
Below			Ground Surface		
for	Water To Flow				
up to	Drain Dug				
Dug By	Hosack				
Drain	Material				
Sand					

10. Work started June 16 1955 Finished July 2 1955

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

A E Hosack 520A
Driller's or Firm's Name Number
RFD 5 Nampa Ida
Address
A E Hosack June 14 1970
Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

RECEIVED
JUN 25 1970
Department of Reclamation

1. WELL OWNER
Name A E Hosack
Address R.7 D 5 Nampa Ida
Owner's Permit No.

2. NATURE OF WORK Drainage Well
☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE
☐ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED
☐ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 12 inches Total depth 255 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	12 inches	0 feet	20 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation ____ inches by ____ inches

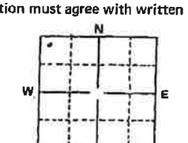
Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name
Type Model No.
Diameter ___ Slot size ___ Set from ____ feet to ____ feet
Diameter ___ Slot size ___ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL
Sketch map location must agree with written location.



6
Canyon County
NW¼ NW¼ Sec. 11 T. 2 N/S, R. 2 E/W
T2NR2W

7. WATER LEVEL
Static water level ____ feet below land surface
Flowing? ☒ Yes ☐ No G.P.M. flow 3000
Temperature 56 F. Quality
Artesian closed-in pressure 2 p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

31626

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
12	0	20	Soil & Hardpan		X
12	20	90	Lava Rock		
12	90	135	Red Lava Rock		
12	135	180	Lava Rock		
12	180	230	Lava Broken Rock		
12	230	255	Caves in Lava Rock		
12			Pipe Was Welded		
			Pipe 4 Feet Below		
			Top with Casing for Water		
			Elbow up to Surface		
			Drain ditch Built		
			Hosack To Clean		
			more Wet Sand		

10. Work started June 16 65 finished July 2 1965

11. DRILLER'S CERTIFICATION
This well was drilled under my supervision and this report is true to the best of my knowledge.

A E Hosack 27 ~~590~~ A
Driller's or Firm's Name Number
Address R.7 D 5 Nampa Ida
Signed By A E Hosack Date June 1970

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

EXHIBIT F

F

36-2312. DISPOSITION OF FINES. — All fines and penalties collected for the violation of any of the provisions of this act or any act with reference to the protection of the game and fish of this state, including fur-bearing animals and nongame birds, under sentence or judgment of any court, judge or justice, shall be paid over by such court, judge or justice within ten days after the receipt thereof, to the * * * *county treasurer, who shall apportion one-fourth thereof to the county school fund, and one-fourth thereof to the current expense fund of such county and remit the remaining one-half thereof to the director of the fish and game department. Such court, judge or justice shall also send to the director of the fish and game department* a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense and the fine and the sentence or judgment imposed and such moneys * * *so received* by the director *shall* be turned over to the state treasurer and by him credited to the state fish and game fund as in this act provided.

Approved March 19, 1951.

CHAPTER 199

(S. B. No. 120)

AN ACT

AMENDING SECTION 45-501, IDAHO CODE, TO GRANT PERSONS WHO GRADE, FILL IN, LEVEL, SURFACE, OR OTHERWISE IMPROVE LAND, THE RIGHT TO FILE A LIEN FOR SAID WORK.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 45-501, Idaho Code, be and the same is hereby amended to read as follows:

45-501. RIGHT TO LIEN. — Every person performing labor upon, or furnishing materials to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dike, flume, tunnel, fence, machinery, railroad, wagon road, aqueduct to create hydraulic power, or any other structure, *or who grades, fills in, levels, surfaces or otherwise improves any land,* or who performs labor in any mine or mining claim, has a lien upon the same for the work or labor done or materials furnished, whether done or furnished at the instance of the owner of the building or other improvement or his agent; and every contractor, subcontractor, architect, builder or any person having

EXHIBIT F

charge of any mining claim, or of the construction, alteration or repair, either in whole or in part, of any building or other improvement, as aforesaid, shall be held to be the agent of the owner for the purpose of this chapter: provided, that the lessee or lessees of any mining claim shall not be considered as the agent or agents of the owner under the provisions of this chapter.

Approved March 19, 1951.

CHAPTER 200

(S. B. No. 123)

AN ACT

RELATING TO THE UNDERGROUND WATER RESOURCES OF THE STATE; DEFINING SUCH WATERS AS GROUND WATERS AND DECLARING THEM TO BE SUBJECT TO APPROPRIATION FOR BENEFICIAL USE; CONFIRMING GROUND WATER RIGHTS HERETOFORE ACQUIRED; EXCEPTING CERTAIN WELLS USED FOR DOMESTIC PURPOSES AND PROVIDING FOR INSPECTION THEREOF; DRAINAGE AND RECAPTURE OF IRRIGATION WATER; ESTABLISHING METHODS OF APPROPRIATION OF GROUND WATER; DEFINING THE TERMS GROUND WATER, WELL, WELL DRILLER, DOMESTIC PURPOSES AND WATER RIGHT; PRESCRIBING ADDITIONAL DUTIES OF THE STATE RECLAMATION ENGINEER WITH RESPECT TO GROUND WATERS; PRESCRIBING A PROCEDURE FOR THE APPROPRIATION OF GROUND WATER THROUGH APPLICATION, PERMIT AND LICENSE; DECLARING THE BUSINESS OF DRILLING FOR GROUND WATER TO BE AFFECTED WITH THE PUBLIC INTEREST AND REQUIRING REPORTS FROM WELL DRILLERS TO THE STATE RECLAMATION ENGINEER; PROVIDING FOR THE INTERPRETATION OF THIS ACT IN HARMONY WITH EXISTING WATER LAWS; PROVIDING THAT THE PROVISIONS OF THIS ACT ARE SEPARABLE; AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

L. '51 c. 200 Sec. 1 Amended L. '53 c. 182 Sec. 1, p. 278

SECTION 1. GROUND WATERS ARE PUBLIC WATERS. — It is hereby declared that the traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined. All ground waters in this state are declared to be the property of the state, whose duty it shall be to

supervise their appropriation and allotment to those diverting the same for beneficial use. All rights to the use of ground water in this state however acquired before the effective date of this act are hereby in all respects validated and confirmed.

SECTION 2. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. — The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be in any way affected by this act; providing such wells and withdrawal devices are subject to inspection by the department of reclamation and the department of public health. Rights to ground water for such domestic purposes may be acquired by withdrawal and use.

SECTION 3. DRILLING AND USE OF WELLS FOR DRAINAGE PURPOSES EXCEPTED. — The excavation and opening of wells and the withdrawal of water therefrom for the sole purpose of improving or preserving the utility of lands by draining them shall not be forbidden or governed by this act, and, likewise, there shall be excepted from the provisions of this act the excavation and opening of wells and withdrawal of water therefrom by canal companies, irrigation districts, and other owners of irrigation works for the sole purpose of recovering ground water resulting from irrigation under such irrigation works for further use on or drainage of lands to which the established water rights of the parties constructing the wells are appurtenant.

SECTION 4. METHODS OF APPROPRIATION. — The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of diversion and application to beneficial use or by means of the application permit and license procedure in this act provided. All proceedings commenced prior to the effective date of this act for the acquisition of rights to the use of ground water under the provisions of chapter 2 of title 42, Idaho Code, may be completed under the provisions of said chapter 2 and rights to the use of ground water may be thereby acquired. But the administration of all rights to the use of ground water, whenever or however acquired or to be acquired, shall, unless specifically excepted therefrom, be governed by the provisions of this act.

SECTION 5. DEFINITIONS:

(a) "Ground water" is all water under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(b) "Well" is an artificial excavation or opening in the ground by which ground water is sought or obtained.

(c) "Well Driller" is any person or group of persons who excavate or open a well or wells for compensation or otherwise upon the land of the well driller or upon other land.

(d) "Domestic Purposes" is water for household use and livestock, and water used for all other purposes not in excess of 13,000 gallons per day.

(e) "Water Right" is the legal right, however acquired, to the use of water for beneficial purposes.

L. '51 c. 200 Sec. 6 Amended L. '53 c. 182 Sec. 2, p. 279

SECTION 6. DUTIES OF THE STATE RECLAMATION ENGINEER. — In addition to other duties prescribed by law, it shall be the duty of the state reclamation engineer to conduct investigations, surveys and studies relative to the extent, nature and location of the ground water resources of this state; and to this end, the state reclamation engineer may, on behalf of the state of Idaho enter into cooperative investigations, researches, and studies with any agency or department of the government of the United States, or any other state or public authority of this state, or private agencies or individuals.

L. '51 c. 200 Sec. 7 Amended L. '53 c. 182 Sec. 3, p. 27

SECTION 7. APPLICATION TO APPROPRIATE GROUND WATER. — For the purpose of establishing by direct means the priority right to withdrawal and use of ground water, any person desiring to acquire the right to the beneficial use of ground water pursuant to this act may make application to the department of reclamation for a permit to make such appropriation. Such application shall set forth:

1. The name and postoffice address of the applicant.
2. The source, location and description of the water supply in so far as the same is known to the applicant.
3. The nature of the proposed use.
4. The location and description of the proposed well and ditch or other work, if any, and the amount or flow of water to be diverted and used.
5. The estimated time within which such well and ditch, or other work, if any, will be completed and the water withdrawn and applied to use.
6. In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of

land proposed to be irrigated, with the total acreage to be reclaimed as near as may be ascertained.

When any such application is made, the department of reclamation shall charge and collect from the applicant the fee provided for in Section 42-202, Idaho Code. All moneys received by the department of reclamation under the provisions of this act shall be deposited with the state treasurer, and such sums as may be necessary shall be available for the payment of the expenses of the department of reclamation incurred in carrying out the provisions of this act.

·1 c. 200 3 nded 43 c. 182 4, p. 280

SECTION 8. EXAMINATION OF APPLICATION. — On receipt of application for permit to appropriate ground waters, it shall be the duty of the state reclamation engineer to make endorsement thereon of the date and hour of its receipt and to make a record of such receipt in some suitable book in his office. It shall be the duty of the state reclamation engineer to examine said application and ascertain if it is in due form, as above required. If, upon such examination the application is found defective, it shall be the duty of the state reclamation engineer to return the same for correction within thirty days from receipt of the application, and the date of such return with the reason therefor shall be endorsed on the application and a record made thereof in a book kept for recording the receipt of such applications. A like record shall be kept of the date of the return of corrected applications, but such corrected applications shall be returned to the state reclamation engineer within a period of sixty days from the date endorsed thereon by the state reclamation engineer; and if any such application be returned after such period of sixty days, such corrected application shall be treated in all respects as an original application. All applications which shall comply with the provisions of this act and with the regulations of the department of reclamation shall be numbered consecutively and shall be recorded in a suitable book kept for that purpose.

c. 200 Secs. 10

c. 182 , p. 281

c. 200

ed and bered c. 182 p. 283

SECTION 9. TIME FOR COMPLETION OF WORK— PERMIT — CANCELLATION OF PERMIT. — Upon receipt of an application in due form as herein provided, the state reclamation engineer shall determine the time reasonably required to complete the proposed well and other works and apply such water to such proposed use which time, however, shall not be less than two years nor more than five years from the date of the permit; he shall then issue a permit pursuant to such application. The permit so issued by the state reclamation engineer shall be in a form prescribed by him and shall contain (1) the name and postoffice address of the applicant; (2) the location and description of the proposed well; (3) the amount of flow or water to be diverted and used; (4) a description of the premises on which such water shall be used; and (5) the period of time within which such well shall be completed and such water applied to such use; provided that upon application by the permittee the state reclamation engineer may for good cause shown extend the time for such completion and application to use, but no such extension shall be for a period longer than five years.

If the work is not completed or the water applied to beneficial use as contemplated in the permit, the state reclamation engineer shall, thirty (30) days after the time limited therefor in the permit has expired, give notice by registered mail to the permittee at the address shown on his application, that unless the permittee appears within sixty (60) days after the mailing of such notice and shows the state reclamation engineer good cause why such permit shall not be canceled, then such permit will be canceled. Upon default of the permittee after such notice, or upon failure of the permittee to show good cause in accordance with said notice, the state reclamation engineer shall cancel such permit.

L. '51 c. 200 Sec. 10, 11 and 12 renumbered L. '53 c. 182 Sec. 7, p. 284

SECTION 10. PROOF OF COMPLETION OF WORKS AND APPLICATION TO BENEFICIAL USE. — Within thirty days after the expiration of the time limited in any permit issued under this section or at any time before such expiration, the permittee may give notice to the state reclamation engineer that he is prepared to prove that he has completed construction of his works and applied ground water to beneficial use in the manner contemplated by the permit. Such notice shall also state:

1. The name and postoffice address of the permittee.

2. The description of the well and other works, if any, constructed.

3. The amount of ground water that has been used.

4. The place and nature of such use, and if for irrigation, the description by legal subdivisions of the land so irrigated.

5. The date of priority which the permittee is prepared to establish. Such notice and such written proof as may be required to be submitted by such permittee shall be upon forms furnished by the state reclamation engineer and such statements shall be sworn to by the permittee and be supported by the affidavits of two disinterested witnesses.

Upon receipt of such notice the state reclamation engineer shall order its publication and conduct hearing on the same according to the procedure set forth in Section 42-217, Idaho Code.

SECTION 11. FORM AND EFFECT OF LICENSE. — The form and effect of the license confirming the right to use ground water under this act and the priority of such right shall be governed by the provisions of Sections 42-219 and 42-220, Idaho Code; provided, however, that no license shall issue pursuant to any permit which has been by the state reclamation engineer canceled in accordance with the provisions of this act.

SECTION 12. ABANDONMENT WATER RIGHT — CHANGE OF POINT OF DIVERSION AND PLACE OF USE. — The provisions relating to loss of water rights by nonuse and abandonment, as set forth in Section 42-222, Idaho Code, shall apply to ground water rights. The provisions of Section 42-222, Idaho Code, relating to change of point of diversion and change of place of use of water, shall be applicable to waters accruing from water rights, provided, that the withdrawal of waters from the same ground water supply at another location in lieu of withdrawal at the original location shall be considered a change of point of diversion.

c. 200
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ded and
mbered
c. 182
. p. 289

SECTION 13. LOGS OF WELL DRILLERS. — The business and activity of opening and excavating wells is hereby declared to be a business and activity affecting the public interest in the ground water resources of the state, and every well driller is hereby required to keep a log of each well that may hereafter be excavated or opened by him and to furnish a copy of such log, duly verified, under oath, to the state reclamation engineer within thirty days following the completion of such well. Said logs shall become a permanent record in the office of the state reclamation engineer and be there available for public inspection. Said logs shall be upon forms prescribed by the state reclamation engineer and shall show:

(a) The location of the well with reference to legal subdivisions;

(b) The kind and nature of material in each stratum penetrated, and each change of formation with at least one entry for each ten foot vertical interval, and the time required to penetrate such interval;

(c) The name and address of the well driller and date of commencing drilling and date completed;

(d) The size and depth of the well and location of water bearing acquifers;

(e) The size and type of casing and where placed in the well including number and location of perforations;

(f) The flow in cubic feet per second or gallons per minute in flowing well, and the shut in pressure in pounds per square inch;

(g) The static water level with reference to the land surface, and the drawdown with respect to the amount of water pumped per minute, when a pump test is made;

(h) The temperature of waters encountered, and other information as may be requested by the state reclamation engineer.

SECTION 14. REPEAL OF CONFLICTING LAWS.—All laws, acts, and parts of laws and acts of the state of Idaho in conflict in whole or in part with the provisions of this act, in so far as such conflict exists, are hereby repealed.

L. '51 c. 200
Sec. 14-16
Renumbered
L. '53 c. 182
Sec. 11, p. 29

SECTION 15. INTERPRETATION. — The executive and judicial departments of the state shall construe the provisions of this act, wherever possible in harmony with the provisions of title 42, Idaho Code, as amended; and nothing herein shall be construed contrary to or in conflict with the provisions of Article XV of the constitution; and except where otherwise provided in this act, the provisions of said Title 42, Idaho Code, as amended, shall continue to govern ground water rights in this state.

SECTION 16. SAVING CLAUSE. — If any part or parts of this act shall be adjudged by the courts to be unconstitutional or invalid, the same shall not affect the validity of any part or parts thereof which can be given effect without the part or parts adjudged to be unconstitutional or invalid. The legislature hereby declares that it would have passed the remaining parts of this act if it had been known that such other part or parts thereof would be declared unconstitutional or invalid.

L. '51 c. 200
New Sec. 27
Added
L. '53 c. 182
Sec. 12, p. 291

L. '51 c. 200
New Secs.
Added
15-21
L. '53 c. 18
Sec. 8, p. 28
Sec. 23 adde
L. '53 c. 182
Sec. 10, p. 2

Approved March 19, 1951.

CHAPTER 201

(S. B. No. 132)
(As Amended)

AN ACT

AMENDING SECTION 25-1502 OF THE IDAHO CODE PROVIDING RAILROAD TRANSPORTATION OF CATTLE, HORSES

EXHIBIT G

G

employer or individual in his service a priority with respect to any claim or right because of amounts paid by such covered employer into the employment security fund.

(d) * * * *If on or after March 31, 1953, the organization, trade or business, including the entire employing enterprise and all its incidents for all purposes of the unemployment compensation law, of any covered employer is by purchase or otherwise transferred to an employer, whether or not such acquiring employer was an employer within the meaning of section 20 of said chapter, as amended, prior to such acquisition, the employer to which the transfer is made may assume the position of such employer with respect to such employer's experience, payrolls and otherwise the same as if there had been no change in ownership and shall be required to assume and continue the experience of such employer pursuant to the provisions of this section, provided, however, no employer to which the organization trade or business of an employer has been transferred shall be entitled to a rate of contributions of less than two and seven tenths per cent until such employer based upon its experience and the experience of the organization, trade or business transferred would be entitled under the provisions of the Federal Unemployment Tax Act to additional tax credit offset for good experience under this act.*

(e) Each employer shall be notified of his rate of contribution as determined for any calendar year pursuant to this section. Such determination shall become conclusive and binding upon the employer unless, within fourteen days after delivery or mailing of the notice thereof to his last known address, the employer files an application for redetermination setting forth his reasons therefor. Reconsideration shall be limited to transactions occurring subsequent to any previous determination which has become final in accordance with the provisions of this or previous acts. The employer shall, after notice and opportunity for hearing, be promptly notified of the redetermination which shall become final unless within thirty days after delivery or mailing of notice thereof to his last known address an appeal is filed with the board. A decision of the board in the absence of fraud shall be final and conclusive unless within thirty days after the mailing of notice thereof to his last known address an appeal is filed with the Supreme Court. In any proceedings under this section, the findings of the board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to questions of law.

EXHIBIT G

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1953.

CHAPTER 181
(S. B. No. 75)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND OF THE STATE OF IDAHO FOR THE STATE SCHOOL FOR THE DEAF AND BLIND, FOR SALARIES, WAGES AND OTHER EXPENSES, FOR THE PERIOD COMMENCING JULY 1, 1953, AND ENDING JUNE 30, 1955; AND SUBJECT TO THE PROVISIONS OF THE STANDARD APPROPRIATIONS ACT OF 1945.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the General Fund of the State of Idaho to the State School for the Deaf and Blind, for the purpose of paying salaries, wages and other expenses of said institution, for the period commencing July 1, 1953, and ending June 30, 1955, the sum of $565,444.00, or so much thereof as may be necessary.

SECTION 2. The appropriations herein made are subject to the provisions of the Standard Appropriations Act of 1945.

Approved March 12, 1953.

CHAPTER 182
(S. B. No. 141)

AN ACT

RELATING TO THE UNDERGROUND WATER RESOURCES OF THE STATE OF IDAHO; AMENDING SECTIONS 1 to 16, INCLUSIVE, OF CHAPTER 200 OF THE 1951 SESSION LAWS OF THE STATE OF IDAHO, REGULAR SESSION, AND ADDING NEW SECTIONS THERETO NUMBERED AS FOLLOWS: SECTION 9, 10, 15, 16, 17, 18, 19, 20, 21, 23, AND 27

AND CHANGING THE NUMBERS OF SECTIONS AS FOLLOWS: 9 TO 11, 10 TO 12, 11 TO 13, 12 TO 14, 13 TO 22, 14 TO 24, 15 TO 25, AND 16 TO 26; DECLARING THE POLICY OF THIS ACT; PROVIDING FOR THE ISSUING AND PUBLISHING OF NOTICE OF APPLICATION TO APPROPRIATE GROUND WATER, AND FOR PROTEST AND HEARING THEREON IN CRITICAL GROUND WATER AREAS; PRESCRIBING DUTIES AND POWERS OF THE STATE RECLAMATION ENGINEER WITH RESPECT TO GROUND WATERS; PROVIDING A PROCEDURE FOR THE ADMINISTRATIVE DETERMINATION OF ADVERSE CLAIMS BY THE CREATION OF LOCAL GROUND WATER BOARDS, FOR A HEARING AND DETERMINATION OF SUCH BOARDS, AND GIVING SUCH BOARDS AUTHORITY TO MAKE APPROPRIATE ORDERS ON SUCH ADVERSE CLAIMS, AND MAKING VIOLATIONS OF SUCH ORDERS MISDEMEANORS; PROVIDING FOR APPEALS TO DISTRICT COURT FROM DECISIONS OF STATE RECLAMATION ENGINEER AND LOCAL GROUND WATER BOARDS AND APPEALS FROM DECISIONS OF THE DISTRICT COURT TO THE SUPREME COURT; PROVIDING THAT PROVISIONS OF CHAPTER 14 OF TITLE 42, RELATIVE TO ADJUDICATION OF WATER RIGHTS SHALL BE APPLICABLE TO WATER RIGHTS ACQUIRED UNDER THIS ACT; PROVIDING VIOLATIONS OF THIS ACT SHALL CONSTITUTE MISDEMEANORS, AND CREATING A GROUND WATER ADMINISTRATION FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended to read as follows:

Section 1. GROUND WATERS ARE PUBLIC WATERS.—It is hereby declared that the traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined * *: and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources, but early appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the state reclamation engineer as herein provided.* All ground waters in this state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same for beneficial use. All rights to the use of ground water in this state however acquired before the effective date of this act are hereby in all respects validated and confirmed.

SECTION 2. That Section 6, Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended to read as follows:

Section 6. DUTIES OF THE STATE RECLAMATION ENGINEER.—In addition to other duties prescribed by law, it shall be the duty of the state reclamation engineer to conduct investigations, surveys and studies relative to the extent, nature and location of the ground water resources of this state; and to this end, the state reclamation engineer may, on behalf of the state of Idaho enter into cooperative investigations, researches, and studies with any agency or department of the government of the United States, or any other state or public authority of this state, or private agencies or individuals. *It shall likewise be the duty of the state reclamation engineer to control the appropriation and use of the ground water of this state as in this act provided and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of groundwater resources contrary to the public policy expressed in this act.*

SECTION 3. That Section 7, Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended to read as follows:

Section 7. APPLICATION TO APPROPRIATE GROUND WATER.—For the purpose of establishing by direct means the priority right to withdrawal and use of ground water, any person desiring to acquire the right to the beneficial use of ground water pursuant to this act may make application to the department of reclamation for a permit to make such appropriation. Such application shall set forth:

1. The name and postoffice address of the applicant.

2. The source, location and description of the water supply in so far as the same is known to the applicant.

3. The nature of the proposed use.

4. The location and description of the proposed well and ditch or other work, if any, and the amount or flow of water to be diverted and used.

5. The estimated time within which such well and ditch, or other work, if any, will be completed and the water withdrawn and applied to use.

6. In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of land proposed to be irrigated, with the total acreage to be reclaimed as near as may be ascertained.

When any such application is made, the department of reclamation shall charge and collect from the applicant the fee provided for in section 42-202 * * *.

SECTION 4. That Section 8, Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended to read as follows:

Section 8. EXAMINATION OF APPLICATION.—On receipt of application for permit to appropriate groundwaters, it shall be the duty of the state reclamation engineer to make endorsement thereon of the date and hour of its receipt and to make a record of such receipt in some suitable book in his office. It shall be the duty of the state reclamation engineer to examine said application and ascertain if it is in due form, as above required. If, upon such examination the application is found defective, it shall be the duty of the state reclamation engineer to return the same for correction within thirty days from receipt of the application, and the date of such return with the reason therefor shall be endorsed on the application and a record made thereof in a book kept for recording the receipt of such applications. A like record shall be kept of the date of the return of corrected applications, but such corrected application shall be returned to the state reclamation engineer within a period of sixty days from the date endorsed thereon by the state reclamation engineer; and if such application be returned after such period of sixty days, such corrected application shall be treated in all respects as an original application. All applications which shall comply with the provisions of this act and with the regulations of the department of reclamation shall be numbered consecutively and shall be recorded in a suitable book kept for that purpose. *After an application has been duly filed with the state reclamation engineer, as in this act provided, it shall be the duty of the state reclamation engineer to make such further investigation as he may deem necessary to determine whether ground water subject to appropration exists in the location or locations described in the application; and the state reclamation engineer may also require from the applicant such additional information as he, the state reclamation engineer, deems reasonably necessary to enable him to act upon the application.*

SECTION 5. That Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by adding two new sections, numbered 9 and 10 to read as follows:

Section 9. NOTICE OF APPLICATION.—Within a period of ten days after the filing of any application for permit with the state reclamation engineer, as herein provided, the state reclamation engineer in a critical ground water area, as hereinafter defined in this section, shall issue a notice of such application stating the name of the applicant, the location of the well or wells, the amount of the flow of water proposed to be used, and the description of the premises upon which the water is proposed to be used. Such notice shall also state that all persons having an interest in the critical ground water area desiring to oppose the issuance of a permit pursuant to such application, must within a period of thirty days from the first publication of such notice file in the office of the state reclamation engineer a protest to such application. A copy of the notice shall be furnished to the applicant, who shall cause the same to be published in a newspaper published in the county where the well described in said application is proposed to be located; or if no newspaper is published in such county, then in a newspaper of general circulation in such county. Publication of such notice shall be made two times, once each week for two consecutive weeks, and proof of such publication shall be furnished by the applicant to the state reclamation engineer. "Critical ground water area" means any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands in the basin at the then current rates of withdrawal, as may be determined, from time to time, by the State Reclamation Engineer.

In the event the application for permit is made with respect to an area that has not been designated as a critical ground water area the State Reclamation Engineer shall forthwith issue a permit in accordance with the provisions of Section 11 without requiring compliance with the provisions of the preceding paragraph of this section or the provisions of Section 10.

Section 10. PROTEST AND HEARING.—All persons desiring to be heard in protest of the granting of a permit

pursuant to an application made under this act must file with the state reclamation engineer within thirty days after the first publication of the notice of such application as hereinabove provided, a protest against such application; provided, that for good cause shown, the state reclamation engineer may permit protests to be filed any time prior to the completion of the hearing on such application. After the lapse of thirty days following the first publication as hereinabove provided, the state reclamation engineer shall, if any protests against the application have been filed, fix a time and place for the hearing of such application. The time for holding such hearing shall not be more than fifty days from the first publication of said notice. Notice of the hearing shall be given by registered mail to the applicant and to all protestants.

The hearing shall be conducted before the state reclamation engineer under reasonable rules and regulations of procedure promulgated by him. Technical rules of pleading and evidence need not be applied. The state reclamation engineer may adjourn said hearing from time to time and place to place within the reasonable exercise of his discretion. All parties to the hearing as well as the state reclamation engineer shall have the right to subpoena witnesses, who shall testify under oath at such hearing. The state reclamation engineer shall have authority to administer oath to such witnesses as appear before him to give testimony. A full and complete record of all proceedings had before the state reclamation engineer on any hearing had and all testimony shall be taken down by a reporter appointed by the state reclamation engineer and all parties to the hearing shall be entitled to be heard in person or by attorney.

If no person protests an application within the period of thirty days following the first publication of notice thereof as hereinabove provided, and if the state reclamation engineer has determined from investigation that there probably is ground water subject to appropriation at the location of the proposed well, the state reclamation engineer may issue a permit pursuant to such application forthwith and for an amount of water not to exceed the amount of water determined to be there subject to appropriation; but if the state reclamation engineer, from the investigation made by him on said application as herein provided or from other information that has come officially to his attention has reason to believe that said application is not made in good faith, is made for delay, or that there is not water subject to appropriation at the location of the proposed well in said application described, then the state reclamation engineer shall issue a citation to the applicant to appear and show cause, if any there be, why such application should not be denied for any of those reasons. The hearing on said citation shall be fixed, noticed and conducted in the same manner as hearings on protest of application as in this section hereinabove provided.

If, at the conclusion of any hearing held pursuant to this section the state reclamation engineer finds that there is ground water available for appropriation at the location of the proposed well described in the application, and that said application is made in good faith and not for delay, then the state reclamation engineer shall issue a permit pursuant to such application; otherwise, the application shall be denied; provided, however, that if ground water at such location is available in a lesser amount than that applied for, the state reclamation engineer may issue a permit for the use of such water to the extent that such water is available for appropriation.

SECTION 6. That Section 9, Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by changing the section number from 9 to 11, and to read as follows:

Section * *11.* TIME FOR COMPLETION OF WORK — PERMIT — CANCELLATION OF PERMIT.—* * *

Whenever the state reclamation engineer determines that a permit shall issue pursuant to an application to appropriate ground water as made in this act, he shall determine the time reasonably required to complete the proposed well and other works and apply such water to such proposed use which time, however, shall not be less than two years nor more than five years from the date of the permit; he shall then issue a permit pursuant to such application. The permit so issued by the state reclamation engineer shall be in a form prescribed by him and shall contain (1) the name and postoffice address of the applicant; (2) the location and description of the proposed well; (3) the amount of flow or water to be diverted and used; (4) a description of the premises on which such water shall be used; and (5) the period of time within which such well shall be completed and such water applied to such use; provided that upon application by the permittee the state reclamation engineer may for good cause shown extend the time for such completion and application to use, but no such extension shall be for a period longer than five years.

If the work is not completed or the water applied to beneficial use as contemplated in the permit, the state reclamation engineer shall, thirty (30) days after the time limited therefor in the permit has expired, give notice by registered mail to the permittee at the address shown on his application, that unless the permittee appears within sixty (60) days after the mailing of such notice and shows the state reclamation engineer good cause why such permit shall not be canceled, then such permit will be canceled. Upon default of the permittee after such notice, or upon failure of the permittee to show good cause in accordance with said notice, the state reclamation engineer shall cancel such permit.

SECTION 7. That Sections 10, 11 and 12 of Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same are hereby amended by changing said section numbers from 10, 11, and 12, to 12, 13, and 14, respectively.

SECTION 8. That Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by adding new sections, numbered 15, 16, 17, 18, 19, 20, and 21 as follows:

Section 15. POWERS OF THE STATE RECLAMATION ENGINEER.—In the administration and enforcement of this act and in the effectuation of the policy of this state to conserve its ground water resources, the state reclamation engineer is empowered:

a. To require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use.

b. To require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves or pumps either above or above or below the land surface.

c. To prescribe uniform standard measuring devices for the scientific measurement of water levels in and waters withdrawn from wells.

d. To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, fittings and measuring devices, including wells used or claimed to be used for domestic purposes.

e. To order the cessation of use of a well pending the correction of any defect that the state reclamation engineer has ordered corrected.

f. To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears to the state reclamation engineer that the determination of such action or proceeding might result in depletion of the ground water resources of the state contrary to the public policy expressed in this act.

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the state reclamation engineer in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

In connection with his supervision and control of the exercise of ground water rights the state reclamation engineer shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district; and whenever it is determined that the ground water in an area having a common ground water supply does not affect the flow of water in any stream in an organized water district, to incorporate such area in a separate water district to be created in the same manner provided for in Section 42-604 of Title 42, Idaho Code. The administration of the water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of Title 42, Idaho

Code, as the same have been or may hereafter be amended, except that in the administration of ground water rights either the state reclamation engineer or the watermaster in a water district or the state reclamation engineer outside of a water district shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further withdrawals of water under such right as hereinabove provided, and post a copy of said order at the place where such water is withdrawn; provided, that land, not irrigated with underground water, shall not be subject to any allotment, charge, assessment, levy, or budget for, or in connection with, the distribution or delivery of water.

Section 16. ADMINISTRATIVE DETERMINATION OF ADVERSE CLAIMS.—Whenever any person owning or claiming the right to the use of any surface or ground water right believes that the use of such right is being adversely affected by one or more user of ground water rights of later priority, or whenever any person owning or having the right to use a ground water right believes that the use of such right is being adversely affected by another's use of any other water right which is of later priority, such person, as claimant, may make a written statement under oath of such claim to the state reclamation engineer.

Such statement shall include:

1. The name and post office address of the claimant.

2. A description of the water right claimed by the claimant, with amount of water, date of priority, mode of acquisition, and place of use of said right. If said right is for irrigation, a legal description of the lands to which such right is appurtenant.

3. A similar description of the respondent's water right so far as is known to the claimant.

4. A detailed statement in concise language of the facts upon which the claimant founds his belief that the use of his right is being adversely affected.

Upon receipt of such statement, if the state reclamation engineer deems the statement sufficient and meets the above requirements, the state reclamation engineer shall issue a notice setting the matter for hearing before a local ground water board, constituted and formed as in this act provided. The person or persons against whom such claim is directed and who are asserted to be interfering with the claimant's rights shall in such proceedings be known as respondents.

The notice shall be returned to the claimant who shall cause the same to be served upon the respondent together with a copy of the statement. Such service shall be made at least five days before the time fixed for hearing and in the same manner that service of summons is made in a civil action. Proof of service of notice shall be made to the state reclamation engineer by the claimant at least two days before the hearing.

Section 17. HEARING AND ORDER.—Hearing on the statement and any answer filed by the respondent shall be had in the county for which such local ground water board was appointed. The hearing shall be conducted before the board under reasonable rules and regulations of procedure prescribed by the state reclamation engineer. All parties to the hearing as well as the board itself shall have the right to subpoena witnesses who shall be sworn by the board and testify under oath at the hearing. All parties to the hearing shall be entitled to be heard in person or by attorney. Upon such hearing the board shall have authority to determine the existence and nature of the respective water rights claimed by the parties and whether the use of the junior right affects, contrary to the declared policy of this act, the use of the senior right. If the board finds that the use of any junior right or rights so affect the use of senior rights, it may order the holders of the junior right or rights to cease using their right during such period or periods as the board may determine and may provide such cessation shall be either in whole or in part or under such conditions for the repayment of water to senior right holders as the board may determine. Any person violating such an order made hereunder shall be guilty of a misdemeanor.

Section 18. LOCAL GROUND WATER BOARDS.—Whenever a written statement of claim as provided in Section 16 hereof is filed with the state reclamation engineer, if the statement of the claimant is deemed sufficient by the state reclamation engineer and meets the requirements of Section 16 of this act, the said state reclamation engineer shall forthwith proceed to form a local ground water board for the purpose of hearing such claim. The said local ground water board shall consist of the state reclamation engineer, and a person who is a qualified engineer or geologist, appointed by the District Judge of the judicial district which includes the county in which the well of respondent, or one of the respondents if there be more than one, is located, and a third member to be appointed by the other two, who shall be a resident irrigation farmer of the county in which the well of respondent, or one of the respondents if there

more than one, is located. None of such members shall be persons owning or claiming water right which may be affected by such claim, nor members of the board of directors of any irrigation district or canal company owning or claiming water rights affected by such claims. No employee of the state of Idaho other than said state reclamation engineer is eligible for appointment to a ground water board. Members of the board shall hold office until the board has finally disposed of the claim which it was appointed to hear. Such members shall serve without pay except that members other than the state reclamation engineer shall receive per diem of $25.00 together with reimbursement of expenses actually incurred during the time actually spent in the performance of official duties, such per diem and expenses to be paid from the ground water administration fund hereinafter created. Whenever such a local ground water board is needed to be formed in any county, the state reclamation engineer shall give notice of that fact to the District Judge of the judicial district which includes the county in which the well of respondents, or one of the respondents if there be more than one, is located, and thereupon such judge shall appoint a person to be a member of such board. Upon qualification by such member, the third member shall be selected. The state reclamation engineer shall be the chairman of the board and custodian of all its records. He may be represented at any board meeting by a duly appointed, qualified and acting deputy state reclamation engineer.

Section 19. APPEALS FROM ACTIONS OF THE STATE RECLAMATION ENGINEER.—Any person dissatisfied with any decision, determination, order or action of the state reclamation engineer, water master, or of any local ground water board made pursuant to this act may within sixty (60) days notice thereof take an appeal therefrom to the District Court for any county in which the ground water concerned therein may be situated. Appeal shall be taken by serving a notice of appeal upon the state reclamation engineer, together with a statement describing the decision, determination, order or action appealed from and setting forth the reasons why the same was erroneous. An appeal as referred to in this section stays the execution of, or any proceeding to enforce, the order, decision, determination, or action of the state reclamation engineer, water master, or local ground water board. Whenever the decision, determination, order or action of the state reclamation engineer appealed from was made pursuant to a hearing before the state reclamation engineer to which the appellant was a party or at which the appellant had a right to be heard, the state reclamation engineer shall, upon receipt of service of notice of appeal, transmit to the District Court a certified transcript of the proceedings and the evidence received at such hearing and the evidence taken at such hearing may be considered by the District Court. The District Court shall try the same anew at the hearing on the appeal. Appeal to the Supreme Court from the final judgment rendered by the District Court pursuant to this Section may be taken within the same time and in the same manner as appeals from final judgments in cases commenced in the District Court are taken to the Supreme Court.

Section 20. ADJUDICATION OF WATER RIGHT.—The provisions of Chapter 14 of Title 42, Idaho Code, relative to adjudication of water rights shall be applicable to all water rights acquired under this Act.

Section 21. PENALTIES.—Any person violating any provision of this act shall be guilty of a misdemeanor and any continuing violation shall constitute a separate offense for each day during which such violation occurs, but nothing in this section or in the pendency or completion of any criminal action for enforcement hereof shall be construed to prevent the institution of any civil action for injunctive or other relief for the enforcement of this act or the protection of rights to the lawful use of water.

SECTION 9. That Section 13 of Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by changing the section number from 13 to 22 and to read as follows:

Section * *22.* LOGS OF WELL DRILLERS.—The business and activity of opening and excavating wells is hereby declared to be a business and activity affecting the public interest in the ground water resources of the state, and *in order to enable a survey of the extent thereof* every well driller is hereby required to keep a log of each well that may hereafter be excavated or opened by him *in Idaho including wells excepted under Sections 42-227 and 42-228, Idaho Code,* and to furnish a copy of such log, duly * * * *signed,* to the state reclamation engineer within thirty days following the completion of such well. Said logs shall become a permanent record in the office of the state reclamation engineer *for geological analysis and research* and be there available for public inspection. Said logs shall be upon forms *furnished* by the state reclamation engineer and shall show:

(a) The location of a well with reference to legal subdivisions;

(b) The kind and nature of material in each stratum penetrated, and each change of formation with at least one entry for each ten foot vertical interval, and the time required to penetrate such interval;

(c) The name and address of the well driller and date of commencing drilling and date completed;

(d) The size and depth of the well and location of water bearing aquifers;

(e) The size and type of casing and where placed in the well including number and location of perforations;

(f) The flow in cubic feet per second or gallons per minute in flowing well, and the shut in pressure in pounds per square inch;

(g) The static water level with reference to the land surface, and the drawdown with respect to the amount of water pumped per minute, when a pump test is made;

(h) The temperature of waters encountered, and other information as may be requested by the state reclamation engineer *;

(i) As a part of said log the well driller upon request of the state reclamation engineer shall furnish samples of each change of formation below the surface, and containers and cartage therefor shall be furnished by said state reclamation engineer.

Every well driller before lawful drilling of a well for development of water, shall, from and after July 1, 1953, under penalty of misdemeanor for failure to so comply obtain a license from the state reclamation engineer which shall be issued by and in the form prescribed by the said state reclamation engineer upon payment of $10.00 license fee, which license expires each year on June 30th, and is renewable by payment of a $5.00 renewal fee. Said licenses are not transferrable and may be revoked or renewal refused by said state reclamation engineer if it appears that the requirements of this section have not been complied with. Revocation or refusal to renew a well driller's license shall be determined by said state reclamation engineer only after fifteen days' notice setting forth reasons therefor, has been sent by registered mail to the licensed well driller.

SECTION 10. That Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by adding a new section numbered 23 and to read as follows:

Section 23. GROUND WATER ADMINISTRATION FUND.—There is hereby created in the State Treasury a special fund known as the Ground Water Administration Fund. All fees collected by the state reclamation engineer pursuant to Sections 7 and 22 of this act shall be placed in said special fund. All moneys received by said special fund are hereby appropriated for the purpose of the administration of this Act, and no moneys received in said special fund shall be disbursed by the State Treasurer unless the voucher for such disbursement contains the certificate of the state reclamation engineer that such voucher is for an expense incurred in the administration of this Act.

SECTION 11. That Sections 14, 15, and 16 of Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same are hereby amended by changing the section numbers from 14, 15, and 16 to 24, 25, and 26, respectively.

SECTION 12. That Chapter 200 of the 1951 Session Laws of the State of Idaho, Regular Session, be and the same is hereby amended by adding a new section numbered 27 to read as follows:

Section 27. All proceedings commenced prior to the effective date of this act for the acquisition of rights to the use of ground water may be so commenced and such rights may be acquired and perfected under Chapter 2 of Title 42, Idaho Code, unaffected by this act or by Chapter 200, Laws of 1951.

Approved March 12, 1953.

CHAPTER 183

(S. B. No. 157)

S.L. '53 Ch. 183 Repealed L. '55, Sec. 7, p. 7 Dredge Initiative

AN ACT

DECLARING IDAHO POLICY TO PROTECT ITS LANDS, STREAMS AND WATER COURSES; DEFINING DREDGE MINING; REQUIRING THE GROUND DISTURBED BY DREDGE MINING BE LEVELLED OVER AND WATER COURSES RESTORED; REQUIRING THAT SETTLING PONDS BE CONSTRUCTED; PROVIDING FOR THE INSPECTOR OF MINES FOR THE STATE OF IDAHO AS THE ADMINIS-

EXHIBIT H

H

the department a bond in an amount to be fixed by the department, not exceeding $10,000, in form and sufficiency of sureties to be approved by the department, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit; the amount of the bond to be fixed by the department within the limits hereinbefore prescribed.

The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect from and after its passage and approval.

Approved March 25, 1963.

CHAPTER 215
(S. B. No. 229)

AN ACT

AMENDING SECTION 23-903, IDAHO CODE, AS AMENDED, RELATING TO THE ISSUANCE OF RETAIL LIQUOR LICENSES, BY PROVIDING THAT POPULATION DETERMINATIONS MAY BE BASED UPON ANY SUBSEQUENT SPECIAL CENSUS MADE BY THE UNITED STATES BUREAU OF THE CENSUS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-903, Idaho Code, as amended, be, and the same hereby is amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. — The commissioner of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the said commissioner and the provisions of this act. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city or village except as provided in this act

EXHIBIT H

and the number of licenses so issued for any city or village shall not exceed one license for each 1,500 of population of said city or village, or fraction thereof, as established in the last preceding census~~,~~ *or any subsequent special census conducted by the United States Bureau of the Census*, except that upon proper application thereof not more than two licenses may be issued for each incorporated city or village with a population of 1,500 or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population of the city or village for which such license is issued. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course, or to the lessee of any premises situate thereon, no part of which said golf course or the premises thereon is situate within the incorporated limits of any city or village. For the purpose of this section a golf course shall comprise real property of not less than forty contiguous acres in area, laid out and improved as an actual, bona fide golf course, and which is regularly used for the playing of the game of golf, and having not less than nine tees, fairways and greens laid out and used in the usual and regular manner of a golf course, including buildings and other improvements thereon. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910 shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Not more than one licensed premises shall be permitted on any golf course or within the area comprising the same.

Approved March 25, 1963.

CHAPTER 216
(S. B. No. 232)

AN ACT

RELATING TO APPROPRIATION OF GROUND WATER; AMEND-

ING SECTION 42-229, IDAHO CODE, PROVIDING METHOD OF APPROPRIATION; AMENDING SECTION 42-233a, IDAHO CODE, DEFINING CRITICAL GROUND WATER AREA AND AUTHORITY OF STATE RECLAMATION ENGINEER TO GRANT OR DENY APPLICATIONS FOR PERMITS; AMENDING SECTION 42-237g, IDAHO CODE, PROVIDING PENALTIES; REPEALING SECTION 42-233b, IDAHO CODE, RELATING TO PROTEST AND HEARING; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-229, Idaho Code, be, and the same is hereby amended to read as follows:

42-229. METHODS OF APPROPRIATION.—The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected ~~by means of diversion and application to beneficial use or~~ by means of the application permit and license procedure *as provided* in this act ~~provided~~; *provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation.* All proceedings commenced prior to the effective date of this act for the acquisition of rights to the use of ground water under the provisions of Sections 42-201—42-225, *Idaho Code,* may be completed under the provisions of said sections and rights to the use of ground water may be thereby acquired. But the administration of all rights to the use of ground water, whenever or however acquired or to be acquired, shall, unless specifically excepted herefrom, be governed by the provisions of this act.

SECTION 2. That Section 42-233a, Idaho Code, be, and the same is hereby amended to read as follows:

42-233a. ~~NOTICE OF APPLICATION. Within a period of ten days after the filing of any application for permit with the state reclamation engineer, as herein provided, the state reclamation engineer in a critical ground water area, as hereinafter defined in this section, shall issue a notice of such application stating the name of the applicant, the location of the well or wells, the amount of the flow of water proposed to be used, and the description of the premises upon which the water is proposed to be used. Such notice shall also state that all persons having an interest in the critical ground water area desiring to oppose the issuance of a permit pursuant to such application, must within a period of thirty days from the first publication of such notice file in the office of the state reclamation engineer a protest to such application. A copy of the notice shall be furnished to the applicant, who shall cause the same to be published in a newspaper published in the county where the well described in said application is proposed to be located; or if no newspaper is published in such county, then in a newspaper of general circulation in such county. Publication of such notice shall be made two times, once each week for two consecutive weeks, and proof of such publication shall be furnished by the applicant to the state reclamation engineer.~~

CRITICAL GROUND WATER AREA.—"Critical ground water area" ~~means~~ *is defined as* any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands in the basin at the then current rates of withdrawal, as may be determined *and designated,* from time to time, by the state reclamation engineer.

In the event the application for permit is made with respect to an area that has not been designated as a critical ground water area the state reclamation engineer shall forthwith issue a permit in accordance with the provisions of section 42-234. ~~without requiring compliance with the provisions of the preceding paragraph of this section or the provisions of section 42-233b.~~

In the event the application for permit is made in an area which has been designated as a critical ground water area, if the state reclamation engineer from the investigation made by him on said application as herein provided, or from the investigation made by him in determining the area to be critical, or from other information that has come officially to his attention, has reason to believe that there is insufficient water available subject to appropriation at the location of the proposed well described in the application, the state reclamation engineer may forthwith deny said application; provided, however, that if ground water at such location is available in a lesser amount than that applied for the state reclamation engineer may issue a permit for the use of such water to the extent that such water is available for such appropriation.

Any applicant dissatisfied with the decision of the state reclamation engineer may appeal to the district court in the manner provided for in Section 42-237e.

EXHIBIT I

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~~these and other facts relating to the development of irrigation on such stream shall be carefully posted on such map.~~ *As a result of these surveys and investigations, the state reclamation engineer shall compile a report and tabulation in the nature of a proposed finding of water rights which shall be kept as current as practical.*

SECTION 2. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by adding a new section thereto following Section 42-225, to be known and designated as Section 42-225a, and to read as follows:

42-225a. FILING OF CLAIMS OF RIGHTS ESTABLISHED BY DIVERSION AND USE — FORM AND CONTENT OF CLAIM.—In order to assist in the compilation of the survey of appropriations as provided in the previous section and to allow for the recording of historic uses of the waters of this state, any person claiming rights to the use of water which have heretofore been established by diversion and application to a beneficial use may file a claim of such right with the department of reclamation. Such claim shall be in affidavit form on forms furnished by the department of reclamation and shall set forth:

a. The name and post office address of the claimant.

b. The quantity of water claimed to have been used.

c. The source of the water supply.

d. The location of the point or points of diversion.

e. The nature of the use and the period during each year when the water is used for such purposes.

f. The priority of the right claimed which shall be determined by the date when the water was first applied to a beneficial use provided there has been no period of abandonment or nonuse of the water since that date.

g. If water is claimed for irrigation, the legal description of the lands irrigated.

h. Such other information as shall be required by the blank form furnished by the department.

Such claim may be accompanied by maps showing the place of use, affidavits of witnesses familiar with the uses claimed, measurements of the water diverted and used, and such other information as the claimant may wish to submit.

SECTION 3. That Chapter 2, Title 42, Idaho Code, be,

and the same is hereby amended by adding a new section thereto following Section 42-225a, to be known and designated as Section 42-225b, and to read as follows:

42-225b. RECORDING OF CLAIMS BY DEPARTMENT—CORRECTIONS. — Upon receipt of any claim submitted under this chapter, together with the statutory filing fee of $10.00, it shall be the duty of the department of reclamation to file and to maintain a record of such claim, which shall be available for public inspection during all normal office hours. The department shall also cause a notice to be published once a week for two consecutive weeks in a newspaper published and of general circulation in the county where the water is claimed to be diverted, if there is such a newspaper, otherwise in a newspaper of general circulation in the county, which said notice shall set forth such information as shall apprise the public of the nature of the claim which has been filed. At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

Approved April 10, 1967.

CHAPTER 339

(H. B. No. 291, As Amended in the Senate)

AN ACT

REPEALING AND REENACTING SECTION 42-238, IDAHO CODE, RELATING TO LOGS OF WELL DRILLERS; PRESCRIBING THE POWERS AND DUTIES OF THE STATE RECLAMATION ENGINEER; PROVIDING FOR THE LICENSING OF WELL DRILLERS; PROVIDING FOR A WELL DRILLER'S REPORT; PROVIDING FOR ADOPTION OF STANDARDS FOR WELL

EXHIBIT 1

CONSTRUCTION; PROVIDING PENALTIES FOR VIOLATION OF THIS ACT; PROVIDING FOR APPEALS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-238, Idaho Code, be, and the same is hereby repealed and reenacted to read as follows:

(1) POWERS AND DUTIES OF THE STATE RECLAMATION ENGINEER.—The state reclamation engineer is hereby vested with the powers and duties relating to the qualifications and licensing of well drillers as provided for in this act so as to protect the ground water resources against waste and contamination. The state reclamation engineer is also authorized to adopt and enforce a code of standards of well construction necessary to protect the ground water resources as set forth in this act. The state reclamation engineer is also charged with the responsibility of collecting and filing for public use the well drillers' reports that are required in this act.

(2) LICENSING OF WELL DRILLERS.—It shall be unlawful for any person after July 1, 1967 to drill a well in Idaho without first obtaining a driller's license as provided herein. For the purposes of this act, a "person" shall be defined as any individual who drills or contracts to drill a water well for hire or otherwise in this state; it shall also be defined as any firm, copartnership, corporation or association which drills or contracts to drill a water well for hire or otherwise in this state except that employees of said firm, copartnership, corporation or association authorized to operate drilling equipment as the contractor's agent, shall not be required to obtain an individual well drilling license provided that the names and addresses of such employees are recorded with the state reclamation engineer. The license shall be obtained by filing with the state reclamation engineer an application in writing on a form provided by the state reclamation engineer accompanied by a $25.00 licensing fee. To determine the applicant's qualifications, the state reclamation engineer may require detailed information on the driller's past experience, and/or references, and/or an oral examination, and/or a written examination. The state reclamation engineer shall adopt rules and regulations for the licensing of well drillers in compliance with Chapter 52, Title 67, Idaho Code, and shall consider such factors as the applicant's (1) knowledge of Idaho water laws and the rules and regulations of the department of reclamation in connection with the drilling of wells, (2) knowledge of proper well construction procedures and the water well construction standards adopted by the state reclamation engineer as provided in this act, (3) knowledge of the various types of drilling tools and their use, (4) general knowledge of underground geology and ground water hydrology and their relation to well construction, (5) ownership or access to equipment capable of adequately constructing a well, (6) knowledge of types of well casing and their use, (7) knowledge of special well drilling problems and their solution, and (8) previous drilling experience. A copy of the proposed rules and regulations for licensing of well drillers shall be furnished to each well driller holding a current license at the time such proposed rules and regulations are promulgated.

If it is determined that the applicant is not qualified, the state reclamation engineer shall deny the application and refund the licensing fee. If it is determined that the applicant is qualified, a license shall be issued upon the filing with the state reclamation engineer of a surety bond or cash bond in the penal sum of $1,000, conditioned upon the proper compliance with the provisions of this act and the rules and regulations promulgated pursuant thereto. Such bond shall be made payable to the state reclamation engineer. A license issued under this section shall expire on June 30 of each year or upon revocation of the license by the state reclamation engineer as provided for in this act. The license can be renewed effective July 1 of each year upon written application on forms provided by the state reclamation engineer and the filing of a $10.00 renewal fee. The renewal request must be accompanied by a new bond or evidence that the previous bond is still in effect. The renewal may then be granted by the state reclamation engineer if he determines that the driller has complied with the rules and regulations promulgated pursuant to this act. The fees collected for the licensing of well drillers shall be deposited in a special fund with the state treasurer with other fees collected by the department of reclamation.

The licensed driller shall have a card on hand, provided by the state reclamation engineer, to indicate his present license at all times when he is operating the drilling equipment. The state reclamation engineer may also require other identification to be posted on the drilling equipment as he deems helpful in the administration of this act.

(3) WELL DRILLER'S REPORT.—In order to enable a comprehensive survey of the extent and occurrence of

the state's ground water resource, every well driller is hereby required to keep a well log and pertinent data concerning each well, and its construction, that is drilled by him in Idaho, including wells excepted under Sections 42-201 and 42-202 of this title, and complete a report on forms furnished by the state reclamation engineer. These reports shall be properly prepared and signed by the driller and deposited with the state reclamation engineer within thirty days following the completion of the well. Said report shall become a permanent record in the office of the department of reclamation for hydrologic and geologic analysis and research, and shall be available for public use. The report shall include such data as the state reclamation engineer deems necessary to provide the information that will be valuable for future reference and study.

(4) WELL CONSTRUCTION STANDARDS. — The state reclamation engineer shall adopt minimum standards for water well construction in this state under the provisions of Chapter 52, Title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of the state from waste and contamination. Every licensed well driller will be furnished a copy of the adopted standards by the state reclamation engineer, and will be required to construct each well drilled after July 1, 1967 in compliance with the determined standards.

(5) PENALTIES FOR VIOLATION.—Failure of the driller to comply with the provisions of Section 42-238 (3) will allow the state reclamation engineer to proceed to collect the necessary data on the well or wells in any manner available to him, and the cost of this data collection may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of Section 42-238 (3) is also cause for the state reclamation engineer to revoke an active license, or refuse to renew a license, until such time as the well driller's report or reports are properly completed and on file in the office of the state reclamation engineer.

Failure of the driller to comply with the provisions of Section 42-238 (4) will allow the reclamation engineer to proceed to repair or reconstruct or plug a well so that it complies with the adopted minimum standards of well construction, and the costs of this work may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of Section 42-238 (4) is also cause for the state reclamation engineer to revoke an active license or refuse to renew a license until such time as the well driller has repaired or reconstructed the well or wells so that they meet the adopted minimum standards. The reclamation engineer may also require that the well driller present evidence to show that he and his equipment are now capable of constructing a well in a proper manner, before the license is renewed.

Revocation or refusal to renew a well driller's license shall be determined by the state reclamation engineer only after fifteen days' notice, setting forth reasons therefor, has been sent by certified mail to the well driller at his address of record with the department of reclamation. Any person violating any provision of this act shall be guilty of a misdemeanor as provided under Section 42-237g.

(6) APPEALS.—Any person dissatisfied with any decision, determination, order or action of the state reclamation engineer made pursuant to this act, may take an appeal therefrom under the provisions of Section 42-237e.

Approved April 10, 1967.

CHAPTER 340
(H. B. No. 316)

AN ACT

PROVIDING THAT THE DEPARTMENT OF PUBLIC WORKS UPON REQUEST OF THE DIVISION OF BUILDING SERVICES SHALL NEGOTIATE FOR, APPROVE, AND MAKE RENTAL AND LEASE AGREEMENTS FOR OFFICE OR BUILDING SPACE TO BE USED BY VARIOUS STATE DEPARTMENTS, AGENCIES AND INSTITUTIONS IN THE CITY OF BOISE; AND DECLARING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Upon the request of the division of building services, the department of public works shall negotiate for, approve, and make any and all lease or rental agreements for office or building space to be used by the various state departments, agencies and institutions in the city of Boise.

EXHIBIT J

J

Any person ~~who shall feel~~ aggrieved by any action of the board in denying, suspending, or revoking ~~of~~ his license~~, any sealer, seller, user, producer, buyer or hauler of forest products, where good cause appears therefor who has been adversely affected by a checkscaling report,~~ may appeal therefrom to the district court **as provided in sections 67-5215 and 67-5216, Idaho Code.** ~~of the county in which he resides. Such appeal shall be perfected by filing with the clerk of the district court, within thirty (30) days after the action of the board of which complaint is made, a petition setting forth briefly the action complained of and wherein the petitioner has been deprived of any legal right. The petition shall constitute the complaint, and summons may be issued thereon directed to the board and served upon the president or secretary thereof. The pleadings thereafter shall conform to the practice in other civil proceedings. The court in its decree may sustain or reverse the action of the board and direct the board to take such further or other action as to the court may seem just and proper in the premises.~~

Approved March 13, 1970

CHAPTER 186
(H. B. No. 621)

AN ACT

RELATING TO DRUGS, PROVIDING THAT IN ANY COMPLAINT, INFORMATION, OR INDICTMENT, AND IN ANY ACTION OR PROCEEDING BROUGHT FOR THE ENFORCEMENT OF ANY OF THE PROVISIONS OF CHAPTERS 22, 25, 27, 28, 29, 30, 31, 32 OR 33, TITLE 37, IDAHO CODE, IT SHALL NOT BE NECESSARY TO NEGATE ANY EXCEPTION, EXCUSE, PROVISO, OR EXEMPTION, CONTAINED IN THOSE CHAPTERS, AND THE BURDEN OF PROOF OF ANY SUCH EXCEPTION, EXCUSE, PROVISO, OR EXEMPTION SHALL BE UPON THE DEFENDANT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any of the provisions of Chapters 22, 25, 27, 28, 29, 30, 31, 32, or 33, Title 37, Idaho Code, it shall not be necessary to negate any exception, excuse, proviso, or exemption, contained in those chapters, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

EXHIBIT J

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

CHAPTER 187
(H. B. No. 551, As Amended)

AN ACT

AMENDING SECTION 42-227, IDAHO CODE, RELATING TO USE OF WELLS FOR DOMESTIC PURPOSES, BY PROVIDING THAT THE DRILLING OF WELLS FOR DOMESTIC PURPOSES MUST BE DONE BY A LICENSED WELL DRILLER; AMENDING SECTION 42-228, IDAHO CODE, RELATING TO USE OF WELLS FOR DRAINAGE PURPOSES, BY PROVIDING THAT THE DRILLING OF WELLS FOR DRAINAGE PURPOSES MUST BE DONE BY A LICENSED WELL DRILLER; AMENDING SECTION 42-230, IDAHO CODE, RELATING TO DEFINITIONS, BY FURTHER DEFINING A WELL, AND BY FURTHER DEFINING DOMESTIC PURPOSES; AMENDING SECTION 42-238, IDAHO CODE, RELATING TO WELL DRILLERS, BY PROVIDING THAT A WELL DRILLER MUST BE LICENSED TO DRILL A WELL FOR DOMESTIC PURPOSES OR FOR DRAINAGE PURPOSES, AND BY DEFINING A PERSON AS ANY INDIVIDUAL WHO DRILLS A WATER WELL FOR HIMSELF OR ANOTHER IN THIS STATE, AND PROVIDING FOR WELL DRILLER'S REPORTS ON WELLS EXCEPTED UNDER SECTIONS 42-227 AND 42-228, IDAHO CODE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-227, Idaho Code, be, and the same is hereby amended to read as follows:

42-227. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. – The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be in any way affected by this act; providing such wells and withdrawal devices are subject to inspection by the department of reclamation and the department of public health, **and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238.** Rights to ground water

for such domestic purposes may be acquired by withdrawal and use.

SECTION 2. That Section 42-228, Idaho Code, be, and the same is hereby amended to read as follows:

42-228. DRILLING AND USE OF WELLS FOR DRAINAGE PURPOSES EXCEPTED. – The excavation and opening of wells and the withdrawal of water therefrom for the sole purpose of improving or preserving the utility of lands by draining them shall not be forbidden or governed by this act, and, likewise, there shall be excepted from the provisions of this act the excavation and opening of wells and withdrawal of water therefrom by canal companies, irrigation districts, and other owners of irrigation works for the sole purpose of recovering ground water resulting from irrigation under such irrigation works for further use on or drainage of lands to which the established water rights of the parties constructing the wells are appurtenant; **providing that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code.**

SECTION 3. That Section 42-230, Idaho Code, be, and the same is hereby amended to read as follows:

42-230. DEFINITIONS. – (a) "Ground water" is all water under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(b) "Well" is an artificial excavation or opening in the ground **more than eighteen (18) feet in vertical depth below land surface** by which ground water is sought or obtained.

(c) "Well driller" is any person or group of persons who excavate or open a well or wells for compensation or otherwise upon the land of the well driller or upon other land.

(d) "Domestic purposes" is water for **a single family** household use and **a sufficient amount for the use of domestic animals kept with and for the use of the household** livestock, and water used for all other purposes not in excess of 13,000 gallons per day **not to exceed one-half (½) acre of irrigated land.**

(e) "Water right" is the legal right, however acquired, to the use of water for beneficial purposes.

SECTION 4. That Section 42-238, Idaho Code, be, and the same is hereby amended to read as follows:

42-238. WELL DRILLERS. – (1) Powers and Duties of the State Reclamation Engineer. The state reclamation engineer is hereby vested with the powers and duties relating to the qualifications and licensing of well drillers as provided for in this act so as to protect the ground water resources against waste and contamination. The state reclamation engineer is also

authorized to adopt and enforce a code of standards of well construction necessary to protect the ground water resources as set forth in this act. The state reclamation engineer is also charged with the responsibility of collecting and filing for public use the well drillers' reports that are required in this act.

(2) Licensing of Well Drillers. It shall be unlawful for any person after July 1, 1967 to drill a well in Idaho, **including wells excepted under sections 42-227 and 42-228, Idaho Code,** without first obtaining a driller's license as provided herein. For the purpose of this act, a "person" shall be defined as any individual who drills or contracts to drill a water well for hire or otherwise **a water well for himself or another** in this state; it shall also be defined as any firm, copartnership, corporation or association which drills or contracts to drill a water well for hire or otherwise in this state except that employees of said firm, copartnership, corporation or association authorized to operate drilling equipment as the contractor's agent, shall not be required to obtain an individual well drilling license provided that the names and addresses of such employees are recorded with the state reclamation engineer. The license shall be obtained by filing with the state reclamation engineer an application in writing on a form provided by the state reclamation engineer accompanied by a $25.00 licensing fee. To determine the applicant's qualifications, the state reclamation engineer may require detailed information on the driller's past experience, and/or references, and/or an oral examination, and/or a written examination. The state reclamation engineer shall adopt rules and regulations for the licensing of well drillers in compliance with chapter 52, title 67, Idaho Code, and shall consider such factors as the applicant's (1) knowledge of Idaho water laws and the rules and regulations of the department of reclamation in connection with the drilling of wells, (2) knowledge of proper well construction procedures and the water well construction standards adopted by the state reclamation engineer as provided in this act, (3) knowledge of the various types of drilling tools and their use, (4) general knowledge of underground geology and ground water hydrology and their relation to well construction, (5) ownership or access to equipment capable of adequately constructing a well, (6) knowledge of types of well casing and their use, (7) knowledge of special well drilling problems and their solution, and (8) previous drilling experience. A copy of the proposed rules and regulations for licensing of well drillers shall be furnished to each well driller holding a current license at the time such proposed rules and regulations are promulgated.

If it is determined that the applicant is not qualified, the state reclamation engineer shall deny the application and refund the licensing fee.

If it is determined that the applicant is qualified, a license shall be issued upon the filing with the state reclamation engineer of a surety bond or cash bond in the penal sum of $1,000, conditioned upon the proper compliance with the provisions of this act and the rules and regulations promulgated pursuant thereto. Such bond shall be made payable to the state reclamation engineer. A license issued under this section shall expire on June 30 of each year or upon revocation of the license by the state reclamation engineer as provided for in this act. The license can be renewed effective July 1 of each year upon written application on forms provided by the state reclamation engineer and the filing of a $10.00 renewal fee. The renewal request must be accompanied by a new bond or evidence that the previous bond is still in effect. The renewal may then be granted by the state reclamation engineer if he determines that the driller has complied with the rules and regulations promulgated pursuant to this act. The fees collected for the licensing of well drillers shall be deposited in a special fund with the state treasurer with other fees collected by the department of reclamation.

The licensed driller shall have a card on hand, provided by the state reclamation engineer, to indicate his present license at all times when he is operating the drilling equipment. The state reclamation engineer may also require other identification to be posted on the drilling equipment as he deems helpful in the administration of this act.

(3) Well Driller's Report. In order to enable a comprehensive survey of the extent and occurrence of the state's ground water resource, every well driller is hereby required to keep a well log and pertinent data concerning each well, and its construction, that is drilled by him in Idaho, including wells excepted under sections 42-227 and 42-228 of this title, and complete a report on forms furnished by the state reclamation engineer. These reports shall be properly prepared and signed by the driller and deposited with the state reclamation engineer within thirty days following the completion of the well. Said report shall become a permanent record in the office of the department of reclamation for hydrologic and geologic analysis and research, and shall be available for public use. The report shall include such data as the state reclamation engineer deems necessary to provide the information that will be valuable for future reference and study.

(4) Well Construction Standards. The state reclamation engineer shall adopt minimum standards for water well construction in this state under the provisions of chapter 52, title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of the state from waste and contamination. Every licensed well driller will be furnished a copy of the adopted standards by the state reclamation engineer, and will be required to construct each well drilled after July 1, 1967 in compliance with the determined standards.

(5) Penalties for Violation. Failure of the driller to comply with the provisions of section 42-238(3) will allow the state reclamation engineer to proceed to collect the necessary data on the well or wells in any manner available to him, and the cost of this data collection may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(3) is also cause for the state reclamation engineer to revoke an active license, or refuse to renew a license, until such time as the well driller's report or reports are properly completed and on file in the office of the state reclamation engineer.

Failure of the driller to comply with the provisions of section 42-238(4) will allow the reclamation engineer to proceed to repair or reconstruct or plug a well so that it complies with the adopted minimum standards of well construction, and the costs of this work may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(4) is also cause for the state reclamation engineer to revoke an active license or refuse to renew a license until such time as the well driller has repaired or reconstructed the well or wells so that they meet the adopted minimum standards. The reclamation engineer may also require that the well driller present evidence to show that he and his equipment are now capable of constructing a well in a proper manner, before the license is renewed.

Revocation or refusal to renew a well driller's license shall be determined by the state reclamation engineer only after fifteen (15) days' notice, setting forth reasons therefor, has been sent by certified mail to the well driller at his address of record with the department of reclamation. Any person violating any provision of this act shall be guilty of a misdemeanor as provided under section 42-237g.

(6) Appeals. Any person dissatisfied with any decision, determination, order or action of the state reclamation engineer made pursuant to this act, may take an appeal therefrom under the provisions of section 42-237e.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 13, 1970

EXHIBIT K

K

INSTRUMENT NO 720649

LICENSE AGREEMENT

LICENSE AGREEMENT, Made and entered into this 18th day of December, 1973, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, hereinafter referred to as the "District", and BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, parties of the second part, hereinafter referred to in the singular as "Anderson";

W I T N E S S E T H:

WHEREAS, Anderson is the owner of the real property (burdened with the easement of the District hereinafter mentioned) situate in the County of Canyon, State of Idaho, particularly described as follows:

A portion of the Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M. described as commencing at the Southwest corner of said Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence East along the South line of said Section to the center of the drain ditch as now located; thence Northwesterly along the center of said drain ditch a distance of 22 rods; thence East from the center of said drain ditch, as now located, a distance of 22 feet; thence Northwesterly and parallel with said drain ditch to a point 100 feet from the North boundary line of said Southwest Quarter of the Southwest Quarter of Section 2, Township 2 North, Range 2 West B.M., thence West to the West line of said Southwest Quarter of the Southwest Quarter; thence South along the West boundary line of said Southwest Quarter of the Southwest Quarter to the point of beginning, being approximately 13.75 acres.

EXHIBIT K

and,

WHEREAS, the District is the owner of the ditch known as Bray Lateral, together with the easement therefor, including the easement to convey drainage and irrigation water in such ditch and the easement to operate, maintain and repair such ditch, and which ditch is an integral part of the irrigation and drainage works and system of the District and which ditch and the said easements therefor cross and intersect said described real property of Anderson as shown on Exhibit A attached hereto; and,

WHEREAS, the District owns two artesian wells (formerly known as the "Hosack Wells" but now generally known as, and hereinafter referred to as, the "Patterson Wells") which are located in the Northwest Quarter of the Northwest Quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, which the District uses for drainage purposes and to supply supplemental irrigation water, the water from said wells being discharged into said Bray Lateral to accomplish such drainage; and,

WHEREAS, the Patterson Wells were located along side the bank of the Bray Lateral, but a diversion from that point to the Wilson Drain was constructed by the District to receive the additional flow from the Patterson Wells at such time such flow could not be delivered through the Bray Lateral for irrigation use, and,

WHEREAS, all such references herein to use or development of additional discharge waters shall be consistent with and subservient to such diversion alterations between the aforementioned drain and lateral of the District, including whatever demands the

United States may make in conjunction with the use of the Wilson Drain, which is a part of its Boise Project drainage works; and,

WHEREAS, all references hereinafter appearing as the Bray Lateral shall be construed and interpreted to mean diversion under such circumstances and to either or both waterways as the District may from time to time determine to be convenient.

WHEREAS, Anderson desires to establish a fish farm on his lands hereinbefore described (which lands are hereinafter referred to as the "Anderson property") and desires to utilize the water flowing from said wells of the District to furnish a portion of the water required for such fish farm, and desires to drill five (5) artesian wells on the Anderson property to furnish the balance of the water required for such fish farm, and desires to utilize the said Bray Lateral for the purpose of draining from the Anderson property the water used in, upon and for said fish farm; and,

WHEREAS, the District is willing to give Anderson a license for the use of water from the said Patterson Wells and for the use of said Bray Lateral for drainage purposes, upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties hereto agree each with the other as follows:

Anderson shall have the right to use the water which shall from time to time flow from said Patterson Wells, for purposes of fish propagation on the Anderson property hereinbefore described

and shall have the right to construct at the said Patterson Wells and in the Bray Lateral on the said Anderson property such diversion and transmission facilities as shall be necessary to transmit the water from the Patterson Wells to the fish farm facilities.

Anderson expressly agrees that the use of water from the Patterson Wells shall not be a consumptive use and that Anderson shall discharge into the Bray Lateral at the lower end of Anderson's facilities the same quantity of water as Anderson diverts into his facilities from the Patterson Wells, diminished only by a normal evaporation loss.

Anderson agrees that the wells to be drilled by him on the fish farm shall not be operated in such manner as to interfere with, or diminish, the flow of water from the Patterson Wells. However, the District agrees that, in conjunction with the use of water from the wells to be drilled by Anderson, the flow from the Patterson Wel may be decreased at any time when the Anderson wells are producing, and discharging into the Bray Lateral, either directly or through th fish propagation facilities of Anderson, a quantity of water equival to the quantity by which the flow from the Patterson Wells is then decreased.

Anderson acknowledges and agrees that the District neither guarantees any flow of water from the Patterson Wells nor agrees to supply to Anderson any specific quantity of water from the Patterson Wells. Anderson's use rights under this agreement shall be limited to whatever quantity of water is being produced by the Patterson Wel at any particular time.

The right and authority to control flow of water from the Patterson Wells shall at all times be vested in the District, and it shall be Anderson's responsibility to request the water

superintendent of the District to make any changes desired by Anderson in the amount of water being discharged from the Patterson Wells.

Anderson understands and agrees that the water flowing from the Patterson Wells is delivered by the District to its water users for irrigation purposes, from time to time, and that it is essential that the quantity of water flowing from the Patterson Wells must not be diminished, except for evaporation losses, by reason of being diverted into Anderson's fish propagation facilities. Therefore, Anderson expressly agrees that if, at any time during any irrigation season, the quantity of water being discharged into the Bray Lateral from Anderson's fish propagation facilities is less than the amount of water flowing from the Patterson Wells, the District, upon one hour's notice to Anderson, given to Anderson or to his employees or agents at the said fish farm, shall have the right to adjust the control devices at Anderson's diversion facilities as may be required to increase the flow of water in the Bray Lateral to that quantity which is being discharged by the Patterson Wells. In that regard, it shall be Anderson's responsibility to have someone available at said fish farm at all times to receive such notices from the District.

Anderson agrees to pay the District the sum of $100.00 annually to defray additional expenses incurred by provisions of this license agreement and such amount is to be paid on or before the 15th day of December each year and such amount will be subject to review or change at the request of Anderson

or the District at the first regular meeting of the Board of Directors of the District occurring within the month of payment.

Anderson shall have the right to discharge into the Bray Lateral the water used by Anderson in his fish farming operations on the Anderson property. In that regard, the parties understand and agree that the District heretofore has utilized said Bray Lateral for the transmission of as much as 1200 miners' inches of drainage water flowing from the Patterson Wells and from other sources. It is further understood and agreed that Anderson shall be required to perform any work and furnish any materials which may be required to enlarge the Bray Lateral so as to carry any additional water that Anderson discharges into the Bray Lateral, over and above the quantity of water heretofore conveyed by the District in the Bray Lateral. Any such enlargement of the Bray Lateral, and any other work done by Anderson under the license herein granted, shall be accomplished by Anderson at his own expense and without any expense whatsoever to the District.

If additional easements are required for the purpose of carrying additional water in the Bray Lateral, over and above the quantity of water that can be accommodated by the rights of way of the District, those easements shall be obtained by Anderson and any expense involved in establishing or acquiring such easements shall be paid by Anderson.

The parties understand and agree that the Bray Lateral runs northwesterly from Patterson Wells, along the northeasterly boundary line of the fish farm, and that Anderson will construct

diversion facilities below those of the fish farm to operate in the same manner as that now existing at the Patterson Wells site and provide the District its option of diversion at such location. Anderson shall construct his discharge facilities in such manner as not to cause any erosion of the banks, sides or bottom of the Bray Lateral.

No diversion, transmission or discharge facilities shall be constructed by Anderson under the rights herein granted until the plans and specifications for such diversion facilities or such transmission or discharge facilities have been examined by, and approved by, the Board of Directors of the District and the engineers for the District. Any construction by Anderson shall be in accordance with such approved plans and specifications and no water from the Patterson Wells shall be diverted by Anderson until the completed construction of the diversion, transmission, and discharge facilities has been approved by the District and by its engineers.

Anderson agrees that he shall construct his facilities and conduct his fish farming operations in such manner as to insure that no pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock shall be discharged into the Bray Lateral. In that regard, Anderson expressly understands and agrees that in the event of a controversy between the parties regarding the discharge of pollutants, solid waste materials or any materials detrimental to soil, vegetation or livestock, it shall be Anderson's burden to prove that pollutants or solid waste materials are not

being discharged into Bray Lateral, and to prove that any other material being discharged into the Bray Lateral is not detrimental to soil, vegetation or livestock.

Anderson agrees that the District shall have the right to utilize, for irrigation purposes, the water produced by the wells to be drilled on the said Anderson property by Anderson, after such water has been used by Anderson in his fish farming operations, and that such right shall be prior and superior to the rights of any other persons claiming, under Anderson, the right to use said water from the Anderson wells.

All facilities constructed or used by Anderson under the license herein granted shall be constructed, maintained and kept in repair and kept clean at all times, by Anderson, and at the cost and expense of Anderson, and the conduit between the Patterson Wells and the Bray Lateral shall be maintained and kept in repair and kept clean at all times for the full flow of water therein, by Anderson, and at the cost and expense of Anderson.

Anderson agrees to construct and maintain his diversion, transmission and discharge facilities in a safe condition, all to the end that said facilities shall not constitute a hazard to any person or persons, and to indemnify and keep indemnified the District from all claims for damages arising out of any hazard or negligence in the construction, operation, maintenance and repair of said facilities or the failure of Anderson to keep the same in safe condition.

The construction, maintenance and repair of such diversion, transmission and discharge facilities shall be accomplished by Anderson at such times and in such seasons and in such manner so as not to interrupt or interfere with the flow of drainage or irrigation water in Bray Lateral or with the delivery of irrigation water by the District to any of its landowners.

Anderson agrees to indemnify and keep indemnified the District from all claims of any of its landowners for damages from the impairment of the flow of drainage or irrigation water in Bray Lateral which may be caused by said facilities of Anderson, or any use or condition thereof at any time or from the impairment of the flow of drainage or irrigation water therein from the failure of Anderson to maintain and keep in repair the said facilities of Anderson or to maintain and keep clean the conduit in said facilities of Anderson for the full flow of irrigation water through said facilities of Anderson.

Nothing herein contained shall be construed to impair the easement and right of way of the District in the Bray Lateral and all uses of said Bray Lateral and the said facilities of Anderson to be constructed and used, and the license herein provided therefor, shall remain inferior and subservient to the rights of the District in the Patterson Wells and to the use of said Bray Lateral for the transmission of drainage and delivery of irrigation water.

The District reserves the right, at its option, to remove any impediment to the flow of water through said facilities of Anderson and any hazards to persons or property which may arise by reason of the construction or condition of said facilities of Anderson at any time, and Anderson agrees to pay to the District, on demand, the costs which shall be reasonably expended for such purposes. If Anderson shall fail in any respect to properly maintain and repair such facilities of Anderson, then the District, at its option, and without impairing or in anywise affecting its other rights and remedies hereunder, shall have the right to perform the necessary maintenance and repairs and Anderson agrees to pay to the District, on demand, the cost which shall be reasonably expended for such purposes.

The parties hereto understand and agree that the District has no right to in any respect impair the uses and purposes of the irrigation and drainage works and system of the District, by this contract, nor to grant any rights in its irrigation and drainage works and system incompatible with the uses to which such irrigation and drainage works and system are devoted and dedicated and that this contract shall be at all times construed according to such principles.

In the event of the failure, refusal or neglect of Anderson to comply with all of the terms and conditions of this contract, then the license of Anderson under the terms hereof may be terminated by the District, and all structures in or over said Patterson

Wells and said Bray Lateral, and the rights of way therefor, which may impede or restrict the maintenance and operation of such wells or such ditch by the District with its equipment for the maintenance of its system may be removed by the District.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Anderson hereinbefore described and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by resolution of its Board of Directors and Byron V Anderson and Sonya J Anderson, husband and wife, have hereunto subscribed their names, all as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By _____
Clarence L Gharring, President

ATTEST:

_____
Joseph C Voight, Secretary

_____
Byron V Anderson

_____
Sonya J Anderson

STATE OF IDAHO)
) ss
COUNTY OF CANYON)

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE L GHARRING and JOSEPH C VOIGHT, respectively, known to me to be the President and Secretary, respectively, of the irrigation district that executed the foregoing instrument, and acknowledged to me that such irrigation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Nampa, Idaho

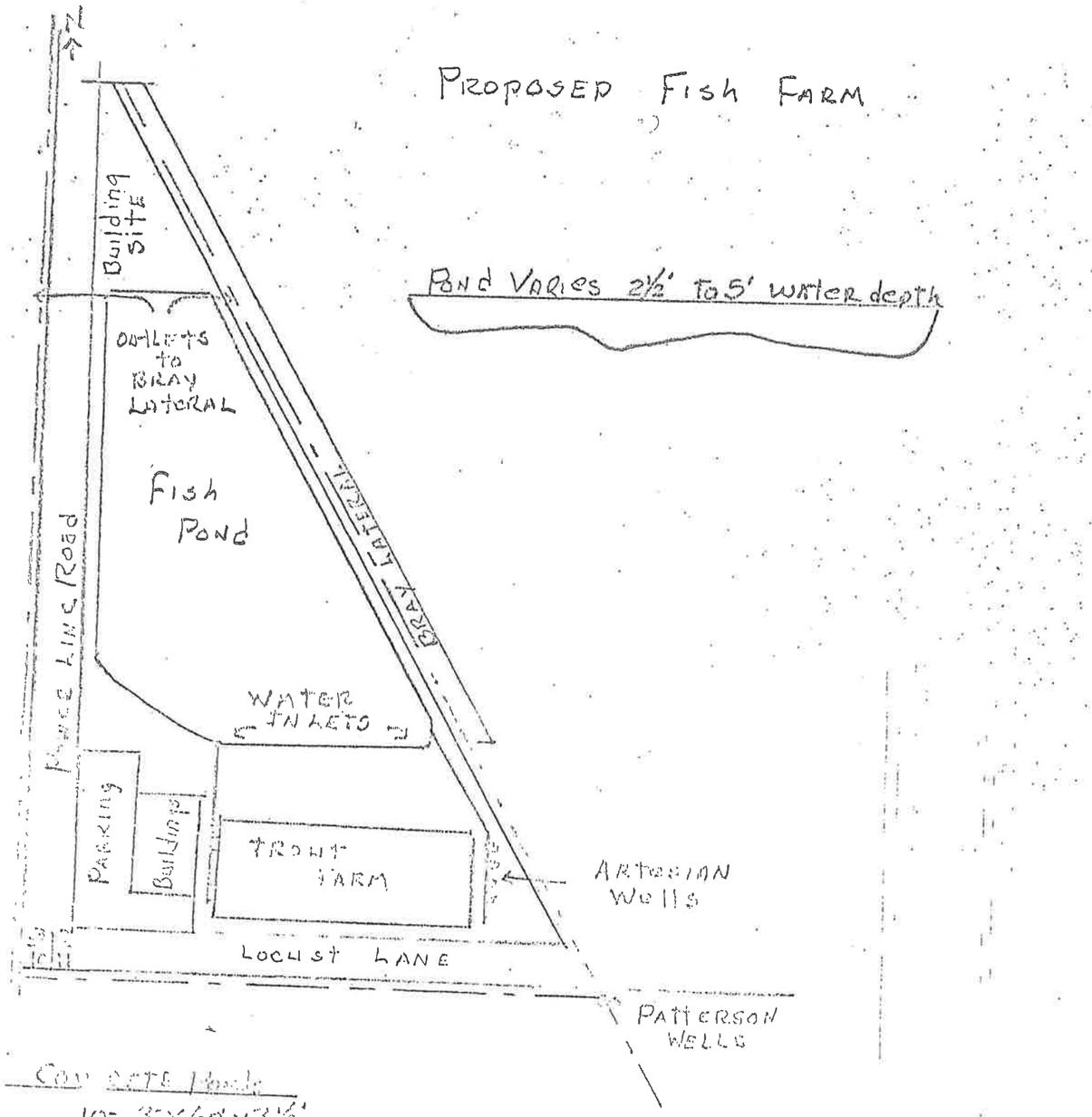
STATE OF IDAHO)
) ss
COUNTY OF CANYON)

On this 18th day of December, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared BYRON V ANDERSON and SONYA J ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Nampa, Idaho

Proposed Fish Farm



Concrete Ponds
10- 3'x60'x3½'
4 13'x120'x4'
8- 15'x185'x4'

Water Requirements
Apx. 900 Miner's Inches

Rainbow Farms, Inc.
Byron V. Anderson
15.15 Acres in SE¼
of T 2N, R 2W, B.M.

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: State of Idaho Dept of Fish & Game — Permit No. 63-7879
   Current Address: P.O. Box 25, Boise, Idaho 83707 — Phone No. 465-5005
2. Accompanied by: Walt Rast & Rick Towell — EXAM. DATE: 6-4-91
   Address: Nampa Hatchery — Phone No. same
   Relationship to Permit Holder: Hatchery manager and Asst. Mgr
3. Source: groundwater tributary to ~~Wilson Drain~~

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-9194, 63-03333 ☐ Copies Attached
2. Other water rights with same point of diversion: 63-9194, 63-3333 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

See attached

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Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. 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 or more).
   ☒ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

See attached

4. ☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
See attached list					

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	2	2N	2W	Canyon	Ortho-photo quad map
			NW	NW	11	2N	2W	Canyon	"

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	2W	2											H						

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
current meter	AA	Scientific Instruments		090125		
current meter	AA	Scientific Instruments		090137		

2. **Measurements:**

Open channel measurements were taken simultaneously at two locations in concrete channels containing the inflow from 7 wells - 3 in one and 4 in the other. At the same time IF&G personnel measured the outflow over dam boards at the tail end of the raceways receiving the inflow for comparison and calibration of IF&G measurement methods.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: IDWR measurements = 162 + 15.68 = 31.88 cfs
2. Alternate Method for Checking Purposes: IF&G " = 35.41 cfs.

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3)
: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

V_{DIV} = 25 cfs x 365 x 1.9835 = 18,099.4 afa. — Smaller

V_{REQ} = 2.3 AF/change (TOTAL RACEWAY VOL.) x 3 changes/hr (max REQ'D) x 24 hrs/day x 365 days/YR = 60,444 AFA

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

This permit and 63-9194 use the same sources and same places of use. Other rights in same DA dont affect this permit.

See attached narrative for additional remarks.

Remarks:

6 points of diversion in SWSW Sec 2, T02N R02W
2 points of diversion in NWNW Sec 11, T02N R02W

Note:

Total volume required by ~~system~~ hatchery based on 3 ~~water~~ changes/hour.
Total volume supplied by system equivalent to one change/hour when all raceways are in use.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Fish propagation	1-1	12-31	25 cfs	18,099.4 afa
Totals:			25 cfs.	18,099.4 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

J. AUTHENTICATION

Field Examiner's Name: Melvin T. Schulte

Signature: Melvin T. Schulte

CJH 4/16/92 Certification Date:

Field Report Preparation Date: 8-19-91

PROFESSIONAL ENGINEER REGISTERED 3909 STATE OF IDAHO DAVID R. TUTHILL, JR. 4/16/92 CONSULTING ENGR

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

JUN 13 1994

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

63 -
Water Right No.
(If applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Fish & Game Raceway # South Channel
2. Location: Hampton Fish Hatchery
3. Person conducting measurement: Mel Schulte & Sara West
4. Date and time of measurement: June 4, 1991
5. Accompanied by: Walt Rast + Rick Lowe
6. Measuring device size and ID no.: Double AA meter # 090125
7. Spin test before measurement OK? yes after measurement OK? —
8. Purpose of measurement: EU exam

B. MEASUREMENT DATA

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical ft/sec	Adjusted for hor. angle or ———	Area (ft²)	Discharge cfs
LEW = 6"											
	9"	.5	2.05	.6	34	60	<	1.25		1.02	1.27
	15"	↓	↓	↓	37	↓		1.36		↓	1.39
	21"				37			1.36			1.39
	27"				37			1.36			1.39
	33"				38			1.40			1.43
	39"				38			1.40			1.43
	45"				36			1.33			1.36
	51"				36			1.33			1.36
	57"				36			1.33			1.36
	63"				35			1.29			1.31
	69"				33			1.22			1.24
	75"	↓	↓	↓	34	↓		1.25		↓	1.27
REW	6' 6"										
									total cfs		16.2

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Wells 1, 2 & 3

Form 219-N
7/86

63-9194
63-7879
Water Right No.
(if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: North Concrete Channel
2. Location: Nampa Fish Hatchery
3. Person conducting measurement: Cindy / Mark / DAVE
4. Date and time of measurement: 6-4-91
5. Accompanied by: Walt RAST / RICK LOWELL
6. Measuring device size and ID no.: 090137 AA meter
7. Spin test before measurement OK? ✓ after measurement OK? _____
8. Purpose of measurement: Blu exam

B. MEASUREMENT DATA

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or	Area	Discharge
LEW = .25	on stick										
	.25	.5	2.2	.2	41	60	1.5	1.35		1.1	1.49
				.8	33		1.2				
	.75			.2	38		1.4	1.18			1.30
(pipe) →	1.25			.8	26		.96				
				.2	44		1.6	1.35			1.49
				.8	31		1.1				
	1.75			.2	42		1.5	1.30			1.43
				.8	31		1.1				
	2.25			.2	42		1.5	1.20			1.32
				.8	23		.9				
	2.75			.6	22			.82			.90
	3.25				30			1.11			1.22
	3.75				32			1.18			1.30
	4.25				31			1.15			1.27
	4.75				32			1.18			1.30
	5.25				31			1.15			1.27
	5.75				34			1.26			1.39
	6.0 REW										
											15.68

JUL 18 1994

63-9194 & 63-7879 WELL AND PUMP INFORMATION

Well ID #	Motor Make	HP	Model #	Pump make	Model #
#1	U.S.	30	286TPH	Cascade	13413
#2	U.S.	30	286TPH	Cascade	13414
#3	Red Jacket	7.5	256UP	Jemco	4314
#4	A.O. Smith	15	74480	Cascade	3057
#5	GE	15	N05FJ6802515	Cascade	3018
#6	U.S.	7.5	256UP	Aurora	V77-70388
#7	U.S.	7.5	256UP	Jemco	4315
#8	U.S.	10	256TP	Aurora	3X3X72822

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63-9194 & 63-7879



#1
Well site #1



#2
Well site #2

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#3

Wellsite #3



#4

Wellsite #4

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#5

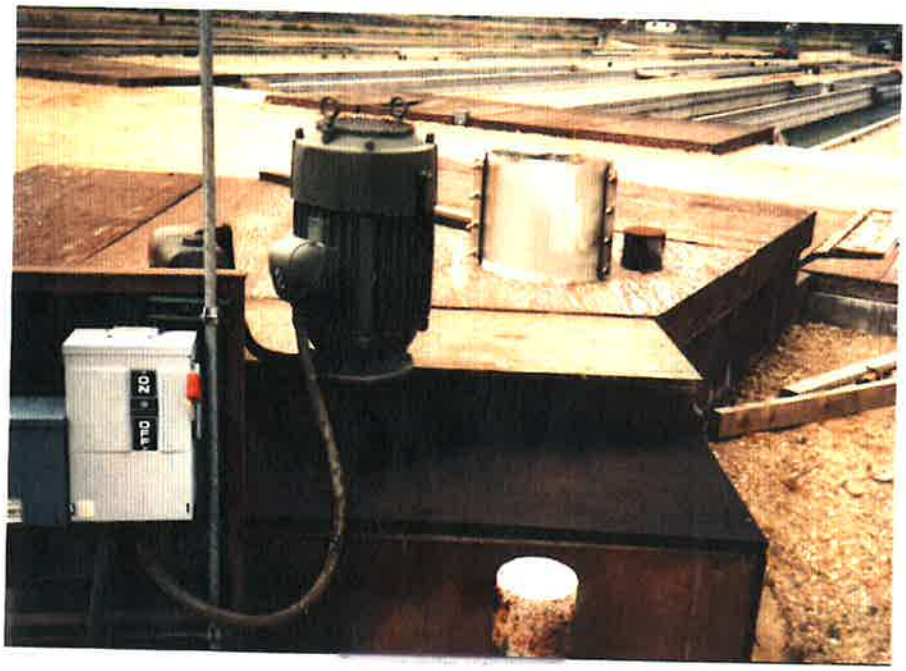
Well site #5



#6.

Well site #6

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#7

Well site #7



#8

Well site #8 adjacent to fingerling raceways

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#9.
Collection stacks that receive water from wells #1 & #2 situated in the background of picture between the stacks.



#10
View of Hatchery from site of wells #1 & #2

JUN 13 1994



#11
View of "A" ponds aka fingerling raceways looking Northwest



#12
"B" raceways to the left and "C" raceways to the right looking East from office

JUN 13 1994



#13

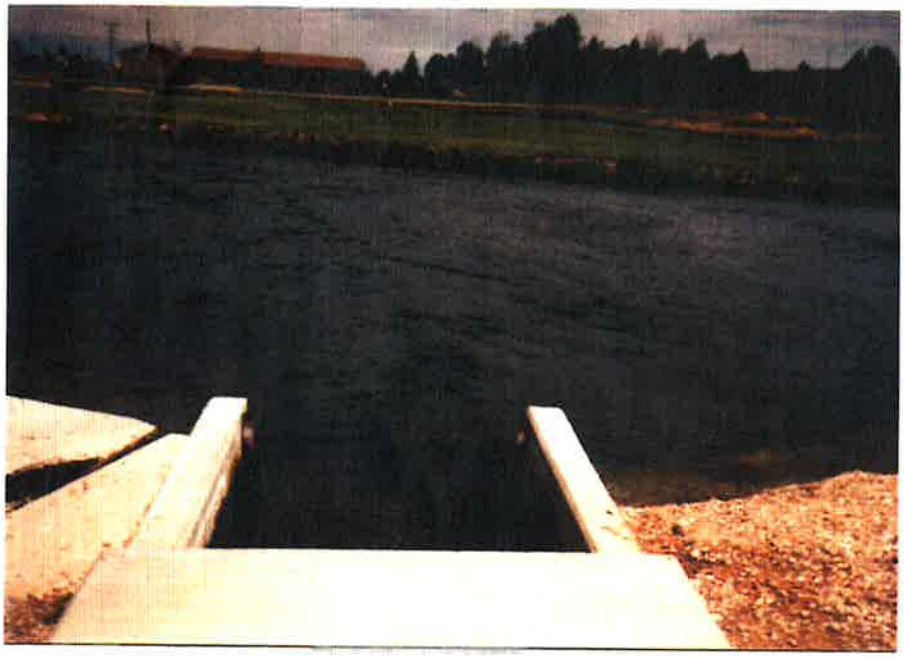
"C" raceways looking West toward office



#14

"C" raceways looking East from the office

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#15
Site where "C" raceway overflow enters settling pond.



#16.
Site where "B" raceway overflow enters settling pond.

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#17
Site where "A" raceway (finger lens) overflow enters settling pond.



#18.
View of settling pond from office looking North.

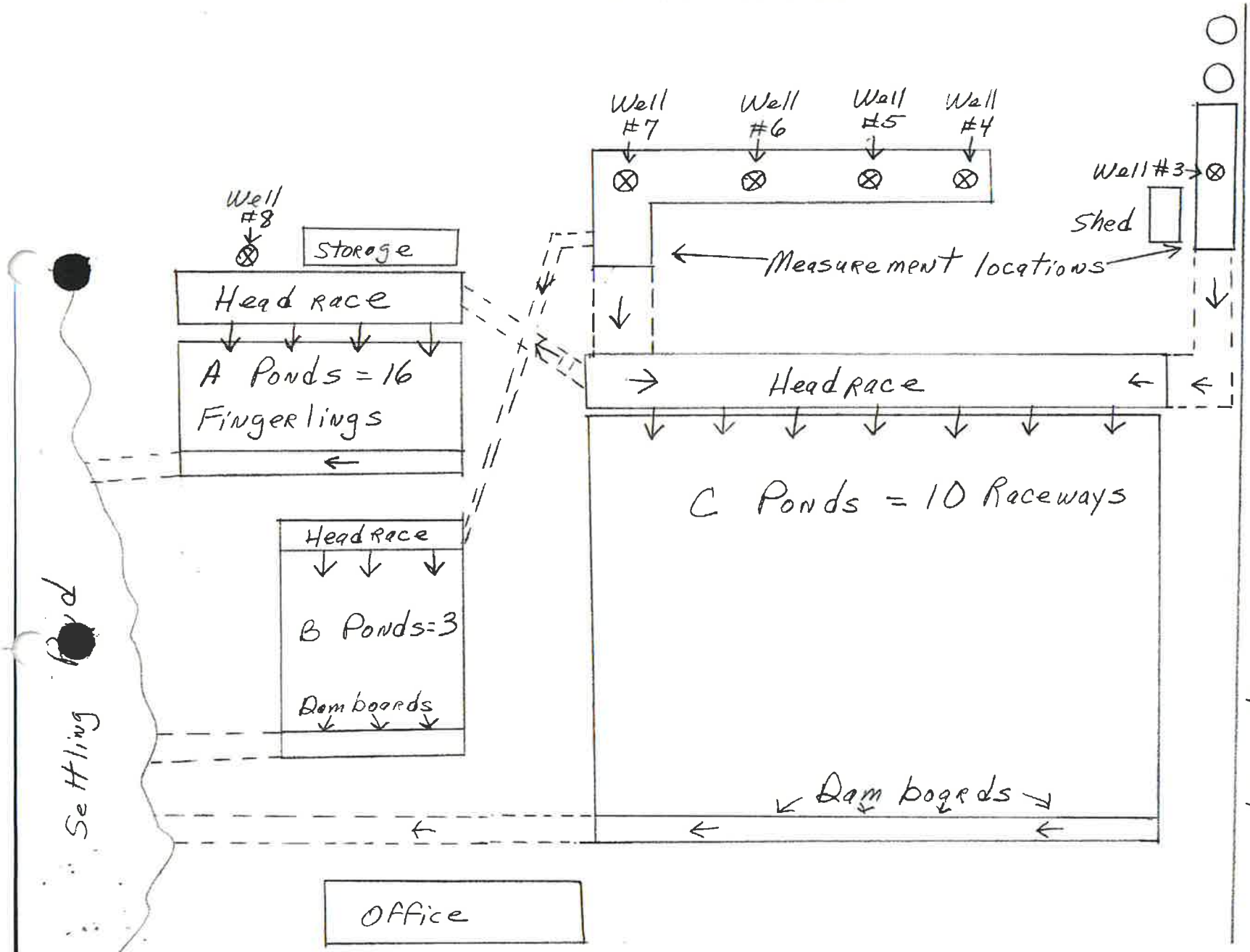
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#19. View of overflow site from settling pond in Northeast corner of pond.

JUN 19 1994

SYSTEM DIAGRAM
IDAHO FISH & GAME DEPT. NAMPA HATCHERY
PERMIT #63-9194 & 63-7879

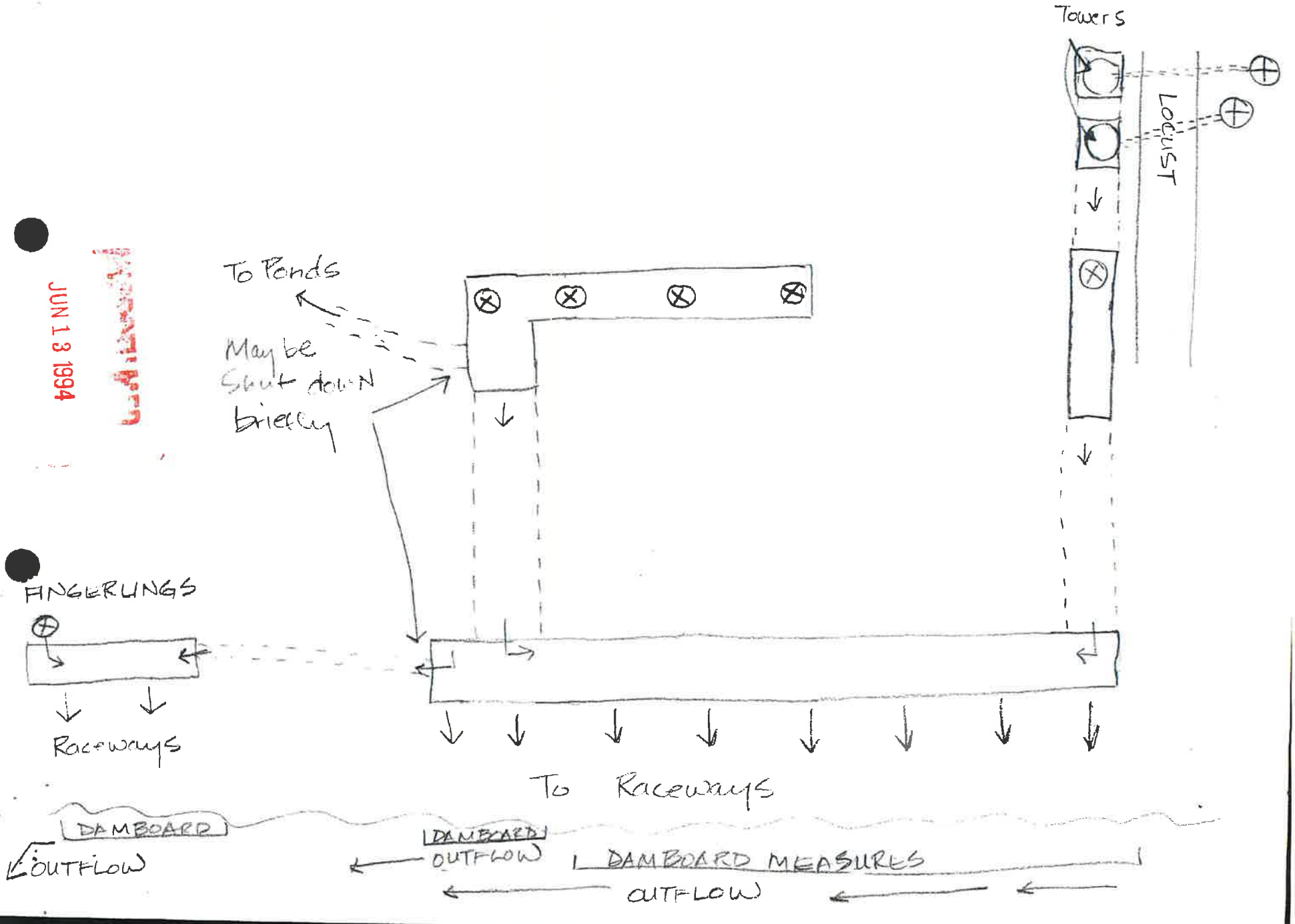


⊗ ← Well #1
⊗ ← Well #2
ATTERSON Wells

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WEIR
MEAS. 16.87
ON 8/24/10

JUN 13 1994


Towers
LOCUST
To Ponds
Maybe
Shut down
briefly
FINGERLINGS
Raceways
To Raceways
DAMBOARD
OUTFLOW
DAMBOARD
OUTFLOW
DAMBOARD MEASURES
OUTFLOW

SYSTEM DIAGRAM
IDAHO FISH & GAME DEPT. NAMPA HATCHERY
PERMIT #63-9194 & 63-7879

ON 8/24/10

5.22 CFS
⊗ ← Well #1
⊗ ← Well #2
3.15 CFS

Well #7 Well #6 Well #5 Well #4

Well #3 → ⊗ → 5.46 cfs

JUN 13 1994

Well #8 ⊗

Storage

Head race

A Ponds = 16
Fingerlings

Shed

← Measurement locations →

Head Race

C Ponds = 10 Raceways

Head Race

B Ponds = 3

Dam boards

Pond

Settling

Dam boards

Locust

Office

TOTAL
15.97 CFS
SAME AS
EXAM FOR
6-4-91

WEIR - 10.87 cfs on 8/24/10

63-9194 & 63-7879 NARRATIVE

Eight wells are the sources of water for a salmonid fish hatchery operated by the State of Idaho Fish & Game Department. The wells were flowing artesian wells but pumps were added to increase the flows.

Wells #1 and #2 are located about 120' outside the hatchery compound across Locust Ave. Water is diverted by two underground 12" steel pipes to two collection towers made of 6' diameter corrugated metal pipe. From the collection towers it diverts to a 6' wide concrete channel where water from well #3 is added. The combined water from these 3 wells flows underground in the concrete channel to the South end of a concrete headrace for 10 raceways known as the "C" ponds.

Approximately 50' North of well #3 water from four additional wells is diverted into another 6' wide concrete channel that also goes underground to the North end of the "C" pond headrace. Prior to going underground water can be diverted from the concrete channel through a 12" PVC pipe to the headrace of 3 raceways known as the "B" ponds.

At the North end of the "C" headrace a 12" PVC pipe is used to divert water to 16 raceways known as the "A" ponds or also known as the fingerling raceways. This water is combined with the discharge from well #8 located adjacent to the raceway.

The water level in all raceways is controlled by dam boards at the tail end of each raceway. Outflow from the three sets of raceways flows underground in concrete pipe or a concrete channel into a large settling pond. From the settling pond its discharged into the Wilson Drain.

The IF&G monitors the flow of water through the various raceways by measuring the flow over the dam boards at the tail of the raceways using a staff type guage method adapted for their use that is referred to as the Rube-Goldberg method.

Two simultaneous open channel flow measurements using AA meters were taken at locations in the concrete channels just prior to them going underground to the "C" pond headrace. The outlet to the "A" ponds was closed so that the entire flow from wells 1-7 were measured. At the same time, IF&G personnel measured the outlfow over the dam boards at the tail end of "B" and "C' raceways. The purpose of the dual measurement process was to compare the accuracy of IF&G's measurement techniques to determine if their methods were acceptable to determine the flow from well #8. Since their is no physical measurement possible from well #8, this was the only possible scenario.

The IF&G measurement method at the tail of the raceways indicated a flow of 35.41 cfs and our AA meter measurements above the raceways indicated a flow of 31.88 cfs. ~~Both measurements indicate a sufficient flow capacity, even without well #8 included, to recommend licensing 63-7879 at 25 cfs and 63-9194 at 5 cfs.~~. The variance between IF&G and our measurements at approximately 10% is within department

guidelines to warrant accepting IF&G's historical data to license future permits.

Permits 63-9194 and 63-7879 will be amended to add all eight P/D's to each permit. IF&G indicated they would file for a new permit to license the additional flows in excess of the 30 cfs under the above mentioned two permits since their system is capable of greater capacities than 30 cfs.

Reviewer's note: 10% is considered the calibration factor to be applied to F&G historical data to determine maximum ~~test~~ on-line flows with all pumps running.

(@ F&G measured)
Flow on 4/30/91 w/ all wells on was 40.21 cfs. (See supporting data)

Apply calibration: 40.21 − 10.00% = 40.21 − 4.02 = 36.19 cfs

36.19 cfs maximum output.

Permit 63-9194 for 5 cfs
" 63-7879 for 25 cfs
30 cfs

TOTAL RECOMMENDED

JUN 13 1994

NAMPA HATCHERY
WATER FLOW MEASUREMENT
RUBE-GOLDBERG METHOD AT BACK OF RACEWAY
* 4-30-91
LOWERED HEADRACE

** Turnovers/hour based on 425 cu.ft. in "A"s and 2,736 cu.ft. in "C"s.

RACEWAY #	AVG HD IN INC *	CFS	GPM	MGD	TURNOVERS/HOUR
A 1	1.04	0.42	190.65	0.27	3.60
A 2	1.00	0.40	179.76	0.26	3.39
A 3	1.00	0.40	179.76	0.26	3.39
A 4	1.00	0.40	179.76	0.26	3.39
A 5	0.83	0.30	135.93	0.20	2.57
A 6	0.00	0.00	0.00	0.00	0.00
A 7	1.33	0.61	275.72	0.40	5.20
A 8	1.38	0.65	291.42	0.42	5.50
A 9	1.13	0.48	215.93	0.31	4.08
A10	1.21	0.53	239.26	0.34	4.52
A11	1.00	0.40	179.76	0.26	3.39
A12	1.08	0.45	201.76	0.29	3.81
A13	1.58	0.80	357.01	0.51	6.74
A14	0.67	0.22	98.58	0.14	1.86
A15	0.92	0.35	158.63	0.23	2.99
A16	0.96	0.38	169.08	0.24	3.19
TOTALS		6.80	2725.31	4.39	
		0.49	218.07	0.31	

RACEWAY #	AVG HD IN INC *	CFS	GPM	MGD	TURNOVERS/HOUR
C1	2.75	4.02	1803.50	2.60	5.29
C2	2.56	3.61	1619.86	2.33	4.75
C3	0.00	0.00	0.00	0.00	0.00
C4	0.00	0.00	0.00	0.00	0.00
C5	2.73	3.97	1783.86	2.57	5.23
C6	2.88	4.31	1932.89	2.78	5.67
C7	2.56	3.61	1619.86	2.33	4.75
C8	2.50	3.48	1563.25	2.25	4.58
C9	2.27	3.01	1352.56	1.95	3.97
C10	1.63	1.83	823.00	1.18	2.41
B1	1.56	1.72	770.56	1.11	2.26
B2	1.65	1.87	838.19	1.21	2.46
B3	1.71	1.97	884.33	1.27	2.59
14	0.00	0.00	0.00	0.00	0.00
TOTALS		33.40	14991.86	21.58	
		2.39	1070.85	1.54	

Total Flow thru hatchery = 40.21 ALL WELLS ON!

JUN 1 3 1994

Rev x 2.1801.220

E90: @SUM(E75..E88)

READY

	B	C	D	E	F
71					
72			*		
73		RACEWAY #	AVG HD IN INC	CFS	GPM
74					
75		C1	3.29	5.26	2362.15
76		C2	2.90	4.34	1949.02
77		C3	0.00	0.00	0.00
78		C4	0.00	0.00	0.00
79		C5	2.88	4.30	1927.86
80		C6	2.63	3.75	1681.95
81		C7	2.65	3.79	1702.17
82		C8	2.75	4.02	1803.50
83		C9	1.40	1.45	652.30
84		C10	2.40	3.27	1466.72
85		B1	0.00	0.00	0.00
86		B2	1.96	2.41	1083.52
87		B3	2.17	2.51	1351.56
88		14	0.00	0.00	0.00
89					
90		TOTALS		35.44	15890.74

01-Jan-80 12:05 AM

B&C only
for calibration

31.88
Diff measure

JUN 13 1994

WARRANTY DEED

316

INSTRUMENT NO. 556494

Printed and for sale by Syms-York Company, ...

THIS INDENTURE, Made this 21st day of September, in the year of our Lord one thousand nine hundred and sixty-four, between ALLEN E. HOSACK and CHARLOTTE M. HOSACK, husband and wife,

of Nampa, County of Canyon, State of Idaho,

the parties of the first part, and NAMPA AND MERIDIAN IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Idaho and having its principal office at

Nampa, County of Canyon, State of Idaho

the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable consideration ---------------- DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

A part of Section 11, Township 2 North, Range 2 West, Boise Meridian, more particularly described as follows, to-wit: Commencing at the Northwest corner of Section 11, Township 2 North, Range 2 West of the Boise Meridian; thence North 89°57' East 749.7 feet along the North line of the said Section 11, to a point in the centerline of the pavement, the INITIAL POINT; thence continuing North 89°57' East 49.7 feet to the centerline of the Bray Pick Up Lateral; thence continuing North 89°57' East 49.7 feet, to a point; thence South 36°24' East 70.6 feet parallel to and 40 feet from the centerline of the said Lateral to a point; thence South 53°36' West 40 feet to a point in the centerline of the said Lateral; thence continuing South 53°36' West 40 feet to a point; thence North 36°24' West 129.4 feet, parallel to and 40 feet from the centerline of the said Lateral, to the INITIAL POINT:

Together with the two artesian wells situate thereon and the water therefrom, and the right to the use thereof;

PLATTED
OCT 29 1964
LLOYD E. ALLISON
Assessor

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever ... shall and will WARRANT and by these presents forever DEFEND.

The parties of the first part covenant and agree not to construct, or permit the flow nor extraction of water from, any well in the northwest quarter of the northwest quarter of Section 11, Township 2 North, Range 2 West, Boise Meridian, outside the area hereinbefore [illegible], which shall reduce the flow from either of the two wells on the [illegible] hereinbefore conveyed, and this covenant shall be a covenant running with all said described premises and shall bind the parties of the first part and their successors in interest and shall inure to the benefit of the party of the second part and its successors in interest.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Allen E Hosack [Seal]
Allen E. Hosack

Charlotte M. Hosack [Seal]
Charlotte M. Hosack

[Seal]

[Seal]

STATE OF IDAHO }
County of CANYON, } ss.

On this 7th day of ~~September~~ October, in the year 19 64, before me the undersigned, a Notary Public in and for said State, personally appeared Allen E. Hosack and Charlotte M. Hosack, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Nampa, Idaho

No documentary stamps required

STATE OF IDAHO } ss.
..... County of ..... } ss.

I hereby certify that the within instrument was filed at the request of Anderson & Anderson at ... minutes past 9 o'clock A. M. on the 27 day of ..., A. D. 1964 and duly recorded in Book 294 of ... Records at page 316

Ex Officio Recorder.
Deputy.

REGULAR MEETING

6 June 1962

The meeting was called to order at 10:11 a. m. in theoffice of the Board by President Wm. Wymer.

Present were: Mr. Wymer, Dan Barker, Sr., Ray Patterson, Directors; Oren Evans, Superintendent and Joseph C. Voight, Secretary of the Board.

Visitors were: Francis O'Hare of Great Falls, Montana; Robert Underkofler of Boise; Vernon Turner of Boise; Kenneth Jackson of Boise and Allen Hosack of Nampa. see page 73

The minutes of the previous meeting were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, for materials and supplies were read as follows:

Payable to	Service	Amount
Ada County Recorder	38 Redemption Dertificates	
	1 Tax Deed # 80-3	$ 11.00
American Linen Supply Co	Linen Service - May	7.85
Barker, Dan Sr.	5 Additional Days	50.00
	Additional Mileage	2.50
Business Men's Assurance Co	June Premium	265.21
Campbell Tractor & Imp Co	Repairs for Mossing Disk	79.38
Canyon County Recorder	24 Redemption Certificates	6.00
Credit Bureau of Boise	Reporter Service	5.25
Gibbs Industrial Hardware	Repairs for Backhoes	2.56
Gibson-Welker Ford Sales	Repair Windshield Wipers '60 Ford	5.35
Goodman Oil Company	Service Trucks	7.90
Guffey, John D.	Telephone Adjustment - May	9.68
Hazzy's	Office Supplies - Type Erase Paper	7.80
Hudelson Ford	Service & Parts '60 Ford	63.14
Idaho Blueprint Supply Co	Ada County Plats	19.76
Idaho Concrete Pipe Company	Tile	147.00
Idaho First National Bank	Federal Withholding - May	945.30
Idaho Hardware & Plumbing Co	Padlocks; Weed Hooks; Handles	131.86
Idaho Power Company	Electricity - Office	23.40
Idaho Power Company	Electricity - Warehouse	1.00
Idaho Power Company	Electricity - Burke Pump	68.71
Intermountain Gas Company	Gas to 17 May	32,86
Kalbus Office Supply	Office Supplies	20.21
Lubrication Engineers, Inc.	Grease	115.10
Mountain States T & T Co	888-2585	12.10
Mountain States T & T Co	385-7225; 385-7226	116.00
Nampa Lumber & Coal Co	Lumber	87.53

reference to Mr. Anderson for working out contractual arrangements.

Allen Hosack requested the Board to do further drainage work on his property located on South Power Line Road south of Nampa. He stated that some of the wells need attention and that he would pay the cost of drilling more wells if the District would pay for the necessary material and fuel. The Board promised to meet with him at a later time and look it over.

At 12:15 p. m. the meeting was recessed for lunch. It was called to order again at 1:10 p. m.

A letter from Eugene H. Anderson pertaining to Lucky Peak Reservoir water filings was read and was ordered filed. Mr. Wymer stated that he had authorized Mr. Anderson to look into the matter fully.

It was reported that the First Security Bank of Idaho - Nampa Branch has placed securities in the amount of $250,000.00 to cover deposits of the District up to that amount.

Mr. Evans reported that the larger caterpillar needed repair and he was making arrangements to have it done.

The Secretary reported that $431.25 had been spent for gopher bounty during May 1962 and that in the same month of 1961, $798.75 was spent.

The Secretary also reported that the entire cost of the New York Canal Rehabilitation Contract is being readied for charging to the individual accounts of the District. He explained that based on 39,389.57 project acres on the District's assessment roll and 1,122.13 project acres on the Nampa City Municipal roll, this charge would amount to $13.40106685 to develope the total cost of $542,900.

At 1:20 p. m. Mr. Barker moved for adjournment. A second was made by Mr. Patterson and it was so ordered by President Wymer.

Wm Wymer
President of the Board

Joseph C. Voight
Secretary of the Board

REGULAR MEETING

4th September 1962

The meeting was called to order at 10:05 a.m. in the office of the Board by President Wm. Wymer.

Present were: Directors - Mr. Wymer, Dan Barker, Sr. and Ray Patterson

Officers - Oren Evans, Manager
Joseph C. Voight, Secretary of the Board

Visitors: H. A. Showalter of Boise
Allen Hosack of Nampa see page 97 & 98

The minutes of the previous meeting were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, for materials, supplies and other services were read as follows:

Payable to	Explanation	Amount
Ada County Recorder	178 Redemption Certificates	$ 44.50
American Linen Supply	Linen Service	7.85
Canyon County Recorder	57 Redemption Certificates	
	1 Tax Deed	15.75
Barker, Dan Sr.	7 Aditional Days	70.00
	Additional Mileage	5.00
Business Men's Assurance Co	September Premium	265.21
Credit Bureau of Boise	Reporter Service	5.25
Firestone Stores	Service & Recap Tires	68.00
General Electric Supply Co	Grease for Drainage Pumps	4.95
Goodman Oil Company	Grease International Truck	3.75
Guffey, John D.	Telephone Adjustment - August	9.68
Burke Hudelson-Ford	Service 1960 Ford	15.99
Idaho Blueprint & Supply Co	Plat	1.92
Idaho First National Bank	Federal Withholding Taxes	1,205.10
Idaho Industrial Supply Co	Wheels - Tax Roll File	217.80
Idaho Power Company	Electricity - Office	21.84
Idaho Power Company	Electricity - Burke Pump	89.17
Idaho Power Company	Electricity - Ellis Pump	183.93
Intermountain Gas Co	Gas Service to Sug	2.27
Kalbus Office Supply	Office Supplies	7.65
Mountain States T & T Co	888-2585	12.10
Mountain States T & T Co	466-7861; 466-7862	84.55
O. K. Rubber Welders	Tire	26.68
Patterson, Ray	2 Additional Days	20.00
Prudential Insurance Co	September Premium	44.66
Ramsey's Gara ge	Repair to Backhoe #2	108.68
R & V Oil Company	Oil	23.00

Salt Lake Hardware Co.	Pipe Wrench & Coupling, Oil Can	56.05
Strang Sand & Gravel, Inc.	Road Mix	12.50
Treasurer of District	District Cash Expense	230.20
Western Equipment Co	Brackets, Oil Filters, Pipe	50.56
Wymer, Wm	6 Additional Days	60.00
	Additional Mileage	3.50
Wood Co	Repairs - Mason Creek Pump	36.90
		$ 3,014.99

The Pay Roll for the period of August 16-31, 1962 was read and the totals were:

Gross Earnings - - - - - - -	$5,607.63	
Mileage - - - - - - - - - -	533.09	
Gross Roll - - - - - - - - - - - - - - - -	$6,140.72	
Deductions:		
Federal Withholding Tax - - - - - - - -	555.00	
Idaho Withholding Tax - - - - - - - - -	83.25	
FICA - - - - - - - - - - - - - - - - - -	174.30	
Insurance - - - - - - - - - - - - - - - -	186.35	
Net Pay Roll -		5,141.82
Total payable from the Ridenbaugh Maintenance Fund for Claims and Pay Roll -		$ 8,156.81

Mr. Patterson moved that the claims and pay roll be allowed. Mr. Barker seconded his motion and thus the President and Secretary drew Ridenbaugh Maintenance Fund warrants numbered 23130 thru 23203.

Mr. H. A. Showalter appeared before the Board to protest paying the complete amount due on assessment number 125-20 which is presently being advertised for tax deed. The Secretary explained that the lot concerned had been segregated from the rest of Mr. Showalter's ownership because of a typographical on the reporter service received from the Credit Bureau of Boise. Thus the Board determined that additional amounts now due were not justified. Mr. Barker moved that Mr. Showalter be allowed to pay the amount of the assessment number which would have been assessed against the lot if it were not segregated, which amount would be $1.77 for 1959, $1.92 for 1960 and $1.98 for 1961 and that all remaining assessments and fees be cancelled. Mr. Patterson seconded this motion and it was thus ordered.

Mr. Allen Hossack requested additional drainage on his property. Mr. Barker suggested that Oren check it over and give his opinions to the Board. Mr. Patterson questioned if anything could be accoumplished. It was decided that Mr. Evans would meet with Mr. Patterson and

that they would look it over.

A letter from James L. Pline in which he protested payment of delinquent irrigation taxes of 1959 because he had not known of the requirement for irrigation taxes was read. The Board ordered this matter to be referred to Eugene H. Anderson.

Copy of a letter from Eugene H. Anderson to Lawyer A. L. Lyons in which Mr. Anderson stated that the terms of an agreement which Mr. Lyons had submitted on behalf of one of the Albertson corporations were unsatisfactory to the district, were read.

At 11:42 a. m. the meeting recessed for lunch and was resumed at 12:58 p. m.

It was moved by Mr. Patterson that a tax deed and the necessary lien clearances be approved to clear the deed and liens still showing for property described as lots 2, 5, and 7 Block 8 of Nampa Park Addition. Purpose of this clearance is to replace clearance by Tax Title Deed which was issued at page 2188 book-12 of the Minutes of the Board for May 5th, 1942 and which Tax Title Deed is now lost. The deed is to again be made to Vincent J. Domogolla and the Secretary is authorized to make the deed upon the payment of-$15.00 by the interested party or parties. Mr. Barker seconded Mr. Patterson's motion and thus the motion was passed.

The following reports of the August operation was given by the Secretary:

Allocation of Ridenbaugh Maintenance Fund Expenditures:

	Total	Assessment Expense	District Drainage	U. S. Maintenance	Ridenbaugh Maintenance	Joint Maintenance
Diversion Works	466.45				466.45	
Joint System Maintenance	12,233.98					12,233.98
District Drainage Maintenance	2,121.22		2,121.22			
Government Drainage Maintenance	13.60			7.11	6.49	
Electric Power Pumping	324.31		297.87			26.44
Directors Per Diem	180.00		82.74		17.42	79.84
Directors Mileage, Elections, Etc.	65.54		30.90		6.52	28.12
Office Expense	1,857.59	1,128.26	55.98			673.35
Building Maintenance and Utilities	295.98	72.30	19.88		18.83	184.97

REGULAR MEETING

2 July 1963

The meeting was called to order at 10:05 a. m. in the office of the Board by President Dan Barker, Sr.

Present were: Mr. Barker and Wm Wymer, Directors; Oren Evans, Water Superintendent and Joseph C. Voight, Secretary-Treasurer.
Mr. Patterson arrived at 10:40 a. m.

Visitors: W. R. Brown and A. E. Hossack see page 226

The minutes of the previous regular meeting and the special meeting held 24 June 1963 were read and were approved as read.

Claims, payable from the Ridenbaugh Maintenance Fund, were read as follows:

Payable to	Service	Amount
Ada County Recorder	18 Redemption Certificates 1 Tax Deed	$ 6.00
Barker, Dan Sr.	8 Additional Days & Mileage	84.50
Businessmen's Assurance Co	July Premium - Policy No 22341	282.35
Campbell Tractor Company	Repairs for Mossing Disks 8	66.16
Canyon County Recorder	13 Redemption Certificates	3.25
Davis Well Drilling	Perry Kasel Well #3 (½ Cost)	162.25
Davis Well Drilling	Perry Kasel Well #4 (½ Cost)	209.00
Duro-Test Corporation	4 Power Twist Light Tubes	18.10
Firestone Stores	Repair Flats	9.70
First Security Bank	Safety Deposit Box Rent	4.40
Frankel Carbon & Ribbon Co	Special Carbon for Lein Books	15.00
Gibbs Industrial Hardware	Repairs for Mossing Chains	7.28
Guffey, John D.	Telephone Adjustment	9.68
Hall's Sport Store	Door Closer	32.32
Hudelson-Ford, Burke	Service	13.98
Idaho First National Bank	Federal Withholding - 2nd ¼	1,012.20
Idaho Power Company	Power - Burke Pump	90.14
Idaho Power Company	Electricity - Warehouse	2.00
Intermountain Gas Co	Service to 19 June	16.20
Johnson Electric	Install 230 Volt Outlet	19.42
Kalbus Office Supply	Supplies	35.40
Mountain States T & T Co	466-7861	84.75
Nampa Auto Parts	Parts	7.08
Nampa Lumber Company	Check Boards	32.76
Nampa Sanitary Service	June Trash Service	6.00
Nordling Parts Company	Supplies for Shop	22.14
Patterson, Ray	Additional Days	10.00
Prudential Insurance Co	July Premium	48.72
Ramsey's Garage	Repairs to Trucks	83.33
R & V Oil Company, Inc.	Oil For Drainage Pumps	11.70

Mr. A. E. Hosack asked the District to pay one half the cost of about a half dozen more wells in his property in NW¼ Section 11 Township 2 North Range 1 West. Mr. Barker suggested that, if the whole Board is willing, the District reimburse him for half the cost of one more well or $250.00 on one well, whichever amount amount is the smaller.—— the size of the well to be 16" the same as the one just drilled. Mr. Wymer expressed his doubt that wells are the answer and Mr. Patterson suggested that the District agree to one more well but no more unless good result is experienced.

Mr. Wymer moved that the District pay Mr. Hosack $250.00 as its share of the cost of drilling another 16" inch well and that if that does no good the District will do nothing further toward drainage in the NW¼ NW¼ Section 11 Township 2 North Range 1 West. Mr. Patterson seconded this motion and it was passed unanimously.

Mr. Wymer moved that title be transferred to J. H. Harper with Irwin C. Hansen as Contract Purchaser for land described in the District's assessment number 1549A as N½ NE¼ SE¼ Section 30 Township 3 North Range 1 West for payment to the District Treasurer the amount of $750.00. Mr. Patterson seconded this motion and thus the Treasurer was ordered to receipt this amount and clear all recorded liens of the District.

At 11:59 a. m. the meeting was recessed for lunch. At approximately 1:20 p.m. the Board returned and adjourned the meeting by motion of Patterson and second of Wymer.

Dan Barker

Dan Barker, Sr.
President of the Board

Joseph C. Voight

Joseph C. Voight
Secretary of the Board

Submitted by Dan 5. 7/11 1966 meas

0007227

Tap No. Lateral BRAY

Month July Year 1966 Weir 5 Ft.

DAY	Gage	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	11 9	1010			R14	14.98		23.93
2	11 9	1010			03	216.82		518.44
3	11 9	1010						
4	11 9	1010						
5	11 9	1010						
6	11 9	1010						
7	11 9	1010						
8	11 9	1010						
9	11 9	1010						
10	11 9	1010						
11	11 9	1010						
12	11 9	1010						
13	11 9	1010						
14	11 9	1010						
15	11 9	1010						
16	11 9	1010						
17	11 9	1010						
18	11 9	1010						
19	11 8	1034						
20	11 8	1034						
21	11 9	1010						
22	11 9	1010						
23	11 9	1010						
24	11 9	1010						
25	11 9	1010						
26	11 9	1010						
27	11 9	1010						
28	11 9	1010						
29	11 9	1010						
30	11 9	1010						
31	11 9	1010						

NAMPA & MERIDIAN IRRIGATION DISTRICT

B. L. Hogan
Ditchrider

NMID—Form No. 16

Bray

BRAY LATERAL FLOW 7/66
1054" = 21.08 cfs
Not the wells alone, Bray Lateral.

RD 394 Frame # 00381

Monthly Delivery Record

Ride Eight

Year 1966

Month May

000459

Twp No. _____ Lateral BRAY

Month May Year 1966 Weir 5 Pt. _____

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1.05	970		333	Rid	14.98		23.93
2	1.05	970		439 End	US	216.52		518.44
3	1.05	970		333				
4	1.05	970		485				
5	1.03	970		485				
6	1.03	970		333				
7	1.10	985		333				
8	1.10	985		333				
9	1.10	985		333				
10	1.10	985		530				
11	1.10	985		500				
12	1.10	985		500				
13	1.10	985		500				
14	1.10	985		500				
15	1.12	1010		560				
16	1.12	1010		560				
17	1.12	1010		485				
18	1.12	1010		485				
19	1.10	985		439				
20	1.12	1010		509				
21	1.12	1010		582				
22	1.12	1010		395				
23	1.12	1010		532				
24	1.12	1010		532				
25	1.12	1010		485				
26	1.12	1010		485				
27	1.12	1010		485				
28	1.12	1010		485				
29	1.12	1010		485				
30	1.12	1010		485				
31	1.12	1010		412				

B.T. Hogan
Ditchrider

NAMPA & MERIDIAN IRRIGATION DISTRICT

NMID—Form No. 14

Roll # 394

Frame 00516

Monthly Delivery Record

Ride Eight

Year 1966

Month June

0005594

Tap No. Lateral DRAY

Month June Year 1966 Weir 5 Pt.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1.2	1010		[illegible]				
2	1.2	1010		[illegible]				
3	1.2	1010		[illegible]	RID	14.98		23.93
4	1.2	1010		[illegible]	US	216.82		518.44
5	1.2	1010		[illegible]				
6	1.2	1010		[illegible]				
7	1.2	1010		[illegible]				
8	1.2	1010		[illegible]				
9	1.2	1010		[illegible]				
10	1.2	1010		[illegible]				
11	1.2	1010		[illegible]				
12	1.2	1010		[illegible]				
13	1.2	1010		[illegible]				
14	1.2	1010		[illegible]				
15	1.2	1010		[illegible]				
16	1.2	1010		[illegible]				
17	1.2	1010		[illegible]				
18	1.2	1010		[illegible]				
19	1.2	1010		[illegible]				
20	1.2	1010		[illegible]				
21	1.2	1010		[illegible]				
22	1.2	1010		[illegible]				
23	1.2	1010		[illegible]				
24	1.2	1010		[illegible]				
25	1.2	1010		[illegible]				
26	1.2	1010		[illegible]				
27	1.2	1010		[illegible]				
28	1.2	1010		[illegible]				
29	1.2	1010		[illegible]				
30	1.2	1010		[illegible]				
31								

NAMPA & MERIDIAN IRRIGATION DISTRICT

B T Hogan
Ditchrider

Dray

NMID—Form No. 15

006049

Monthly Delivery Record

Ride Eight

Year 1966

Month July

0007727

Top No. _____ Lateral BRAY

Month July Year 1966 Weir 5 Ft.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1/2	1010			R14	14.98		23.93
2	1/2	1010			63	216.82		518.44
3	1/2	1010						
4	1/2	1010						
5	1/2	1010						
6	1/2	1010						
7	1/2	1010						
8	1/2	1010						
9	1/2	1010						
10	1/2	1010						
11	1/2	1010						
12	1/2	1010						
13	1/2	1010						
14	1/2	1010						
15	1/2	1010						
16	1/2	1010						
17	1/2	1010						
18	1/2	1010						
19	1/2	1010						
20	1/2	1010						
21	1/2	1010						
22	1/2	1010						
23	1/2	1010						
24	1/2	1010						
25	1/2	1010						
26	1/2	1010						
27	1/2	1010						
28	1/2	1010						
29	1/2	1010						
30	1/2	1010						
31	1/2	1010						

NAMPA & MERIDIAN IRRIGATION DISTRICT

B. F. Hogan
Ditchrider

NMID—Form No. 16

Bray

00782

Monthly Delivery Record

Ride Eight

Year 1946

Month August

00860

Tap No. Lateral BRAY

Month Aug. Year 1966 Weir 5 Ft.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1.12	1010		535	Rid	14.98		23.93
2	1.13	1018		534	US	216.82		518.44
3	1.12	1010		535				
4	1.12	1010		535				
5	1.13	1018		535				
6	1.12	1010		535				
7	1.12	1010		540				
8	1.12	1010		540				
9	1.12	1010		535				
10	1.13	1018		535				
11	1.12	1010		535				
12	1.12	1010		535				
13	1.12	1010		535				
14	1.12	1010		535				
15	1.12	1010		535				
16	1.12	1010		535				
17	1.12	1010		535				
18	1.12	1010		535				
19	1.12	1010		535				
20	1.12	1010		540				
21	1.12	1010		535				
22	1.12	1010		535				
23	1.12	1010		535				
24	1.12	1010		535				
25	1.12	1010		535				
26	1.12	1010						
27	1.13	1018		540				
28	1.13	1018		535				
29	1.13	1018		535				
30	1.12	1010		535				
31	1.13	1018		535				

O. Z. Hoffman Ditchrider

NAMPA & MERIDIAN IRRIGATION DISTRICT

NMID—Form No. 16

Bray

00515

Monthly Delivery Record

Ride Eight

Year 1966

Month September

0000993

Top No. _____ Lateral BRAY

Month Sept Year 1968 Wier 5 Pl.

DAY	Gauge	Miners Inches	ACCOUNT NUMBER	NAME	Water Right	MINERS INCHES	STORAGE ACRE FEET Arrowrock	STORAGE ACRE FEET Anderson
1	1 1/2	10 10		[illegible] Ford	Rid	14.99		37.93
2	1 1/2	10 10		[illegible]	US	216.82		518.44
3	1 1/2	10 10		[illegible]				
4	1 1/2	10 10		[illegible]				
5	1 1/2	10 10		[illegible]				
6	1 1/2	10 10		[illegible]				
7	1 1/2	10 10		[illegible]				
8	1 1/2	10 10		[illegible]				
9	1 1/2	10 10		[illegible]				
10	1 1/2	10 10		[illegible]				
11	1 1/2	10 10		[illegible]				
12	1 1/2	10 10		[illegible]				
13	1 1/2	10 10		[illegible]				
14	1 1/2	10 10		[illegible]				
15	1 1/2	10 10		[illegible]				
16	1 1/2	10 10		[illegible]				
17	1 1/2	10 10		[illegible]				
18	1 1/2	10 10		[illegible]				
19	1 1/2	10 10		[illegible]				
20	1 1/2	10 10		[illegible]				
21	1 1/2	10 10		[illegible]				
22	1 1/2	10 10		[illegible]				
23	1 1/2	10 10		[illegible]				
24	1 1/2	10 10		[illegible]				
25	1 1/2	10 10		[illegible]				
26	1 1/2	10 10		[illegible]				
27	1 1/2	10 10		[illegible]				
28	1 1/2	10 10		[illegible]				
29	1 1/2	10 10		[illegible]				
30								
31								

B. Z. Hogan

NAMPA & MERIDIAN IRRIGATION DISTRICT

Director

NMID—Form No. 11

Bray

Monthly Delivery Record

missing at time of filming

Ride Eight

Year 1966

Month October