

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: A47-12936

Date Received: 9/27/1988

Receipt No: C004353 *pat*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSCOE WAGNER 208-733-7671
Address: P.O. BOX 192
TWIN FALLS, ID 83303-0192
OR
Name: ROGER WAGNER 208-733-7671
Address: P.O. BOX 192
TWIN FALLS, ID 83303-0192
2. Date of Priority: DEC 31, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 10S | 17E | 13 | SW | SW | SW | | TWIN FALLS |
5. Description of diverting works:
WELL, 150' DEEP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.050 | | |
7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
C/SHOP AND OFFICE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	17E	13	SW SW		COMMER	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

CIVIL CASE NUMBER: 39356
Ident. Number A47-12936
Date Received 9-27-88
Receipt Number C0043523

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 27 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Roscoe Wagner & Roger Wagner or Phone (208) 733-7671
Mailing Address P.O. Box 192 Twin Falls, Idaho Zip 83303-0192
2. Date of Priority (Only one (1) per claim) 1960
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 10 Range 17 Section 13,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Twin Falls
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. One Well 150 feet

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1-1 to 12-31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

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

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	
10	17	13											C						

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes Yes No _____
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. _____ or None (x)

14. Remarks:

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Last Name Wagner Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. The grid is divided into four 10x10 quadrants by a vertical line between columns 10 and 11, and a horizontal line between rows 10 and 11. Handwritten text is present in the lower-right quadrant. The text "ADAMS AVE E" is written in a cursive-like font, spanning across columns 11, 12, and 13, and rows 10 and 11. Below it, "Sec 13" is written, followed by "KIMBERLY RD" on the next line. A single dot is placed at the intersection of column 11 and row 12. The text "3100 E 12th" is written vertically along the vertical line between columns 10 and 11, spanning from row 10 down to row 12.

MAR 14 1993

Last Name Wagner Ident No.

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

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 _____

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

Signature of Claimant (s) Rosey Wagner Date 9-24-88

Rosey Wagner Date 9-24-88

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ of _____
Organization Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24 day of September 19 88

SEAL

Notary Public Robert B. Wagner

Residing at Twin Falls, Idaho

My Commission Expires August 13th, 1992

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 Wagner Ident. Number _____

Copies White-State, Yellow-Claimant

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Wagner

CLAIM IDENT. NO.

A47-12936

DATE RECEIVED

9-27-88

CK #

Cov4353

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

Is the consumptive use correct?

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

Rat

Comments: 105 17E

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COLEMAN, RITCHIE & ROBERTSON

ATTORNEYS AT LAW
156 SECOND AVE. WEST
P.O. BOX 525
TWIN FALLS, IDAHO 83303-0525

JOHN R. COLEMAN
JOHN S. RITCHIE
THOMAS M. ROBERTSON

TELEPHONE (208) 734-1224

FAX (208) 734-3983

March 15, 1995

RECEIVED

MAR 15 1995

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Department of Water Resources
Southern Region

Re: Water Right No. A47-12935, Roscoe Wagner
Water Right No. A47-12936, Roscoe & Roger Wagner

Gentlemen:

With regard to the above matters, enclosed is an Affidavit for each of these Rights, which Affidavits are submitted for proof of the priority of the claim in each situation.

If additional information is needed, please feel free to call me.

Sincerely yours,


JOHN R. COLEMAN

JRC\jlk
Encl.

cc: Roger Wagner

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DEC 10 1996

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

3
4 IN RE THE GENERAL ADJUDICATION) CIVIL CASE NUMBER 39576
5 OF RIGHTS TO THE USE OF WATER FROM) Ident. Number A47-12936
6 THE SNAKE RIVER BASIN WATER SYSTEM)

7 STATE OF IDAHO)
8) ss. AFFIDAVIT
9 County of Twin Falls)

10 ROGER WAGNER, being first duly sworn, deposes and says:

11 1. That I am the Personal Representative of the Estate
12 of Roscoe Wagner, Deceased.

13 2. Roscoe Wagner was my brother, and I have been familiar
14 with his business dealings and his property ownership for over 50
15 years.

16 3. This Affidavit is made as evidence of priority of the
17 water right claimed by Roscoe Wagner under the Snake River
18 Adjudication, which right is designated as Right No. A47-12936.
19 I am familiar with the property described in this claimed water
20 right.

21 4. The property described in this Water Right, namely
22 A47-12936, was purchased by my brother, Roscoe Wagner and myself in
23 1974 from Emerson A. Tolman. The property was acquired by Mr.
24 Tolman prior to December 31, 1960. In 1960, Mr. Tolman developed
25 this property as a shop for the E. A. Tolman Livestock Trucking
26 Company.

5. I know of my own personal knowledge that the shop was

RECORDED

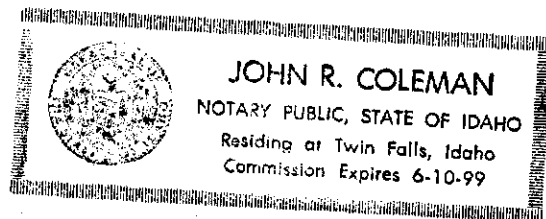
DEC 10 1996

1 established at that time and that a well was drilled on the property
2 described in said Claim A47-12936, and was used in the operation of
3 the shop for his transportation business. Mr. Tolman was a
4 competitor of ours in the trucking business and was also a customer
5 of ours in the purchase of trucking equipment and livestock
6 trailers. The well on the property described in said Right has
7 furnished water for the operation of the shop on said property
8 continuously since December 31, 1960.

9
10 
11 ROGER WAGNER

12 SUBSCRIBED and SWORN to before me this 15th day of March,
13 1995.

14 
15 NOTARY PUBLIC



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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor: PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-12936
ROSCOE WAGNER
ROGER WAGNER
P.O. BOX 192
- TWIN FALLS

ID 83303-0192

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

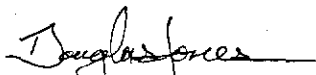
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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