

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

RIGHT NUMBER: 63-33179

NAME AND ADDRESS: L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

The source of this water right includes waste water. To the extent that this right includes waste water, this right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 0.580 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S36 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.560 CFS

Stockwater use is for 100 head of cattle and horses.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 SENW 28.10

STOCKWATER in CANYON County

T05N R05W S36 SENW

28.1 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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



Idaho Department of Water Resources

Adjudication Recommendation 63-33179 (IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

R05W



Prepared by Jan Shurte
On November 02, 2009
1987/88 Aerial Photography

0 0.05 0.1 0.2
Miles

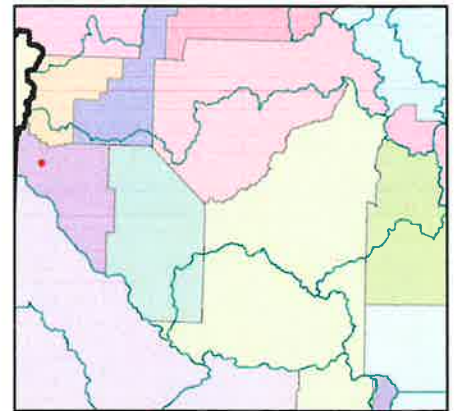


Idaho Department of Water Resources

Adjudication Recommendation 63-33179 (IRRIGATION)

Legend

- Point of Diversion
- Place of Use
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Canyon County
IDWR Basin 63

R05W



Prepared by Jan Shurte
On November 02, 2009
1987/88 Aerial Photography

0 0.05 0.1 0.2 Miles

Shurte, Jan

From: Shurte, Jan
Sent: Wednesday, March 03, 2010 11:19 AM
To: Williams, Ray
Subject: Goodner - 63-10217 & 63-33179

Hi Ray,

Just in case my ramblings were misunderstood, I took a better look at these two. The idea is that once 63-33179 passed the objection deadline without objections they were going to withdraw their claim on 63-10217. I wasn't sure if I indicated withdraw the objection, but it is the whole claim. The objection deadline was 2/1/2010 and no objections. I did notice the response deadline is later than this status conference. I don't know that it matters. Just an FYI.

Thanks,
Jan

See License file
63-10217 for field
exam & writeup. See
this file for evidence of
priority.

Check index
shapefile entry
data B A
5 R B A
& New Court

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-10217 V1

WATER RIGHT NUMBER: 63-10217 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MERLE H CULP 31038 SCOTT RD PARMA, ID 83660 (208)722-6682
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Current Owner	L DEAN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247

Priority Date: 02/07/1985

Basis: License

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.560 CFS	126.50 AF
	<u>Total Diversion:</u>	0.560 CFS	126.50 AF

<u>Location of Point(s) of Diversion</u>		
DIXIE SLOUGH	SE1/4NW1/4	Sec. 36, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use
IRRIGATION Within CANYON County
 T05N R05W S36 SENW 28.1
 Total Acres: 28.1

Conditions of Approval:
 1. Recommended as Right No. 63-33179

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-10217 V1

Comments:

1. vmusic 8/28/2006 RECOMMENDATION

Comment: CLAIMED AND RECOMMENDED AS LICENSED

2. vmusic 8/28/2006 SURFACE RTS

Comment: NONE PER LICENSE FILE COMMENTS

3. jshurte 3/9/2010 Disallowal of Rec

Comment: This right was originally recommended to the SRBA Court. During an objection by Riverside Irrigation District to the wastewater remark it was discovered that the actual use of this source dates back to 1935. A late claim was filed as 63-33179. After examining affidavits as to the priority date and mapping of that time, Claim No. 63-33179 was recommended in the Departments fall late claim report with a 1935 priority. This right was to be withdrawn if 63-33179 did not receive any objections. During the status conference it was decided that SM Booth would disallow this right and state Recommended as 63-33179. We all agreed. The wastewater objection was resolved with a wastewater remark on 63-33179.

SubCase:

SubCase Number: 63-10217

Class: 1

SF5 Filed Date:

Special Master Recorn Signed Date:

Attorney Assigned:

Adjudication Agent: vmusic

Basis of Claim: License

Date Filed: 8/16/2007 Objection Status: Active

Date Filed: 6/18/2007 Objection Status: Active

Date Filed: 9/23/2008 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33179 V1

WATER RIGHT NUMBER: 63-33179 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L DEAN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247

Priority Date: 03/01/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.560 CFS	
	<u>Total Diversion:</u>	0.580 CFS	

Location of Point(s) of Diversion

DIXIE SLOUGH	SE1/4NW1/4	Sec. 36, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of UseSTOCKWATER Within CANYON County

T05N R05W S36 SENW

IRRIGATION Within CANYON County

T05N R05W S36 SENW 28.1

Total Acres: 28.1

Conditions of Approval:

1. The source of this water right includes waste water. To the extent that this right includes waste water, this right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. X01 Stockwater use is for 100 head of cattle and horses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-33179 V1

5. C18 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.

Remarks:

Comments:

1. jshurte 10/14/2009 Bene Use Rec

Comment: This right was originally licensed under 63-10217. However, after an objection to 63-10217 it was discovered that use of the water had begun much earlier - see affidavits in file. Once this b/u claim is decreed 63-10217 will be withdrawn.

Water Supply Bank: