

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-124F

DAVID N BAYLESS
3425 W BEACON LIGHT RD
EALGE ID 83616
Telephone Number: (208)938-0302

RECEIVED

OCT 20 2006

**WATER RESOURCES
WESTERN REGION**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE:

10-18-06

SIGNATURE:

David N. Bayless

Please print your name:

DAVID N. BAYLESS

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/02/2006

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

RIGHT NUMBER: 63-124F

NAME AND ADDRESS: DAVID N BAYLESS
3425 W BEACON LIGHT RD
EALGE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.140 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01E S31 NESW 18.00

18 ACRES TOTAL

This right and Right No. 63-8513 are limited to the irrigation of a combined total of 92 acres in a single irrigation season.

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 - Decreed

This right is also designated as Right No. 3 in the Boise River Stewart Decree and Boise River Water Distribution Remark.

Water is delivered via the Settler's Irrigation District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-124F V1

WATER RIGHT NUMBER: 63-124F V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C E WHITE
	, ID
Current Owner	DAVID N BAYLESS 3425 W BEACON LIGHT RD EALGE, ID 83616 (208)938-0302
Original Owner	MIDDLETON MILL DITCH CO
	, ZZ

Priority Date: 06/01/1864

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	to 11/15	0.140 CFS	
	<u>Total Diversion:</u>		0.140 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	31									18.0								18.0

Total Acres: 18

Conditions of Approval:

1. E55 This right and Right No. 63-8513 are limited to the irrigation of a combined total of 92 acres in a single irrigation season.
2. This right is also designated as Right No. 3 in the Boise River Stewart Decree and Boise River Water Distribution Remark.
3. Water is delivered via the Settlers Irrigation District Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-124F V1

4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
6. 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:

Water Supply Bank:

IDAHO DEPT OF WATER RESOURCES

Water Right(s)

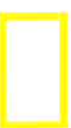
63-124F

***Twp. 4N, Rge. 1E
Sec. 31***

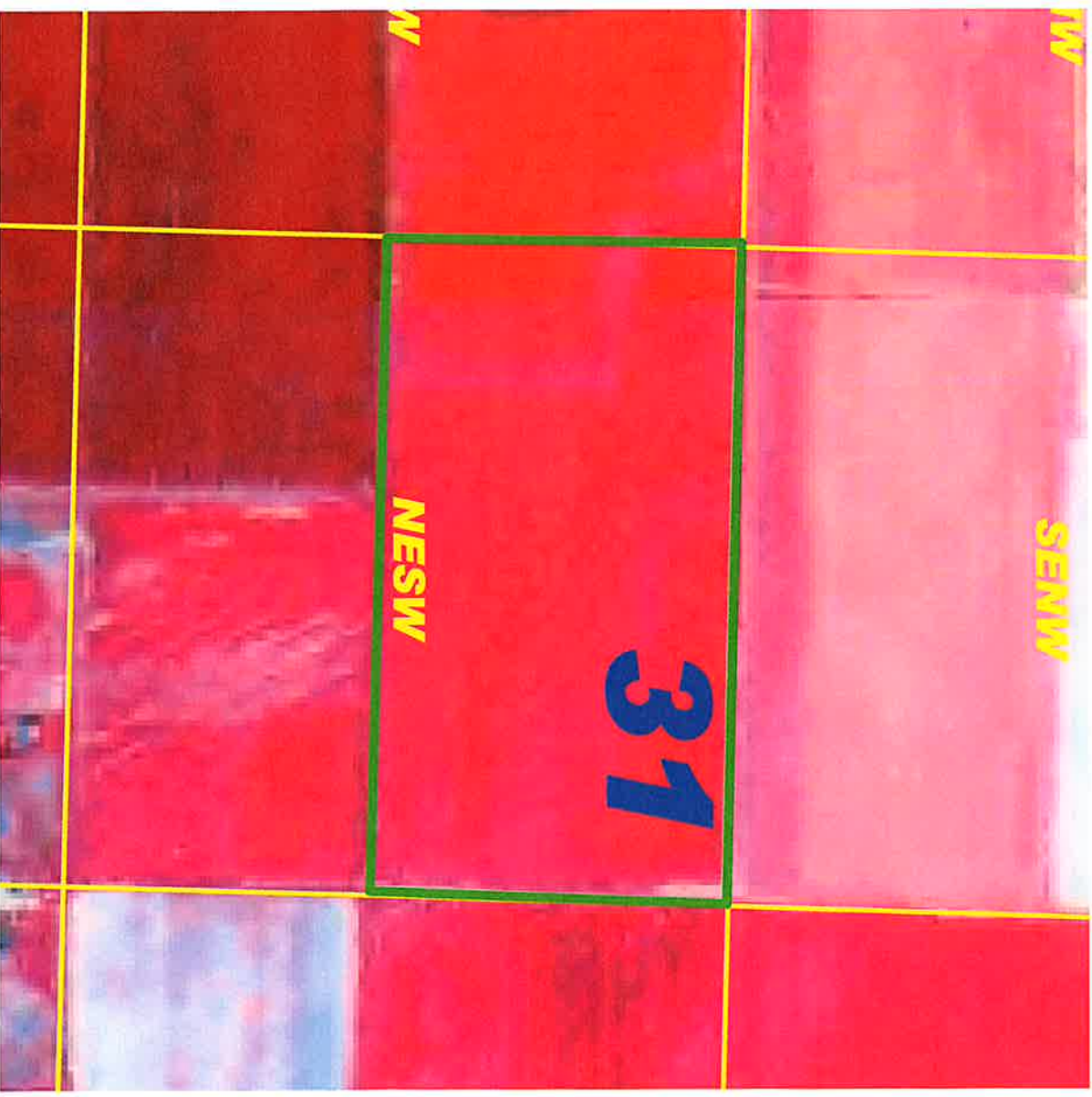
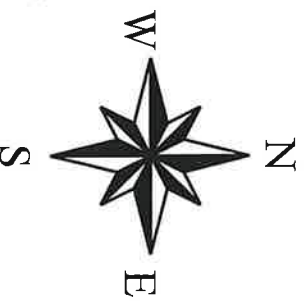
1987/1988 NAPP Photo
Prepared by: J. Shurte
Date: August, 2006

 **Point of Diversion**

 **Place of Use**

 **114114 Lines**

 **Section Lines**



600 0 600 1200 Feet

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-124F

WATER RIGHT NUMBER: 63-124F

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C E WHITE , ID
Current Owner	DAVID N BAYLESS 3860 N MERIDIAN RD MERIDIAN, ID 83642 (208)888-2053
Original Owner	MIDDLETON MILL DITCH CO , ZZ

Priority Date: 06/01/1864

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/45	11/15	0.140 CFS	
	3/1		<u>Total Diversion:</u>	0.140 CFS

Location of Point(s) of Diversion

BOISE RIVER NW1/4NW1/4 Sec. 9, Twp 03N, Rge 02E, B.M.
ADA County

Place of Use

IRRIGATION

[illegible]

Total Acres: 20

Conditions of Approval:

Remarks:

1. General TO BE CARRIED IN THE SETTLERS CANAL.
TRANS. 347 P/D IN S9, T3N, R2E.

AKA RIGHT NO. 3 IN STEWART DECREE

Quantity this when comb. w/ all other its ¹ may leave
cannot exceed . 02 cfs per acre. ? off. ~~entire~~ use w/
63 - 851.3

Splits of
124 all OK

Cutback
Remnant
Quantity # 153

NOT #1 SWAKE

2a.

63-8513 is for 92 acres - 20 acres in the NRESW are the same as 20 of the 92 acres in the NRESW under the same. Will link them to 92 acres when combined.

III.

That the defendant THE MIDDLETON MILL DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the farm of Davis & Hart, Sec 13, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

63 0124 ^{T 300, 301, 347, 349, 350, 391, 393} 1640 inches, from June 1, 1864; and hereby designated as Right No. 3
 63 0125 ^{T 300, 301, 391, 393} 1885 inches, from June 1, 1871; and hereby designated as Right No. 54.
 63 0126 850 inches, from June 1, 1891; and hereby designated as Right No. 120.
^{300, 301, 393}

And adjudged to pay \$222.25 costs, in addition to the costs incurred by it.

IV.

That the defendant THOMAS ANDREWS be and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE $\frac{1}{4}$ of Sec. 25 and in SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23, E. $\frac{1}{2}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, E. $\frac{1}{2}$ of NW $\frac{1}{4}$, and lot 2, Sec. 22, all in T. 5 N. R. 5 W. B.M., in the following amounts from the following dates;

63 0127 185 inches, from June 1, 1864; and hereby designated as Right No. 4.
 63 0128 300 inches, from June 1, 1865; and hereby designated as Right No. 29.
 63 0129 85 inches, from June 1, 1870; and hereby designated as Right No. 31.
 63 0130 45 inches, from June 1, 1888; and hereby designated as Right No. 104.
 63 0131 175 inches, from June 1, 1891; and hereby designated as Right No. 121.
 And adjudged to pay \$52.50 costs, in addition to the costs incurred by him.

V.

That the defendants T. C. CATLIN and POLETTE MACE be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, on Lot 5, Sec. 17, T. 4 N. R. 1 E. B.M., for use on their lands on Eagle Island, Ada County, Idaho, in the following amounts from the following dates;

63 0132 ^{T 179} 143 inches, from June 1, 1864; and hereby designated as Right NO. 5.
 63 0133 323 inches, from June 1, 1871; and hereby designated as Right No. 52.
 And adjudged to pay \$37.52 costs, in addition to the costs incurred by them.

VI.

That the defendant T. C. CATLIN be and he is hereby awarded the use of the waters of Boise River, diverted near the center of the NE $\frac{1}{4}$ of Sec. 13, T. 4 N. R. 1 E. B.M., through what is known as the Davis & Hart ditch, for use upon lands lying under said ditch on Eagle Island, Ada County, Idaho, in the following amount from the following date;

63 0134 165 inches, from June 1, 1864.

And adjudged to pay \$11.55 costs, in addition to the costs incurred by him.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08513

Priority: February 28, 1977

Maximum Diversion Rate: 1.81 CFS
Maximum Diversion Volume:¹ 420.7 AF

This is to certify, that DAVID N. BAYLESS
EUNICE BAYLESS

3860 N. MERIDIAN
MERIDIAN, ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 28, 1977; and has submitted Proof of Beneficial Use on March 24, 1987. An examination indicates that the works have a diversion capacity of 1.810 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.81 CFS	414.0 AF
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF
	Totals	1.81 CFS	420.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 31, Township 04N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	31	NESW 22	LOT 3(NWSW) 14		36
	01W	36	NESE 36	NWSE 20		56
				Total number of acres irrigated:		92

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/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 reflect cropping patterns or acceptable standards of water delivery 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre lands above.

MICROFILMED

NOV 14 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-08513

CONDITIONS/REMARKS:

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 31st
day of October, 1989.

Billy D. Flannery for
R. Keith Higginson, Director

RECEIVED
NOV 1 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

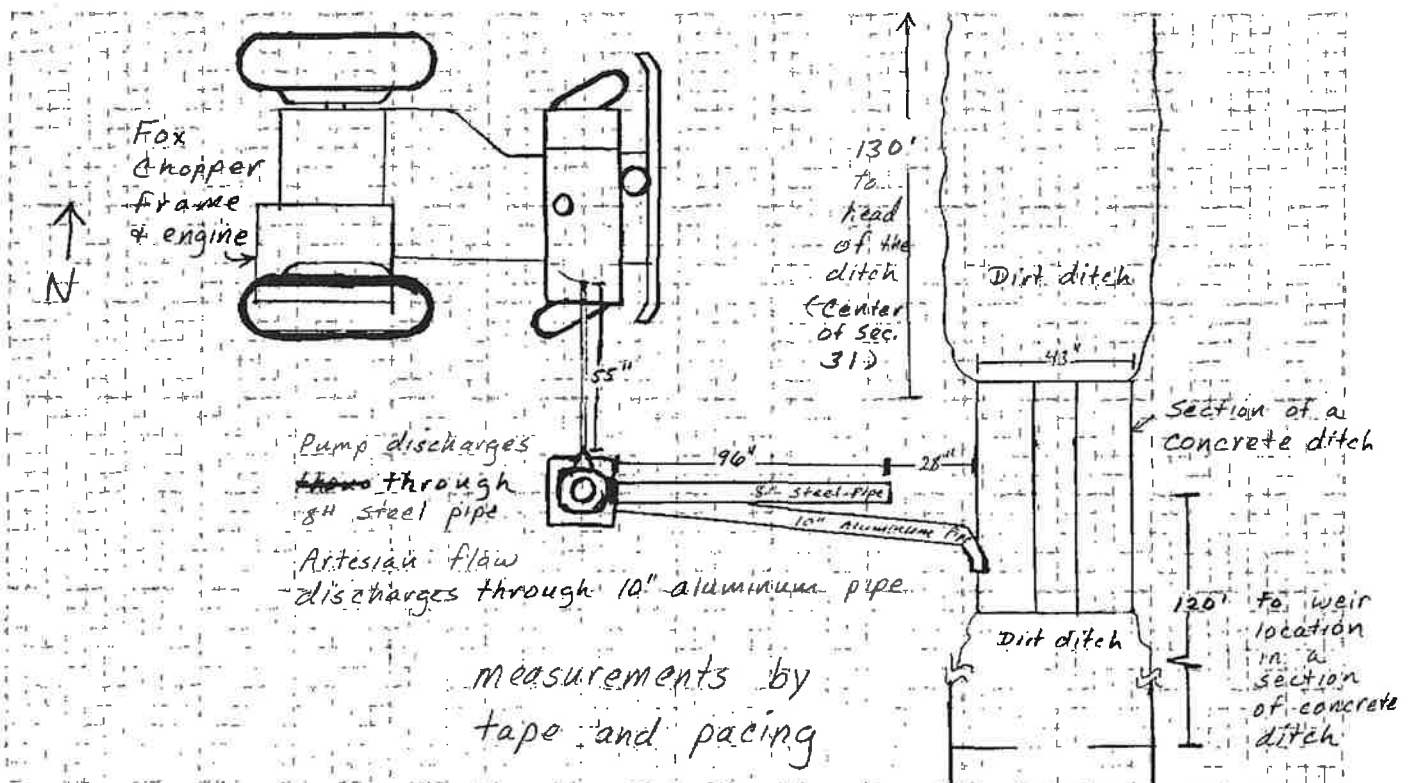
- Permit No. 63-8513
1. Owner: David N. and/or Eunice Bayless Phone No. 888-2053
Current Address: 3860 N. Meridian Rd., Meridian, ID 83642
2. Accompanied by: Dave Bayless EXAM. DATE: 9-17-87
Address: Same as above Phone No. 888-2053
Relationship to Permit Holder: owner
3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

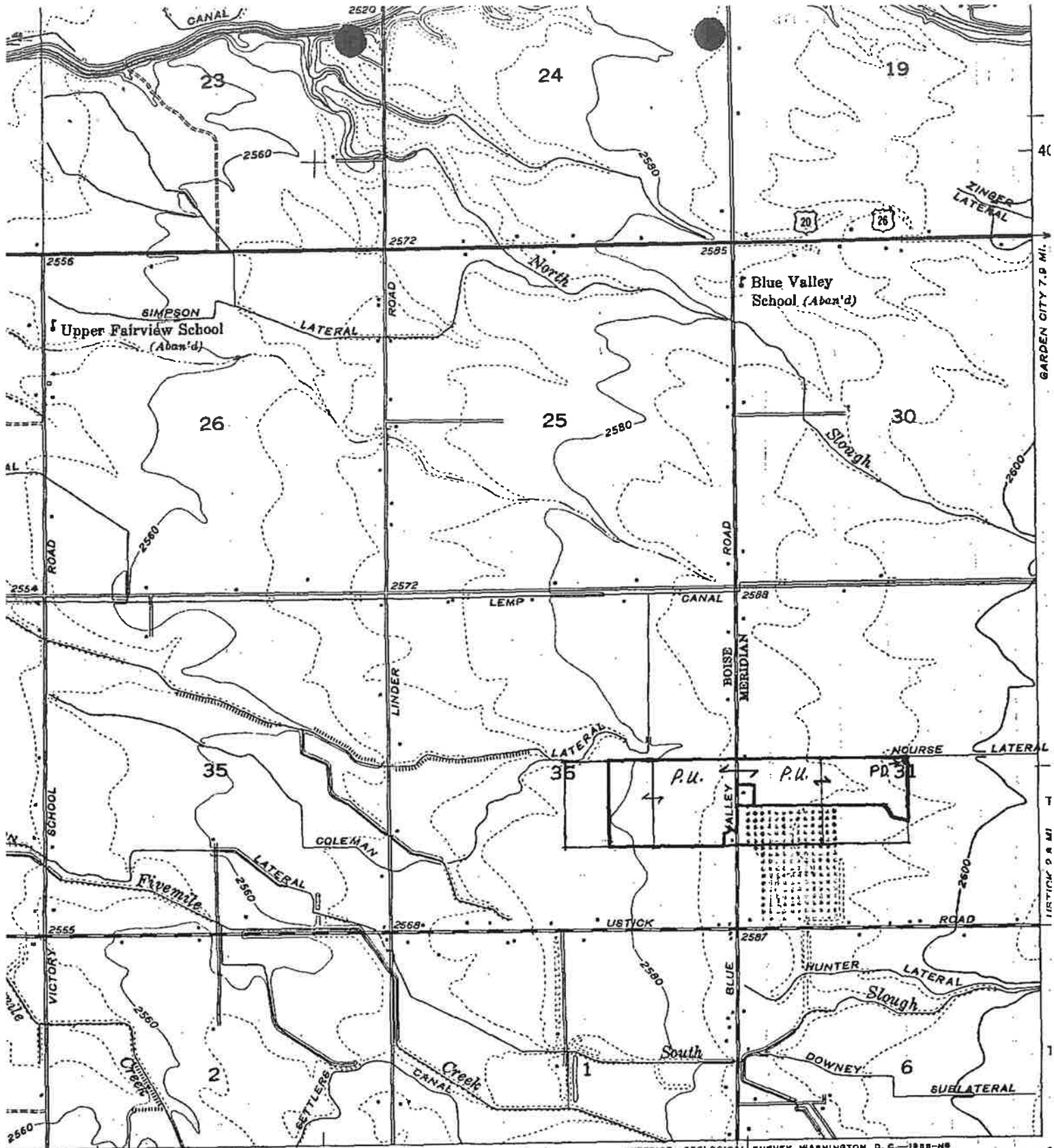
1. Other water rights with same place of use: 63-0198A 63-2040 63-2101 63-4983
63-0124F ☒ Copies Attached
2. Other water rights with same point of diversion: none
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

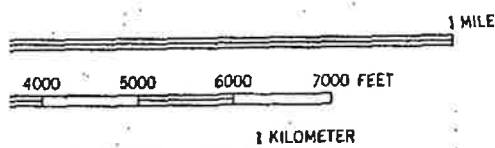
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).



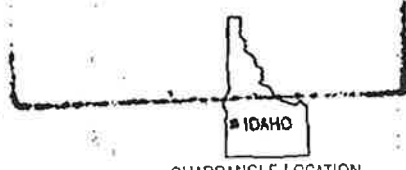
20



20 FEET
FOOT CONTOURS
LEVEL

MICROFILMED

NOV 14 1989



INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1988—MS
0.4 MI. TO U.S. 30
MERIDIAN 1 MI.

116°22

ROAD CLASSIFICATION

Heavy-duty ——— 4 LANE 6 LANE Light-duty ———
Medium-duty ——— 4 LANE 6 LANE Unimproved dirt ———
U. S. Route State Route

STAR, IDAHO

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
2' rectangular weir		Water users				
staff gauge						
5 gallon bucket						
stop watch						

2. Measurements:

Head of 0.43' over a 2' crest length rectangular weir. 1.81 cfs from Table 3 pg. 22 U of I Bulletin 552.
 Filled a 5 gallon bucket in 10 seconds from natural artesian flow. (WITHOUT PUMP)
 $5_{10} \times 60 = 30 \text{ gpm}$ 500 head cattle allow 0.12 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Allow 1.81 cfs $\frac{30 \text{ gpm}}{448.8} = 0.07 \text{ cfs}$

2. Alternate Method for Checking Purposes:

Est. 20' lift $\frac{75 \times 8.8 \times 0.6}{20 + 2.3(0)} = 19.8 \text{ cfs}$

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 Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 92 \times 4.5 = 414.0 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.81 \times 245 \times 1.9835 = 879.6 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 414.0 \text{ afa}$

2. Volume Calculations for Other Uses:

500 head cattle allow 6.7 afa

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system has a well with 10" casing to 494', a 6" casing from 460' to 551' and an 8" casing from 540' to 740'. A turbine pump is powered through a U.S. Motors angle drive (ser. no. 1011106) by the engine of a Fox self-propelled forage chopper. The water is discharged into a dirt ditch. All of the irrigation is from dirt ditches. The well
 With siphon tube taken out See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Est Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GM Detroit	75	unknown	Layne	8" discharge
	Diesel				

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	31	4N	1E	Ada	Aerial photo

6. **Place(s) of Use:**

Indicate Method of Determination Aerial photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	31									22	14							36
4N	1W	36													36	20			56
																			92

H. REMARKS AND OVERLAP REVIEW ANALYSIS

has some natural artesian flow (not year round) and this was measured at 30 gpm after the pump had been shut off approximately 15 minutes. The groundwater is used to supplement surface water from Settler's Irrigation District. Mr. Bayless has had up to 500 head of cattle water from this system. No domestic use has been developed using this system. 63-0198A 63-0124F 63-2140 63-2101 are surface water rights. 63-7700 is used on the land to the south of this land.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	1.81	414.0
stockwater	1-1	12-31	0.12	6.7
Totals:			1.81	420.7

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 Carter Fritschle
 Signature Carter Fritschle
 Certification Date _____
 Field Report Preparation Date 9-17-87

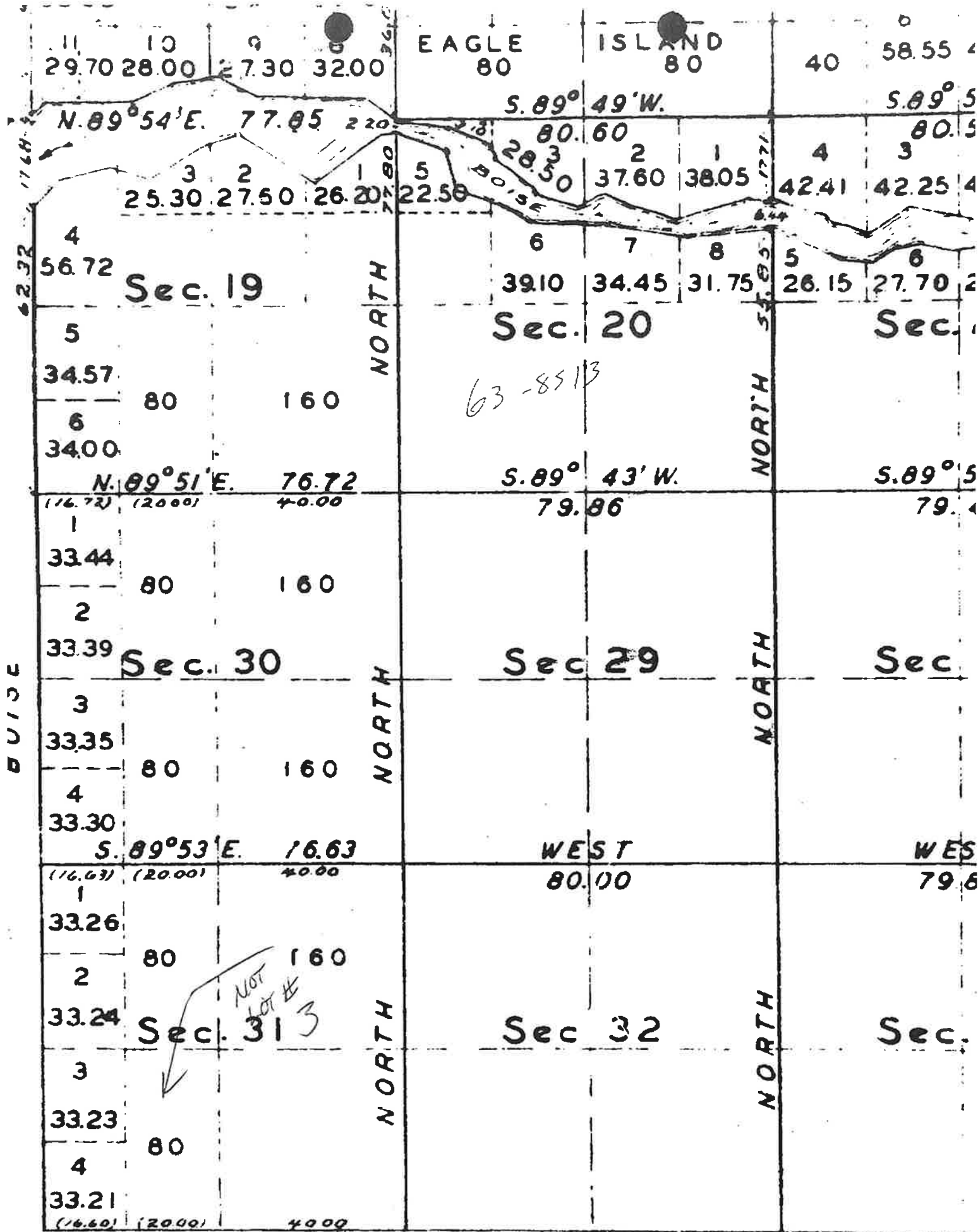


CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

CONDITION
 R-32

filed 10/1/87



76.60

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00124F
Date Received: 5/09/1990
Receipt No: C011305
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID BAYLESS
Address: 3860 NORTH MERIDIAN ROAD
MERIDIAN, ID 83642
208-888-2053

2. Date of Priority: JUN 01, 1864

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02E	9	NW	NW			ADA

5. Description of diverting works:
CONCRETE DIVERSION DAM AND EARTHEN LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	01E	31	NE	SW		IRR	20.0

Section Acres 20.0

A63-00124F

Page 1

Date: 05/09/90

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AUG 14 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
63-230, 63-231, 63-5262, 63-3618, 63-3614

14. Remarks:
TO BE CARRIED IN THE SETTLERS CANAL.
TRANS. 347
P/D IN S9, T3N, R2E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

TR#347/WR#63-0124
CIVIL CASE NUMBER:

39576

Ident. Number

Date Received

Receipt Number

9-08-89

C011305

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David Bayless Phone (208) 888-2053
Mailing Address 3860 North Meridian Rd., Meridian, Idaho Zip 83642

2. Date of Priority (Only one (1) per claim) June 1, 1964

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Reinforced concrete diversion dam in
river to earthen canal, to earthen lateral ditch system

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from 3/15 to 11/15 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 70 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	31									20								20

Total number of acres irrigated 20

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right Nos. 63-0230, 63-0231, 63-05262, 63-03618, 63-03614 or None ()

14. Remarks: A power of attorney (Exhibit A) provides written authorization
for the Chairman of Settlers Irrigation District to file this claim.
This water right is evidenced by transfer No. 347 (Exhibit C).

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Last Name Bayless Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
If applicable provide IDWR Water Right Number 63-0124
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chairman Title _____
of Settlers Irrigation District Organization _____, that I have signed the foregoing
document in the space below as Chairman Title _____ of Settlers Irrigation District Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Smithger
Title and Organization President / Chairman Date 9/5/89

State of Idaho/or _____)
County of Casa) SS.

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public Zoe Ann M. Biscardi

Residing at Meridian, ID

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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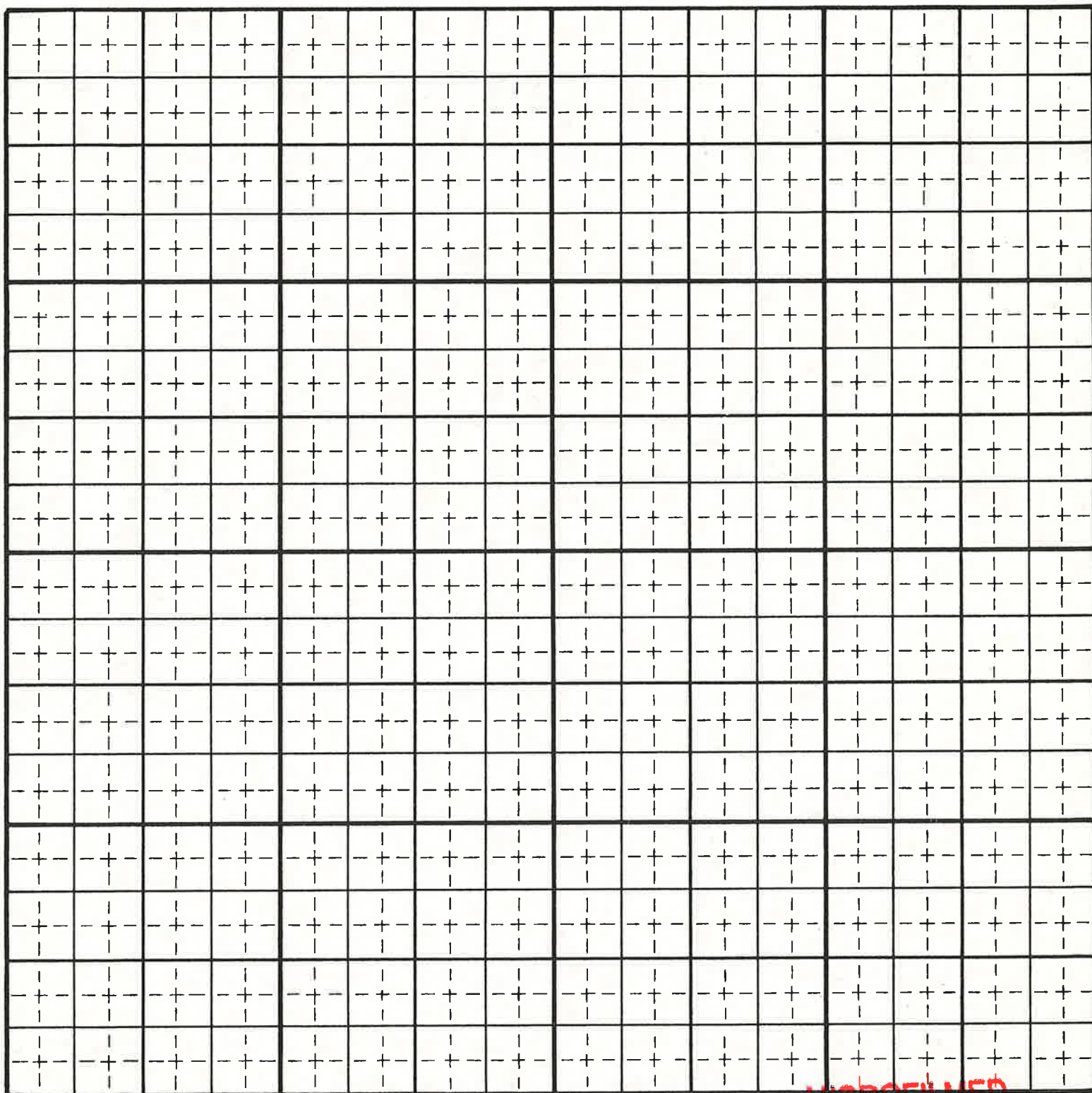
Last Name Bayless Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

See Exhibit B



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Last Name Bayless Ident No. _____

Copies: White-State, Yellow-Claimant

#357

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

August 4th 1989
Date

David N. Bayless
Signature
DAVID N. BAYLESS
(Please print full name)

August 4th 1989
Date

Eunice J. Bayless
Signature
EUNICE J. BAYLESS
(Please print full name)

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EXHIBIT A

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



Private groundwater diversions



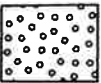
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



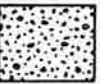
Farmers Union Ditch Co. (Boise River diversion)



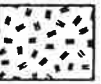
Little Pioneer Ditch Co. (Boise River diversion)



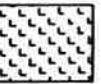
Nampa - Meridian Irrigation District (Boise River diversion)



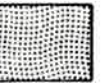
New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

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EXHIBIT

B

Shawburg No. 5119

*
STATE OF IDAHO
Department of Reclamation
Certificate of Water Right
Transferred Right No. 347.

This is to certify that C. E. White of Meridian, County of Ada, State of Idaho, has a right to the use of the waters of Boise River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Canyon, in the case entitled "Farmers' Co-operative Ditch Company, a corporation, Plaintiff, vs. Riverside Irrigation District, et al, Defendants", wherein certain water was decreed to the Middleton Mill Ditch Company, for irrigation of the following described lands: Lots 20, 21, 22, 23, 24, 48, 49 and 50 of Fruitdale Farm, in Canyon County, Idaho; that a copy of said decree is on file in the Department of Reclamation of the State of Idaho; that C. E. White is entitled to one (1) share of the Capital Stock of the said Middleton Mill Ditch Company, as shown by Stock Certificate No. 1014; that, upon the application of the said C. E. White for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.14 second feet of the waters of Boise River, upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.14 sec. ft., dated June 1, 1864

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Water Right Number - 63-00124F

Adj. Flag Translation:	Standard Water Right Number	Old (D) Number -
------------------------	-----------------------------	------------------

[illegible]

*** C - CURRENT OWNER ***
WHITE

பு

1	1	1	Cit	pho
2	1	1		
3	1	1		

*** O - ORIGINAL OWNER ***
MIDDLETON MILL DITCH CO.

State-Zip-

MIDDLETON MILL DITCH CO.

State-
Zip-

```

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + - - - Status - - - +
14
06/01/1864
D - DECEDED

```

```

+ - - - - Source - - - - - +
BOISE RIVER
+ - - - - Tributary - - - - - +
SNAKE RIVER

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+ - +	Rng	Sec	Tract	Lot	RFlg	County	- - Point of Diversion - -	Stream Index (Blank if no Index Code)
-------	-----	-----	-------	-----	------	--------	----------------------------	---------------------------------------

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			0.140	

	+ - Total Div. Rate	- +	+ - Total Div. Volume	- +	+ - Total Div. Capacity	- +	+ - Total Consumptive Use	- +	+ - KW Usage	- +
		0.140								

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
04N	01E	31	NW SW		20.0	01	IRRIGATION	(1) ADA

Total Acres: 20.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

TO BE CARRIED IN THE SETTLERS CANAL.
TRANS. 347
P/D IN S9, T3N, R2E.

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Water right number - 63-00124F	Adj. flag translation: Standard Water Right Number
+ - - - -	- - - - - Old Water Right Numbers - - - - -
+ - - - -	- - - - - Old Water Right Numbers - - - - -
	No Old Water Right Numbers found.
+ - - - -	- - - - - Conditions of Approval - - - - -
	No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +
FARMERS CO-OP DITCH CO.	RIVERSIDE IRR. DIST.
+ - - - - Audit Fields - 05/28/85	05/01/88 CONVERT
+ - - - -	- - - - - Water Rights Dates and Flags Area - - - - -
	Field Exam Fee -
	Swan Falls -
	Temporary Right - P
	DLE/Carey Act -
	Water District - 63
	Transfer/Amended - P
	Microfilm Roll Number -
	Field Exam Made - 00/00/0000
	Protested Date - 00/00/0000
	Hearing Date - 00/00/0000
	Verified Date - 05/28/1985
	Receipt Number -
	Appl Received - 00/00/0000
	Presumption Flag -
	Proof Due Date - 00/00/0000
	Approved/Denied - 00/00/0000
	Proof Made Date - 00/00/0000
	Start Work Date - 00/00/0000
	Order Show Cause - 00/00/0000
	Licensed Date - 00/00/0000
	Decree Date - 01/18/1906

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