

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: A22-07280A
Date Received: 10/20/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE H ROWAN
Address: 843 THREE FOUNTAINS DRIVE #258
SALT LAKE CITY UT 84107

801-266-404

A2207280A

2. Date of Priority: JUN 27, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	11	SW	SW	SW		MADISON

5. Description of diverting works:

WELL, 500HP PMP 505'-12" COL. SETTING, 16"-12GA. DIS. STEEL PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.540		

7. Total Quantity Appropriated is:

6.540 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 1468.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	10	NE	SE		IRR	12.0
			SE	SE		IRR	24.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	36.0
		11	NE	SW	IRR	10.0
			NW	SW	IRR	20.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
					Section Acres	110.0
		14	SW	NE	IRR	0.3
			NW	NW	IRR	25.6
			SW	NW	IRR	18.4
			SE	NW	IRR	1.7
			NE	SW	IRR	29.0
			NW	SW	IRR	32.0
			SW	SW	IRR	31.0
			SE	SW	IRR	39.0
			SW	SE	IRR	15.0
					Section Acres	192.0
		15	NE	NE	IRR	24.0
			SE	NE	IRR	24.0
			NE	SE	IRR	24.0
			SE	SE	IRR	7.0
					Section Acres	79.0
		23	NW	NE	IRR	2.0
			NE	NW	IRR	17.0
			NW	NW	IRR	8.0
					Section Acres	27.0
					Total Acres	444.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THE PLACE OF USE LISTED ABOVE DIFFERS FROM THE PERMITTED ACREAGE
REFLECTS ACTUAL PRACTICE WHICH STARTED WHEN WE BEGAN USING THE

MICROFILMED

14. Remarks: Continued

WELL. THIS WAS CONFIRMED BY DEPARTMENT PERSONEL WHEN THEY COM-
PLETED THE LICENSING FIELD EXAM.
PAID #E003351

15. Basis of Claim: LICENSE

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

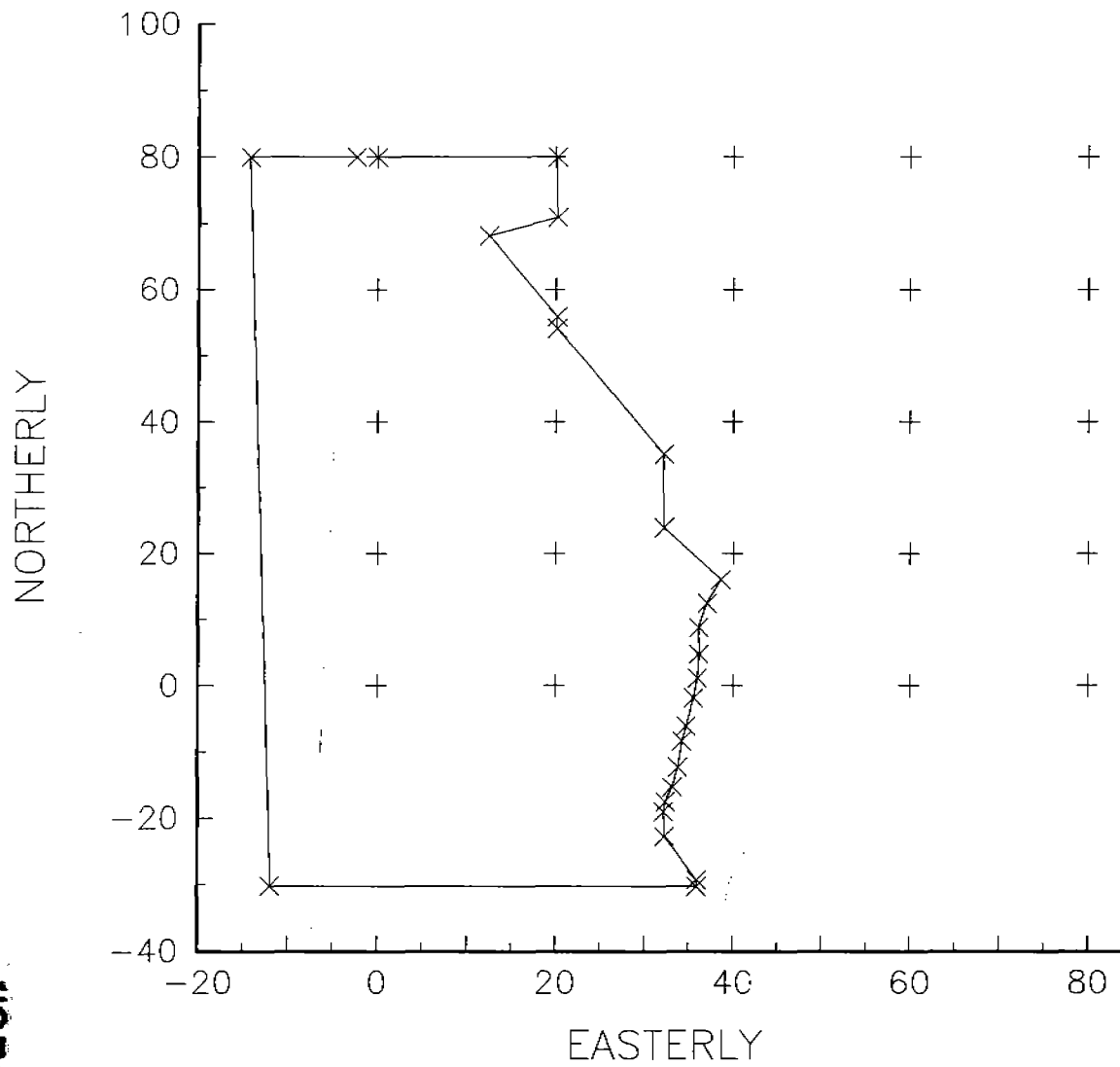
Residing at _____

My Commission Expires _____

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DEC 09 1992

TYPICAL SECTION Property Overlay



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DEC 09 1992

Log for claim 22-07280A

Spatial Dynamics LTD

7/10/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	10	NESE	12	11	
05n40e	10	SESE	24	23	
05n40e	11	NESW	10	16	
05n40e	11	NWSW	20	19	
05n40e	11	SWSW	40	36	
05n40e	11	SESW	40	36	
05n40e	14	SWNE	0.3	40	Indiscernible
05n40e	14	NWNW	25.6	24	
05n40e	14	SWNW	18.4	24	
05n40e	14	SENW	1.7	1.6	
05n40e	14	NESW	29	26	
05n40e	14	NWSW	32	36	
05n40e	14	SWSW	31	36	
05n40e	14	SESW	39	40	
05n40e	14	SWSE	15	11	
05n40e	15	NENE	24	24	
05n40e	15	SENE	24	24	
05n40e	15	NESE	24	24	
05n40e	15	SESE	7	8.3	
05n40e	23	NWNE	2	2.5	
05n40e	23	NENW	17	11	
05n40e	23	NWNW	8	5.3	
Totals:			444	478.7	

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 22-07280A

Priority: June 27, 1978

Maximum Diversion Rate:

4.77 CFS

Maximum Diversion Volume:

*

This is to certify, that CATHERINE ROWAN

843 THREE FOUNTAINS DR

SALT LAKE CITY UT 84107

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1978; and has submitted Proof of Beneficial Use on February 7, 1983. An examination indicates that the works have a diversion capacity of 9.530 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	04/1 to 10/31	4.77 CFS	*

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 11, Township 05N, Range 40E
MADISON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>PRIMARY SERVICE LAND</u>			
<u>TWN RGE SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 40E 10	SESE	17.5			17.5
11	SWSW	29	SESW 26		55
14	NWNW	23	SWNW 23	NWSW 13	59
15	NENE	24	SENE 24	NESE 24	
	SESE	4			76
Total acres irrigated as primary right:					207.5

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>SUPPLEMENTAL SERVICE LAND</u>			
<u>TWN RGE SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 40E 2	SESW	17	SWSW 25.5		42.5
3	SESE	17			17
10	NENE	26			26
11	NENW	34	NWNW 40		74
Total acres irrigated supplemental to Right 22-02223:					159.5

CONDITIONS OF APPROVAL AND REMARKS

- * 1. The annual volume allowed to be diverted under this right shall not exceed 727.0 af per year for the primary service lands and 559.0 af per year when combined with Right 22-02223 for the supplemental service lands.
- 2. 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 of the lands above.

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DEC 30 1998

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 22-07280A

CONDITIONS OF APPROVAL AND REMARKS

3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to estimate the amount of water diverted using power records and shall annually report the information to the department.
5. Issuance of this license does not designate ownership of the irrigation system, or any part thereof, to any person nor does it in any way designate those who control the irrigation system.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30th day of NOVEMBER, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
DEC 30 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07280A

Priority: June 27, 1978

Maximum Diversion Rate: 4.59 CFS

Maximum Diversion Volume: 1029.0 AF

This is to certify, that CATHERINE ROWAN

843 THREE FOUNTAINS DR

SALT LAKE CITY UT 84107

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1978; and has submitted Proof of Beneficial Use on February 7, 1983. An examination indicates that the works have a diversion capacity of 9.180 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	04/15 to 10/15	4.59 CFS	1029.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 11, Township 05N, Range 40E
MADISON 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>
05N	40E	10	NESE 13	SESE 25		38
		11	NESW 17	NWSW 21	SWSW 40	
			SESW 38			116
		14	NWNW 23	SWNW 23	NWSW 14	60
		15	NENE 25	SENE 25	NESE 25	
			SESE 5			80

Total number of acres irrigated: 294

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall 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 0.02 cfs per acre nor more than 3.5 af per acre at the field headgate for irrigation of the lands above.

MICROFILMED

8-28-80 1990

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

WATER RIGHT NO. 22-07280A

CONDITIONS OF APPROVAL AND REMARKS

6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to estimate the amount of water diverted using power records and shall annually report the information to the department.
8. Issuance of this license does not designate ownership of the irrigation system, or any part thereof, to any person nor does it in any way designate those who control the irrigation system.
9. In accordance with the August 28, 1997, Memorandum Decision of the SRBA District Court in Subcase No. 94-00012, the effective date of licensing this right is February 7, 1983.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1997.

Acting for

KARL J. REHER, Director

SUPERSEDED

MICROFILMED

DEC 30 1998

Identification No. _____

Application No. 22 7280

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lucille W. Howe AND/OR Jim W. Howe Phone: 356-3027
post office address 240 Mohawk, Rexburg, Idaho 83440
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 5N
Range 40E B.M. Madison County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 10.81 for irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 10.81 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 24 inches; proposed depth of well is 615 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 35,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	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	
5N	40E	10	24			24									24			24	96
		11					35	40	40	24	19	40	40	40					278
		15	24			24									24				72
		14						14	30			22							66
		2							37		7	40	40	25					149
		3				L. 1 25									24			24	73

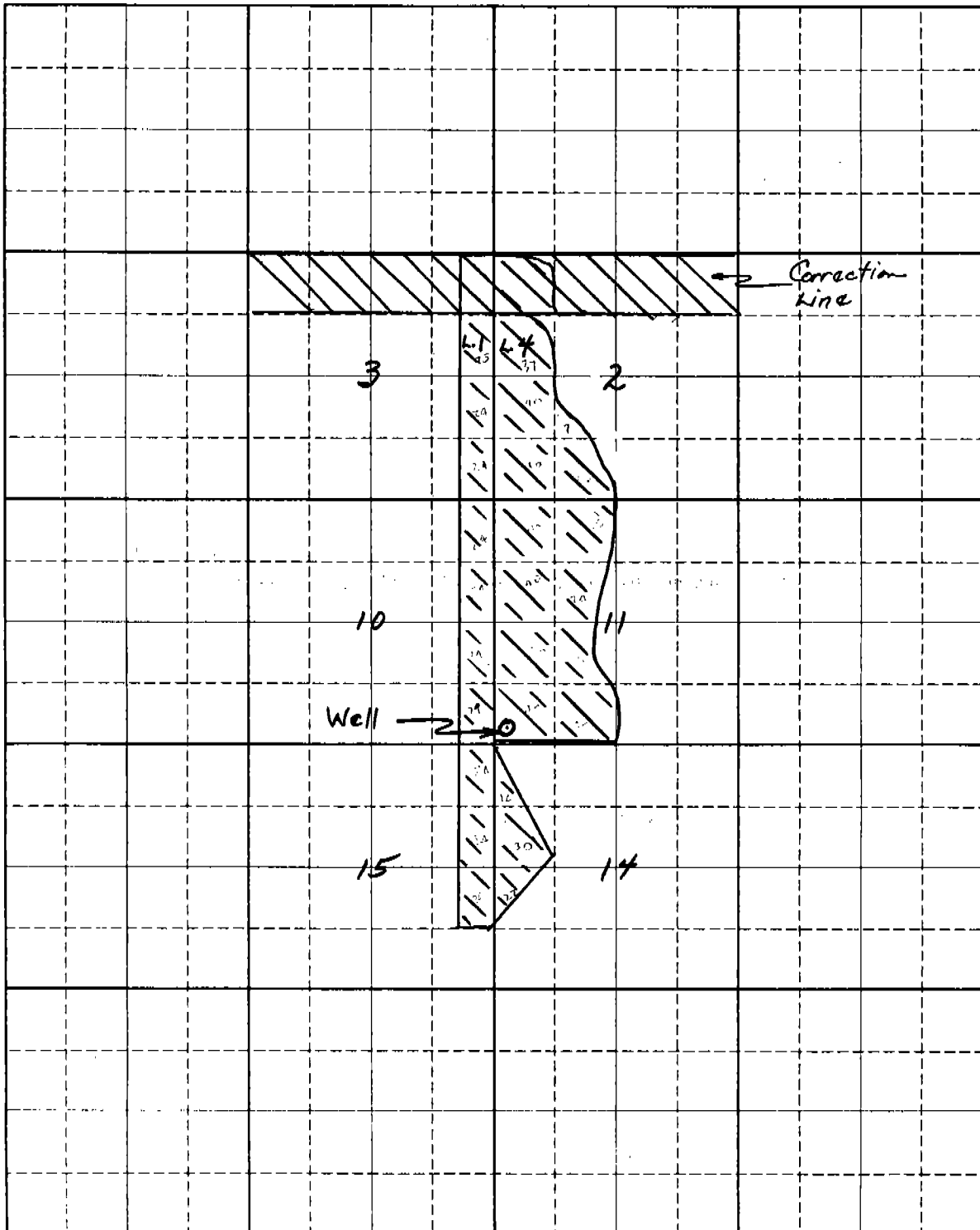
Total number of acres to be irrigated 734

c. Describe any other water rights used for the same purposes as described above.
L#22-2223 for 3.87 c.f.s. on 319 acres included above.

9. a. Who owns the property at the point of diversion Lucille W. Howe
 b. Who owns the land to be irrigated or place of use Lucille W. Howe
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Application is for primary right on land not covered by L#22-2223. For those lands under L #22-2223 this application will bring the appropriation up to one inch per acre.

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



Scale: 2 inches equal 1 mile

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

Lucille W. Howe
(Applicant)

Proposed Priority 6/27/78

Received by EP Date 6-27-78 Time 4:55 PM

Preliminary check by ENC Fee \$ 125.00

Received by EP Date 6-27-78 # 11427

Publication prepared by EP Date 6-30-78

Published in Standard Journal

Publication dates by 6-13-1978

Publication approved EP Date 5-8-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ENC jc

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7280, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 83.
- c. Other: The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 28th day of August 19 78.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED

MAR 30 2000

Department of Water Resources

Eastern
ENIC

2000 MAR 29 PM 2:45

FILED
TWIN FALLS
CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO

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

SRBA Assigned Case 94-00012

Case No. 39576

NORMAN RILEY and ROBIN
RILEY, husband and wife,

Plaintiffs,

v.

CATHERINE ROWAN,

Defendant.

ORDER ADOPTING SPECIAL
MASTER'S REPORT AND
RECOMMENDATION

On July 20, 1999, Special Master Bilyeu issued a *Special Master's Report and Recommendation* in the above-captioned case, pertaining to water right license numbers 22-07280A and 22-07280B. No party filed a Motion to Alter or Amend the Special Master's findings.

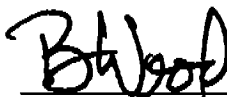
Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report*, finds them to be consistent with the Supreme Court's decision in *Riley v. Rowan*, 131 Idaho 831, 965 P.2d 191 (1998) and wholly adopts them as its own.

THEREFORE IT IS ORDERED that the ownership and elements of the subject water rights, as found by the Special Master, are hereby binding on the parties to the above-captioned case.¹

Recommendations for water right license numbers 22-07280A and 22-07280B will be included in the Director's Report for Irrigation and Other Water Rights for Basin 22 when it is filed with the Court. At that time, the objection period for 22-07280A and 22-07280B will commence. Although the parties to the above-captioned case (and their successors) are bound by the *Special Master's Report and Recommendation*, other parties to the SRBA will be afforded the opportunity to file objections at that time.

IT IS SO ORDERED:

DATED: MARCH 29 2000.



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

¹ The Idaho Supreme Court's decision in *Riley* holds that the Rileys and Rowan were each entitled to a one-half interest in water license no. 22-07280. IDWR, in attempting to comply with the directive, was unable to affect an exact one-half division of all the elements of the license. The result is that a portion of the place of use for the license issued to Rowan is on the Rileys' property, and a portion of the place of use for the license issued to the Rileys is on Rowan's property. Although the Rileys and Rowan are bound by the Supreme Court's decision, other parties to the SRBA, as well as the SRBA Court, are not. At issue in *Riley* was the interpretation of a private agreement between the Rileys' predecessor in title and Rowan. Because other parties to the adjudication are not bound by the private agreement, then neither IDWR or the SRBA Court are bound by the private agreement as it relates to other claimants. Claimants cannot circumvent the application of Idaho's permit and adjudication statutes simply by entering into a private agreement.

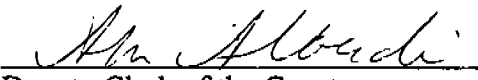
CERTIFICATE OF MAILING

I hereby certify that true and correct copies of **ORDER ADOPTING SPECIAL MASTER'S REPORT AND RECOMMENDATION** were mailed on March 29, 2000, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83270-0098

Gregory Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller
PO Box 250
Rexburg, ID 83440-0250

Steven Parry
Anderson Nelson Hall & Smith
PO Box 51630
Idaho Falls, ID 83405-1620


Deputy Clerk of the Court

RECEIVED

APR 08 1999

Department of Water Resources

*Eastern
EMP*

1999 APR -6 PM 3:42

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

Rowan & Riley

In Re SRBA)

Companion Case: 94-00012

Case No. 39576)

ORDER SETTING MANDATORY
SETTLEMENT CONFERENCE,
EXHIBIT AND WITNESS
DISCLOSURE, AND HEARING

A status conference was held April 6, 1999. The parties agreed to attend a mandatory settlement conference, and to disclose exhibit and witness lists. The Court orders a **Mandatory Settlement Conference** for water rights 22-07280A and 22-07280B. The Settlement Conference shall proceed before a Settlement Moderator for the purpose of helping the parties work on settling their differences before hearing.

IT IS ORDERED that this case shall proceed with a Settlement Conference before Settlement Moderator Fritz X. Haemmerle. Parties and their attorney of record must be personally present at the settlement conference. No one may attend by proxy or by telephone. Each party is required to be present with the individual(s) possessing full settlement authority on every aspect of this case. **Failure to attend or attendance without settlement authority may result in sanctions by the court.**

The following deadlines shall apply to this case:

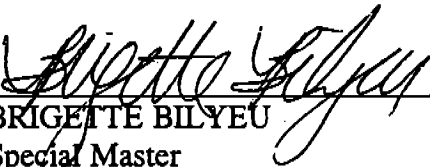
5/12/99	9:00 am	Settlement Conference
		Location: Madison County Courthouse
		134 East Main
		Rexburg, Idaho

5/12/99	9:00 am	Disclosure of Intent to Call Witnesses
---------	---------	--

5/14/99 5:00 pm Deadline to: Exchange Exhibit and Witness Lists, File with the Court, and provide copies to IDWR.

5/21/99 10:00 am Hearing
Location: Madison County Courthouse
 134 East Main
 Rexburg, Idaho

DATED April 6, 1999.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

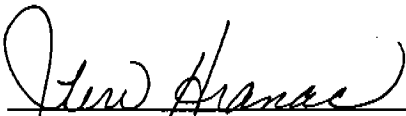
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING MANDATORY SETTLEMENT CONFERENCE, EXHIBIT AND WITNESS DISCLOSURE, AND HEARING was mailed on April 6, 1999, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Gregory Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller
Po Box 250
Rexburg, ID 83440-0250

Steven Parry
Anderson Nelson Hall Smith
PO Box 51630
Idaho Falls, ID 83405-1630



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Eastern Region - FYI
Marc's Page has adj.
file

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1997

NORMAN AND ROBIN RILEY (First Class Mail)
1623 W 3400 S
REXBURG ID 83440

CATHERINE ROWAN (First Class Mail)
843 THREE FOUNTAINS DR
SALT LAKE CITY, UT 84107

RECEIVED

DEC 22 1997

Department of Water Resources
Eastern Region

RE: Water Right Nos. 22-07280A & 22-07280B -- CERTIFICATE OF SERVICE

Dear Interested Parties:

Pursuant to the SRBA District Court's *Order Denying Stay and Amendment to Court's Order to IDWR Re: Issuance of License* dated September 30, 1997, I have enclosed Director's Reports pursuant to Idaho Code §42-1411 recommending the elements of right nos. 22-07280A & 22-07280B in the SRBA. I have also enclosed for your review color copies of IDWR's Geographic Information System analysis of the irrigated acreage for the rights in question.

Pursuant to the Court's *Order* you have 30 days in which to file objections to either or both of the water rights recommended in these reports. Therefore, objections must be filed by **January 14, 1998**. You have 14 days from the end of the objection period to file responses to any objections to the Director's Reports. Therefore, responses must be filed by **January 28, 1998**.

If you have any questions about these recommendations, please feel free to contact me at (208) 327-7929.

Sincerely,

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

Enclosures: SRBA Director's Reports for Water Rights Nos. 22-07280A and 22-07280B
Color Copies of GIS Shape Files of Irrigated Parcels for Rowan and Riley

c: Gregory W. Moeller, Steven R. Parry
Honorable Daniel C. Hurlbutt

AJ5856NP

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

DATE: DEC-12-1997
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 22-07280A

NAME & ADDRESS: CATHERINE ROWAN
843 THREE FOUNTAINS DR
SALT LAKE CITY UT 84107

SOURCE: GROUNDWATER

QUANTITY: 4.59 CFS
1029.0 AFY

PRIORITY DATE: 06/27/1978

POINT OF DIVERSION: T05N R40E S11 SWSW Within MADISON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	4.59 CFS
			1029.0 AFY

PLACE OF USE:	IRRIGATION	Within MADISON County			
	T05N R40E S10	NESE 13	SESE 25		
	S11	NESW 17	NWSW 21	SWSW 40	SESW 38
	S14	NWNW 23	SWNW 23	NWSW 14	
	S15	NENE 25	SENE 25	NESE 25	SESE 5
	294 ACRES TOTAL				

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

No ~~OFF~~ - Mailed w/ Shelley's
mailing
Dr

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1997

NORMAN AND ROBIN RILEY (First Class Mail)
1623 W 3400 S
REXBURG ID 83440

CATHERINE ROWAN (First Class Mail)
843 THREE FOUNTAINS DR
SALT LAKE CITY, UT 84107

RE: Water Right Nos. 22-07280A & 22-07280B -- CERTIFICATE OF SERVICE

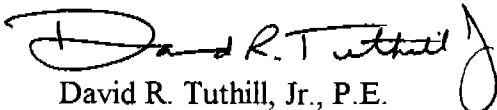
Dear Interested Parties:

Pursuant to the SRBA District Court's *Order Denying Stay and Amendment to Court's Order to IDWR Re: Issuance of License* dated September 30, 1997, I have enclosed Director's Reports pursuant to Idaho Code §42-1411 recommending the elements of right nos. 22-07280A & 22-07280B in the SRBA. I have also enclosed for your review color copies of IDWR's Geographic Information System analysis of the irrigated acreage for the rights in question.

Pursuant to the Court's *Order* you have 30 days in which to file objections to either or both of the water rights recommended in these reports. Therefore, objections must be filed by **January 14, 1998**. You have 14 days from the end of the objection period to file responses to any objections to the Director's Reports. Therefore, responses must be filed by **January 28, 1998**.

If you have any questions about these recommendations, please feel free to contact me at (208) 327-7929.

Sincerely,


David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

Enclosures: SRBA Director's Reports for Water Rights Nos. 22-07280A and 22-07280B
Color Copies of GIS Shape Files of Irrigated Parcels for Rowan and Riley

c: Gregory W. Moeller, Steven R. Parry
Honorable Daniel C. Hurlbutt

AJ5856NP

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

DATE: DEC-12-1997
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 22-07280A

NAME & ADDRESS: CATHERINE ROMAN
843 THREE FOUNTAINS DR
SALT LAKE CITY UT 84107

SOURCE: GROUNDWATER

QUANTITY: 4.59 CFS
1029.0 AFY

PRIORITY DATE: 06/27/1978

POINT OF DIVERSION: T05N R40E S11 SWSW Within MADISON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	4.59 CFS
			1029.0 AFY

PLACE OF USE:	IRRIGATION	Within MADISON County			
	T05N R40E S10	NESE 13	SESE 25		
	S11	NESW 17	NWSW 21	SWSW 40	SESW 38
	S14	NWNW 23	SWNW 23	NWSW 14	
	S15	NENE 25	SENE 25	NESE 25	SESE 5
	294 ACRES TOTAL				

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

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

DATE: DEC-12-1997
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 22-072808

NAME & ADDRESS: NORMAN RILEY
ROBIN RILEY
1623 W 3400S
REXBURG ID 83440

SOURCE: GROUNDWATER

QUANTITY: 4.59 CFS

USE OF THIS RIGHT WITH RIGHT NO. 22-02223 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1540 AF.

PRIORITY DATE: 06/27/1978

POINT OF DIVERSION: T05N R40E S11 SWSW Within MADISON County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.59 CFS

PLACE OF USE:	IRRIGATION	Within MADISON County			
	T05N R40E S02	Lot 4	(S1NW)27	NESW 9	NWSW 39
			SESW 26		SWSW 40
	S03	Lot 1	(SENE)21	NESE 24	SESE 24
	S10		NENE 25	SENE 24	NESE 12
	S11		NENW 32	NWNW 40	SWNW 40
			NESW 12	NWSW 19	SENE 26
	440 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 22-02223 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 440 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

22 - 7280

9.18

734 ac = 0.01251 cfs/ac

22 - 02223

3.87 cfs on 319 ac. = 0.01213 cfs/ac

13.05 cfs

427 North Parcel

285 South Parcel

712

13.05 cfs = 0.01833 cfs/ac

712 ac

North Parcel 0.01833 cfs/ac x 427 ac =

7.83 cfs on 427 ac

- 3.87 cfs on 319 ac

3.96 cfs on 427 ac

Limited
to 427 ac

South Parcel 0.01833 cfs/ac x 285 ac =

5.22 cfs on 285 ac.

Geomatics, Inc.
15000 West 6th Avenue
Golden, Colorado 80401 U.S.A.
(303) 278-2350
FAX (303) 279-1029

By _____ Date _____ Sheet _____ of _____

Subject _____ Job No. _____

5N 40E

75-113-5644
189-49-1980 NHAP

77-136-2645 or 46
76-133-8927

Claim A22-07280 filed: 11/10/88 by Jim Howe & for Catherine Rowan

Priority Date for A22-07280 : 6/27/78

Jim Howe died 3/4/92

Beneficial Use Exam: 6/29/87

Follow-Up Exam: 6/28/89

Change of Ownership from Rowan & Howe to Rowan filed 11/5/92

Change of Ownership from Howe to Rileys filed 11/12/92

Grant deed from Catherine Rowan to James Howe the (north portion) of the entire property - 8/10/88

Grant deed from James Howe to Catherine Rowan the south portion of the entire property - 3/31/88 ← (corrected - 12/21/89) 374.6 ac.
4 (corrected 11/12/91) 296.3 ac.

Grant deed from James Howe to Catherine Rowan ? - 5/24/88 156.6 ac.

RECEIVED

MAR 29 1999

Department of Water Resources

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 22-07280 A

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

** NAME AND ADDRESS OF PERSON OBJECTING**

Name: Catherine Rowan

Address: 843 Three Fountains Drive

Salt Lake City, UT 84107

Daytime Phone: (801) 255-4566

Name & Address of Attorney, if any:

Gregory W. Moeller

P. O. Box 250

Rexburg, ID 83440

** CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Catherine Rowan

Address: 843 Three Fountains Drive

Salt Lake City, UT 84107

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 5.41 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use** Adjusted along with Subcase No. 22-07280 B to treat
all 367 acres as Rowans "Primary Service Lands." See
Should be: Preliminary Licenses dated December 12, 1997.

11. I object because:

- ☐ 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): _____

Please see attached statement (Attachment "A") and Re-Examination Field Report,

dated 11/16/98 (Attachment "B").

F

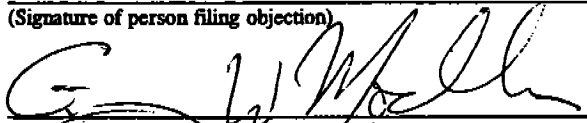
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Madison)

Gregory W. Moeller, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

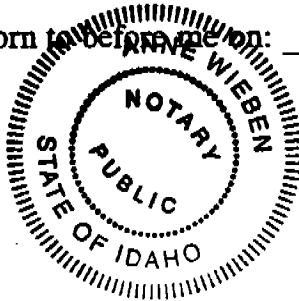
(Signature of person filing objection)

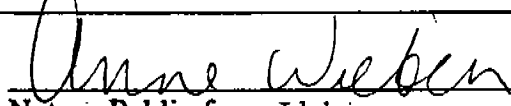


(Attorney signing in representative capacity)

March 26, 1999.

Subscribed and sworn to before me on:




Notary Public for Idaho

Residing at: Rexburg, Idaho

My Commission Expires: 7-27-2001

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.

G.

CERTIFICATE OF MAILING

I certify that on March 26, 1999, 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:

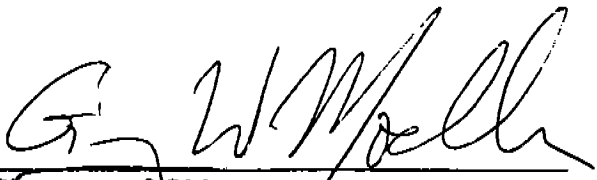
Name: Catherine Rowan
Address: 843 Three Fountains Drive
Salt Lake City, UT 84102

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

There are two wells involved in this dispute. The North Well (Water Right No. 22-02223) is located on Riley's property. Rowan concedes that she has no rights to this well. The center of the controversy is the South Well (subject to Water Right Nos. 22-07280A and 22-07280B) which is located on Rowan's property. Historically, approximately 575 acres have been watered from the South Well. However, 160 acres were left off the application for permit originally filed in 1978. The 160 acres were part of the 1988 property division and are now covered by Permit No. 22-00792, in the name of Catherine Rowan. These 160 acres are located at the extreme southern tip of Rowan's property, and apparently were not considered in the District Court's decision nor in the new licenses issued by IDWR.

Ignoring the 160 acres, historically Rowan has irrigated 294 acres from the South Well. Rileys have historically irrigated 121 acres from the South Well and an additional 319 acres from the North Well (Water Right No. 22-02223). So in essence, what the SRBA District Court asked IDWR to do, was to give Catherine one-half of the water from the South Well to irrigate her 294 acres and the Rileys one-half of the water to irrigate their 121 acres, plus water to supplement the North Well.

When the Department issued its preliminary licenses on December 12, 1997 (Exhibits "B(1)" and "B(2)") the Department essentially did just that. The Department determined the rate of flow to be 9.18 CFS, an amount that both parties agree is substantially too low. Then the Department split the flow and granted Catherine Rowan the right to irrigate her 294 acres with an annual volume of 1029 acre feet. Rileys were allowed to irrigate 440 acres (121 from the South

Well and 319 from the North Well) with an annual volume of 1540 acre feet, to be used in conjunction with Water Right 22-02223 (the North Well). Although there were some substantial issues related to quantity, Rowan believed the essential division was fair and accomplished what the parties intended.

It is worth noting that the trial testimony established that when the farm was divided in 1988, the intent was clearly to leave **both** parties with sufficient water to irrigate their ground. The preliminary licenses issued by the Department did just that by dividing the flow evenly and applying it to the waters historically irrigated from that well.

Following Rowan's prevailing on appeal, the Department was again asked to issue licenses. However, this time the Department changed its tact. The November 30, 1998 licenses (Exhibits C(1) and C(2)) did increase the amount of flow to 9.53 CFS, essentially giving both parties 4.77 CFS. However, rather than merely dividing the flow and allowing it to be applied to the historically irrigated acreage, the Department went further. The Department apparently felt that the annual volume of water should also be divided equally. As a result of this analysis, Rowan was given 207.5 acres of a primary right, with an annual volume of 727 acre feet. Rowan was also given the right to irrigate 159.5 acres supplemental to the North Well (Water Right No. 22-00223). As IDWR was well aware, Rowan has no rights in the North Well and cannot use this supplemental right. It is essentially worthless to her. Rileys were given the exact same right, 207.5 primary acres with an annual volume of 727 acre feet and 159.5 supplemental acres, related to their rights in the North Well.

While Rowan has no use for the supplemental acreage, Rileys obviously do. As argued before the Court, IDWR, in attempting to exactly split this right, has created a grossly fair and

inequitable division which results in Rowan receiving less than she needs and Rileys receiving more than they can use on their land. For example, the Rileys are given 207.5 acres of a primary rights, while they have historically only irrigated 121 acres from the South Well. Meanwhile, Rowan is given 207.5 primary acres, while she has historically irrigated 294 acres from this well, in addition to the 160 acres, which is covered by Permit No. 22-00792.

As a result of the Department's decision, Rowan will lose the right to irrigate approximately 87 acres, which have always been irrigated. When a final resolution is reached as to the status of the south 160 acres, (Permit No. 22-00792) the Department could take an additional 80 acres away from Catherine, leaving her once fully irrigated farm, with 167 acres of dry farm.

Such a result was clearly not intended by Judge Hurlbutt's "Memorandum Decision" of August 28, 1997. For example, in that decision Judge Hurlbutt stated:

At Lucille's death, Jim Howe and Catherine Rowan became co-owners of the permit. To rule otherwise would allow Jim Howe, a co-owner, to strip water from his co-tenant's, Catherine Rowan, one-half of the farm. Idaho Water Law does not permit such a result.

Memorandum Decision, p. 10

By effectively holding that the license was appurtenant to Catherine Rowan's ground, and could not be conveyed or removed without her permission, Judge Hurlbutt is clearly indicating that all of Catherine's ground would be irrigated. Judge Hurlbutt's decision clearly does not support a result that would leave Rileys with more water than they can use on this ground and Rowan with less than she needs.

In adopting the findings in the Court's Memorandum Decision, the Idaho Supreme Court stated as follows:

The District Court held that the only interest Jim Howe had in the permit was identical to that of Rowan; thus at the time of Lucille Howe's death, Jim Howe and Rowan became co-owners of the permit. The evidence indicated that Jim Howe "acknowledged that the permit application was intended to benefit the **complete set of farm owners**, not just himself. When he filed the application in his and Lucille's names, he did not intend to disavow Catherine Rowan's ownership interest." Furthermore, both the application for the permit and notice of claim were filed when Jim Howe was acting as manager of the farm and did not create a separate interest in the water permit to the exclusion of Rowan. The District Court determined that following the parties' decision to partition the property, Jim Howe and Rowan entered into an agreement in which it was "Jim Howe's clear, and ambiguous agreement and understanding that the permitted interest in the 'south well' was shared with Catherine Rowan. . . ."

Riley v. Rowan, Idaho Supreme Court 1998 Opinion No. 96 (Emphasis added).

The December 12, 1997 licenses allowed a flow of 9.18 CFS. Interestingly, the November 30, 1998 licenses increased that amount substantially to 9.53 CFS. This is still far less than both parties believe they are entitled to. Rowan believes, and assumes that Rileys concur, there is substantial evidence justifying a flow rate of at least 9.72 CFS, with higher amounts ranging from 10.81 CFS to over 13 CFS being possible. During settlement negotiations between Rowan, Rileys and IDWR, IDWR produced records substantiating flow rates between 10.81 CFS and 13.0 CFS.

It is worth repeating that as a result of these new licenses, (Exhibits C(1) and C(2)) Rowan gets 87 less acres than she needs. This is not cured by giving her the right to water an additional 159.5 supplemental acres on a North Well to which she has no rights. On the other had, the Rileys get the right to water 86 more acres than they need from the South Well, plus the 159.5 supplemental acres.

RE-EXAMINATION FIELD REPORT

A. GENERAL INFORMATION

Permit No. 22-07280

B. MEASUREMENTS:

Date: 16 Nov 1998

Note: Measurements taken with 2 different diameter tapes & thickness mikes

North Well #1: o.d. = 11.850" - 12.050" Thickness = 0.110" - 0.113"

South Well #2:

North mainline:

o.d. = 14.000" - 14.040" Thickness = 0.102" - 0.105"

South mainline:

o.d. = 15.990" - 16.025" Thickness = 0.136" - 0.139"

C. FLOW CALCULATIONS:

i.d. = [o.d.] - [2(T)]

i.d. = inside diameter

o.d. = outside diameter

T = wall thickness

$$Q_{cfs} = (i.d.)^2(\sqrt{H})(C) \div 448.8 \text{ gpm/cfs}$$

H = differential pressure inches H₂O

C = Annubar Constant

C for 12" = 3.99

C for 14"-16" = 4.01

Assumptions:

o.d. = maximum measured outside diameter

T = minimum measured thickness

H = use differential pressure measured original exam (6-29-87)

NORTH #1 WELL: $i.d. = [12.050] - [2(0.110)] = 11.830$ $H = 12.9'$ $C = 3.99$

$$Q_{cfs} = (11.830)^2(\sqrt{12.9})(3.99) \div 448.8 = 2005.567 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 4.469 \text{ cfs} = 4.47 \text{ cfs}$$

SOUTH #2 WELL:

North Mainline: $i.d. = [14.040] - [2(0.102)] = 13.836$ $H = 4.9'$ $C = 4.01$

$$Q_{cfs} = (13.836)^2(\sqrt{4.9})(4.01) \div 448.8 = 1699.274 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 3.786 \text{ cfs} = 3.79 \text{ cfs}$$

South Mainline: $i.d. = [16.025] - [2(0.136)] = 15.753$ $H = 6.7'$ $C = 4.01$

$$Q_{cfs} = (15.753)^2(\sqrt{6.7})(4.01) \div 448.8 = 2575.777 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 5.739 \text{ cfs} = 5.74$$

TOTAL CALCULATED FLOW RATE: $Q_{TOTAL} = 4.47 \text{ cfs} + 3.79 \text{ cfs} + 5.74 \text{ cfs} = 14.00 \text{ cfs}$

D. AUTHENTICATION:

Field Examiner's Name:

KEITH C WILSON

1

THEORETICAL PUMP FLOW CALCULATIONS

Formula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$

SYSTEM: NORTH

Assumptions:

Hp = Name plate Horsepower = Water Hp = 300

Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 370 ft.

Well log used is for this well

psi = 0 psi (Between well pump & booster pump)

$$Q_{cfs} = \left[\frac{300}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{370}{Lift} + \left(\frac{0}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{1850.94}{} \right] \div \left[\frac{370}{} \right]$$

$$Q_{cfs} = \underline{5.00} \text{ cfs}$$

SYSTEM: South

Assumptions:

Hp = Name plate Horsepower = Water Hp = 500

Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 350 ft.

Well log used is for this well

psi = 0 psi (Between well pump & booster pump)

$$Q_{cfs} = \left[\frac{500}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{350}{Lift} + \left(\frac{0}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{3084.90}{} \right] \div \left[\frac{350}{} \right]$$

$$Q_{cfs} = \underline{8.81} \text{ cfs}$$

=====

TOTAL SYSTEM

CAPACITY Q = 5.00 cfs + 8.81 cfs = 13.81 cfs

PERMIT NO. 22-7280

#2

THEORETICAL PUMP FLOW CALCULATIONS

$$\text{Formula: } Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

SYSTEM: NORTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $300 + 100 = 400$ Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 370 ft.

Well log used is for this well

psi = 58 psi (Measured after booster pump)

$$Q_{cfs} = \left[\frac{400}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{370}{Lift} + \left(\frac{58}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{2467.92}{} \right] \div \left[\frac{503.86}{} \right]$$

4.90 cfs

$$Q_{cfs} = \underline{4.897} \text{ cfs}$$

SYSTEM: SOUTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $500 + 350 = 850$ Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 350 ft.

Well log used is for this well

psi = 59 psi

(After booster pump & Avg psi of N & S Mainlines)

$$Q_{cfs} = \left[\frac{850}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{350}{Lift} + \left(\frac{59}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{5244.33}{} \right] \div \left[\frac{486.17}{} \right] = 10.786$$

$$Q_{cfs} = \underline{10.79} \text{ cfs}$$

TOTAL SYSTEM

$$\text{CAPACITY } Q = \underline{4.90 \text{ cfs} + 10.79 \text{ cfs} = 15.69 \text{ cfs}}$$

PERMIT NO. 22-7280

#3

THEORETICAL PUMP FLOW CALCULATIONSFormula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$ SYSTEM: NORTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $300 + 100 = 400$ hpEff = Efficiency (pump & motor) = 70%

Lift: Static Level + 50' Draw down

Dynamic water level = 420 ft.

Well log used is for this well

psi = 58 psi (Measured after booster pump)

$$Q_{cfs} = \left[\frac{400}{Hp} \times 8.814 \times \frac{0.7}{Eff} \right] \div \left[\frac{420}{Lift} + \left(\frac{58}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{2467.92}{} \right] \div \left[\frac{553.86}{} \right] = 4.455$$

$$Q_{cfs} = \underline{4.46} \text{ cfs}$$

SYSTEM: SOUTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $500 + 350 = 850$ hpEff = Efficiency (pump & motor) = 70%

Lift: Static Level + 50' Draw down

Dynamic water level = 400 ft.

Well log used is for this well

psi = 59 psi

(After booster pump & Avg psi of N & S Mainlines)

$$Q_{cfs} = \left[\frac{850}{Hp} \times 8.814 \times \frac{0.7}{Eff} \right] \div \left[\frac{400}{Lift} + \left(\frac{59}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{5244.33}{} \right] \div \left[\frac{536.17}{} \right] =$$

$$Q_{cfs} = \underline{9.78} \text{ cfs}$$

TOTAL SYSTEM

$$\text{CAPACITY } Q = \underline{4.46 \text{ cfs} + 9.78 \text{ cfs} = 14.24 \text{ cfs}}$$

PERMIT NO. 22-7280



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DECEMBER 3, 1992

CATHERINE H ROWAN
843 THREE FOUNTAINS DRIVE #258
SALT LAKE CITY UT 84107

RE: CHANGE IN OWNERSHIP FOR A22-07280, A22-02223, AND
A22-12251

Dear Mr. Rowan:

This letter is in direct regard to the Change in Ownership that was completed on the water rights in the above reference (letter dated November 24, 1992 to Norman Riley, enclosed). Particularly in question is your portion of A22-07280. I found an error in my calculations. Refiguring the division of the split between the two water rights resulted in the following:

Norman Riley, 4.27 cfs on 290 acres (A22-07280B)
Catherine Rowan, 6.54 cfs on 444 acres (A22-07280A)

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt
Enclosure: Copy of letter to Riley's
Copy of Claim A22-07280A (revised)

MICROFILMED
DEC 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

NOVEMBER 24, 1992

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NORMAN RILEY
1623 W 3400 S
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07280, A22-02223, AND
A22-12251

Dear Mr. Riley:

The request for Change in Ownership concerning the Notices of Claim in the above reference (A22-02223 and A22-12251) has been processed and the names changed to show you as the current owner. A22-07280 was split into two separate portions.

Enclosed are "copies" of A22-02223 and A22-12251 for your records. Also enclosed is A22-07280B for a portion of water right A22-07280.

Jim Howe has died and Mrs. Rowan requested the water rights be in her name (they were formerly in both names).

Since you purchased 205 acres of land from Catherine H. Rowan, the above mentioned water right, A22-07280, has been split into A22-07280A and A22-07280B. A22-07280B gives you 3.020 cfs for 205 acres and A22-07280A with 7.790 cfs on 529 acres is the remaining portion belonging to Mrs. Rowan.

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

cc: Catherine Rowan/copy letter/A22-07280A

*See letter
dated
Dec 3, 1992*
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DEC 09 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A22-07280, A22-02223, A22-12251

☐ Name and Address of Former Owner/Claimant(s)(Seller): Tim W. Lewis
Box 802 / Pocatello, ID 83440

☐ New Owner/Claimant (Purchaser): Donna L. Lewis
Box 802 / Pocatello, ID 83440

☐ New Mailing Address: Box 802
Pocatello, ID 83440

☐ New Telephone Number: (208) 356-2522

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

1/3 of the others

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Robin Ann Kelly Date 11-12-92

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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DEC 09 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Dear Sir,
Enclosed is the
completed form and
copy of the death certifi-
cate per your request.
Thank you.

Catherine Rowan

Ms Rowan,

PLEASE complete the form
and provide us with a copy
of the death certificate.

Thank You.

DEPT OF WATER RESOURCES
150 SHOOP AVE STE 15
TINAH FALLS ID 83402

RECEIVED

25 1992

Water Resources
District Office

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DEC 09 1992

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DEC 09 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 5 N Range 40 E
Section 11, SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A22-07280(A)
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Jim W. Howe
Catherine Rowan
P.O. Box 803, Rexburg, Idaho 83440
- ☐ New Owner/Claimant (Purchaser): Catherine H. Rowan
- ☐ New Mailing Address: 843 Three Fountains Dr. #258
Salt Lake City, Utah 84107
- ☐ New Telephone Number: (801) 266-4044
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: COPY OF DEATH CERTIFICATE Enclosed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Catherine H. Rowan Date 11/5/92
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

DEC 09 1992

MAR 16 1992

State of Idaho
CERTIFICATE OF DEATH

State File No. **1353**
Local Reg. No. **126#7**

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DEATH UNDER IDAHO CODE 39-241(a) & 39-274

DECEDENT		DECEDENT - NAME FIRST MIDDLE LAST JAMES WEBSTER HOWE		SEX Male	DATE OF DEATH (Month, Day, Year) March 4, 1992
SOCIAL SECURITY NUMBER 519-28-8764		AGE - Last Birthday (Mts.) 62	UNDER 1 YEAR MONTHS DAYS 5b.	UNDER 1 DAY HOURS MINS. 5c.	DATE OF BIRTH (Month, Day, Year) April 23, 1929
WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		PLACE OF DEATH (Check only one) (1) ☒ Inpatient (2) ☐ ER/Outpatient (3) ☐ DOA		(4) ☐ Licensed Nursing Home (5) ☐ Private Residence (6) ☐ Licensed Shelter Home (7) ☐ Other (Specify)	
FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number) Eastern Idaho Regional Medical Center			CITY, TOWN OR LOCATION OF DEATH Idaho Falls		COUNTY OF DEATH Bonneville
MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) Divorced		SURVIVING SPOUSE (If wife, give maiden name)		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) Farmer	
RESIDENCE STATE Idaho		COUNTY Madison	CITY, TOWN OR LOCATION Rexburg	STREET AND NUMBER 18 South 1st East	ZIP CODE 83440
INSIDE CITY LIMITS? ☒ Yes ☐ No		WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes - If yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ Yes ☒ No		RACE - American Indian, Black, Japanese, White, etc. (Specify) White	
FATHER - NAME Royal George Howe		BIRTHPLACE Utah		MOTHER - FULL MAIDEN NAME Lucille Webster	
INFORMANT'S NAME (Type/Print) Robin Riley		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 1623 West 3400 South Rexburg, Idaho 83440			
METHOD OF DISPOSITION ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify)		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Rexburg Cemetery		LOCATION - City or Town, State Rexburg, Idaho	
SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Carth E. Flamm</i>		LICENSE NUMBER (of Licensee) M-599		NAME AND ADDRESS OF FACILITY Flamm Funeral Home Rexburg, Idaho	
TIME OF DEATH 5:35 PM		DATE PRONOUNCED DEAD (Month, Day, Year) March 4, 1992		MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined	
27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) a. coma respiratory arrest b. AIDS assoc. lymphoma + sinusitis c. acquired immune deficiency syndrome d. HIV infection		Approximate Interval Between Onset and Death 3 days 6 mo 6 mo 4 yrs +			
27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.		WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☐ No	
CERTIFIER (Check only one) ☒ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.					
SIGNATURE AND TITLE OF CERTIFIER <i>Martha H. Tanner</i>		LICENSE NUMBER M4125		DATE SIGNED (Month, Day, Year) 3/10/92	
NAME AND ADDRESS OF CERTIFIER (Type/Print) Dr. Martha H. Tanner, M.D. 2001 South Woodruff Avenue Idaho Falls, Idaho 83404					
DATE OF INJURY (Mo, Day, Yr.)		HOUR OF INJURY		DESCRIBE HOW INJURY OCCURRED	
INJURY AT WORK? ☐ Yes ☐ No		IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other		PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) LOCATION (Street or Route Number, City/Town, or County, and State)	
CORONER'S ACTION (Check One) (1) ☐ Reviewed Only (2) ☐ Reviewed, Completed Items 26 and/or 30 (3) ☐ Reviewed, Amended and Certified		CORONER'S SIGNATURE <i>Kathryn Kennedy</i>		DATE SIGNED (Month, Day, Year) 3-13-92	
REGISTRAR'S SIGNATURE <i>Kathryn Kennedy</i>		DATE FILED (Month, Day, Year) 3-13-92			

State of Idaho
County of Ada

THIS IS TO CERTIFY that this is a certified copy of a certificate filed with the Department of Health and Welfare under Title 39, Idaho Code.

OCT 19 1992

Date Issued

Richard W. Blair
State Registrar of Vital Statistics