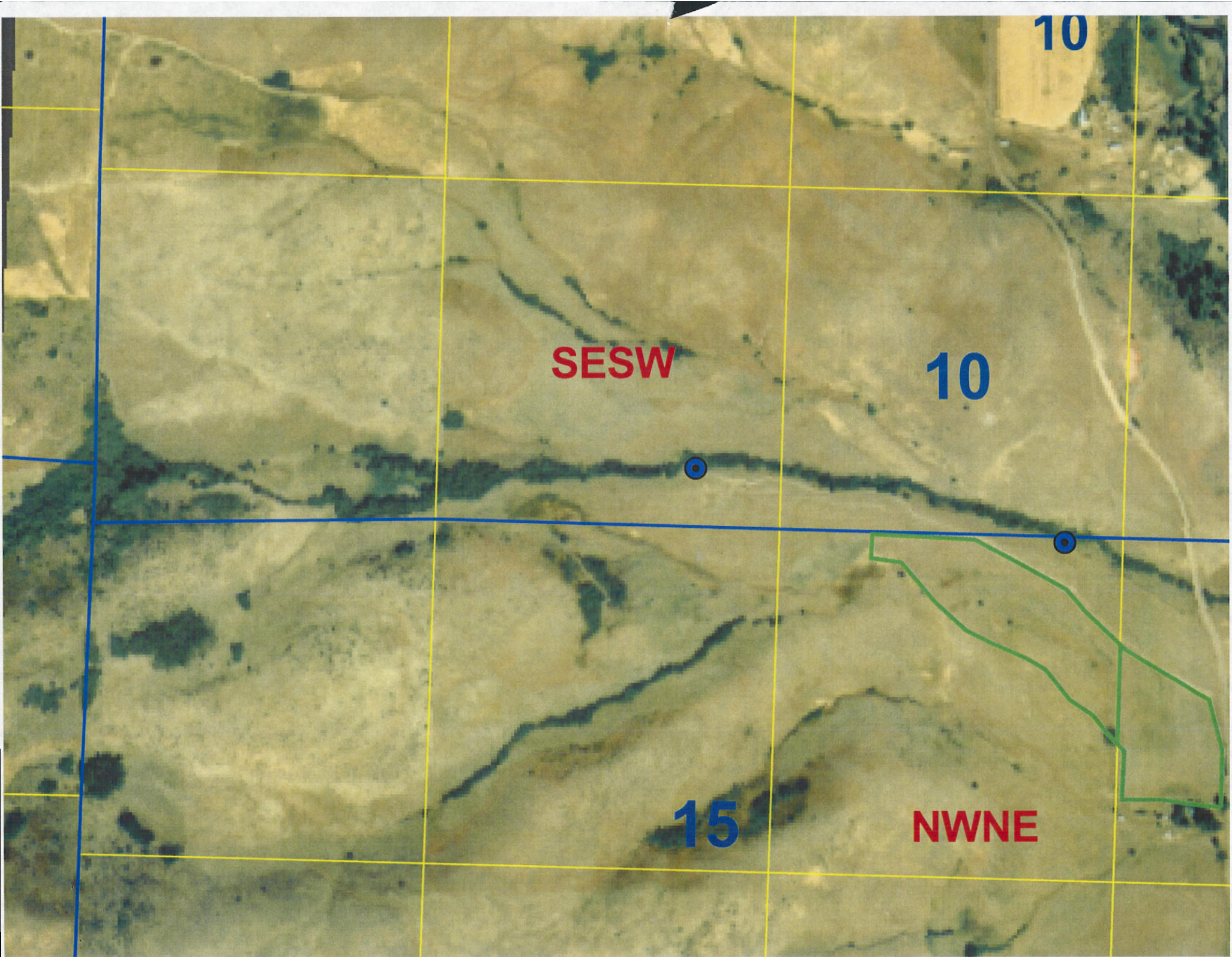




10

SESW

10

15

NWNE



CLAIM 465-1166A INIT

T. R. S. Q/Q

P/D 1W 1E 10 SASW

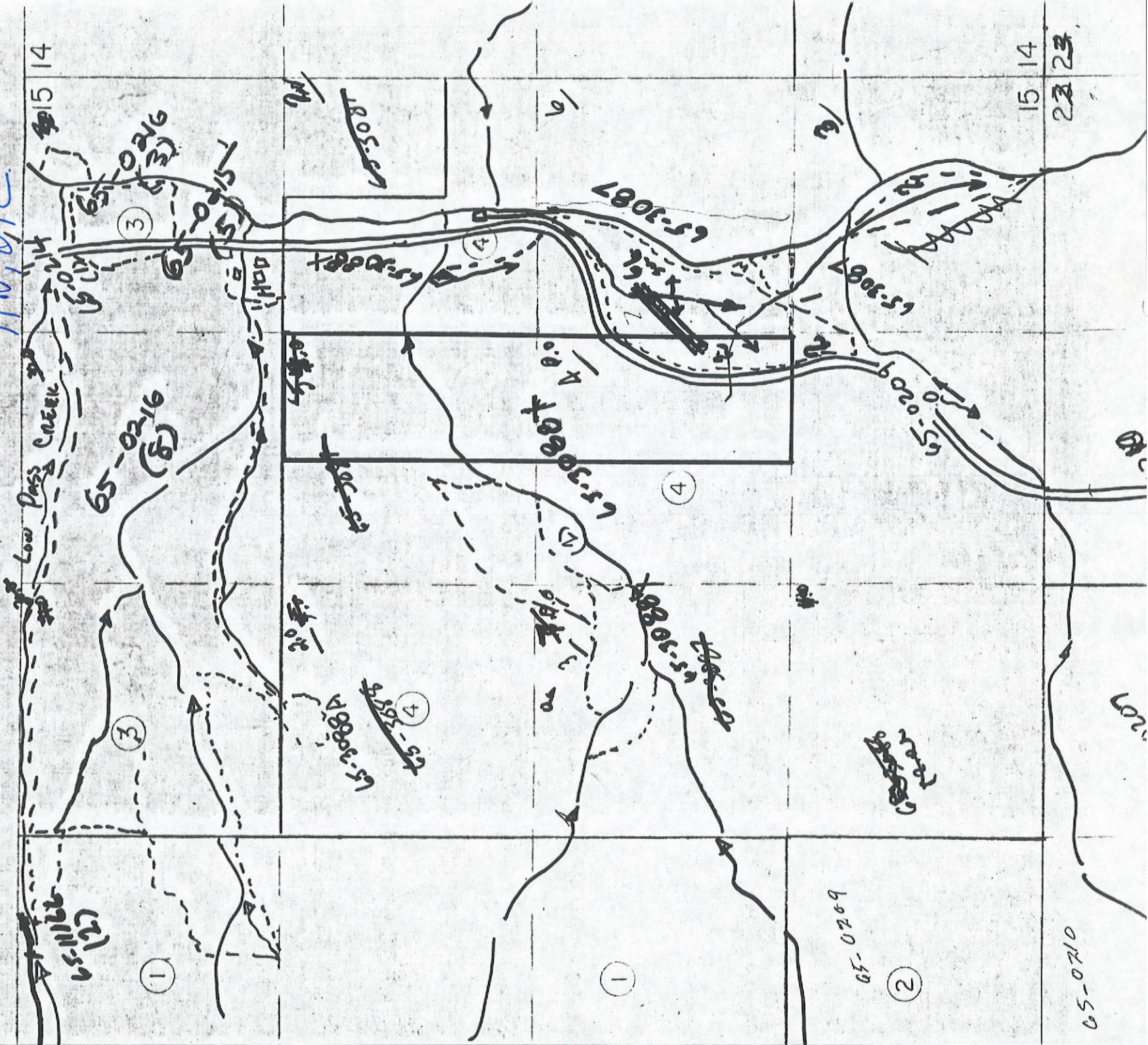
SCALE

PHOTO ID. U58 DATE 1970

A65-11166A

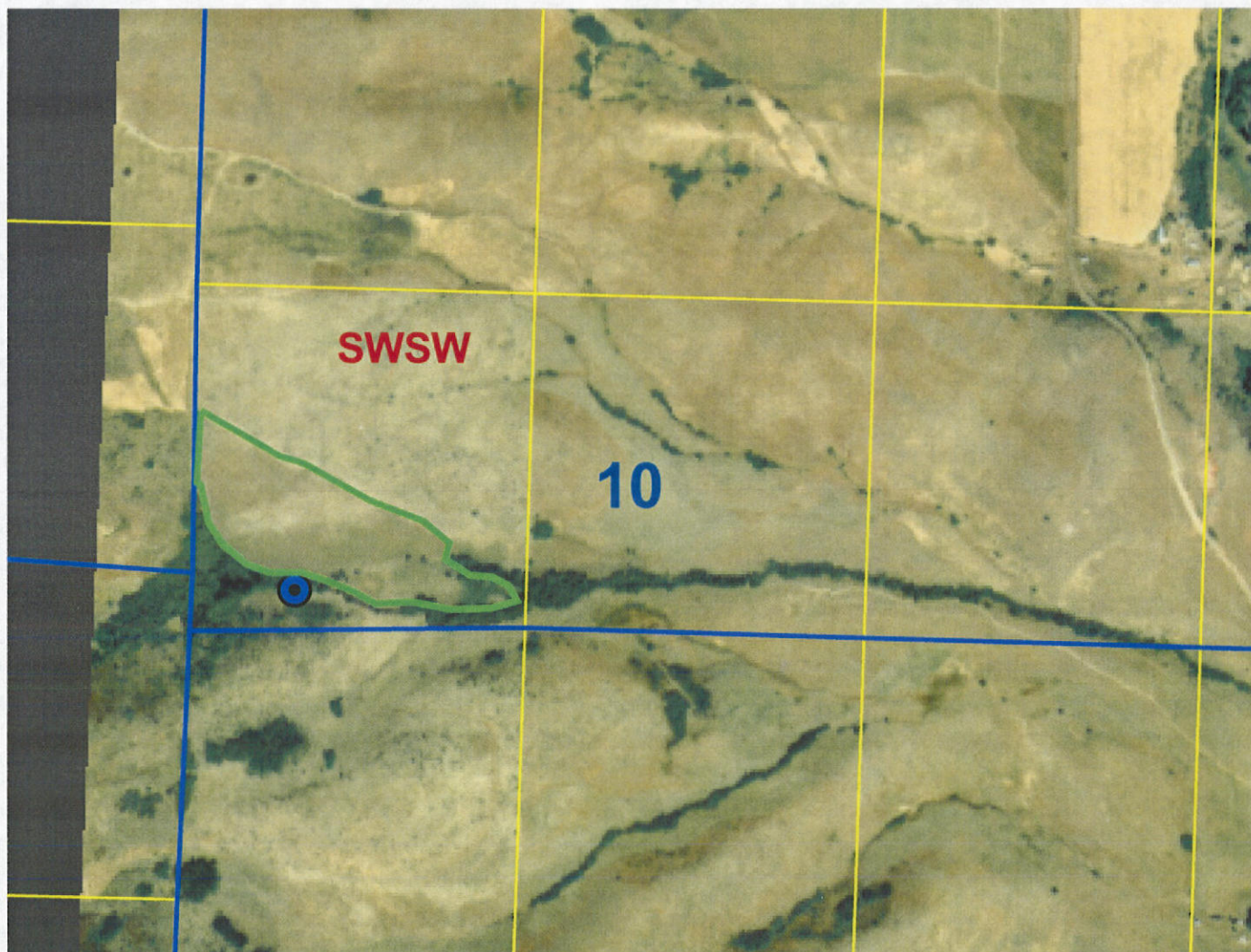
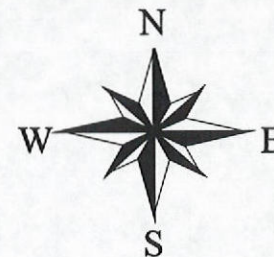
PRBA map

11N, 01E



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S10



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

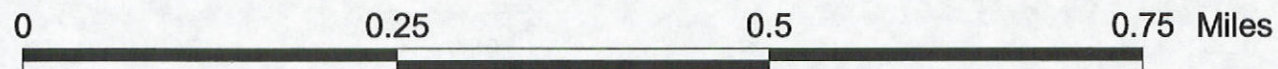
6 SECTION NUMBERS

CLAIM(S): 65-11166A

OWNER(S): ROGERS, BRYCE &
LINDA

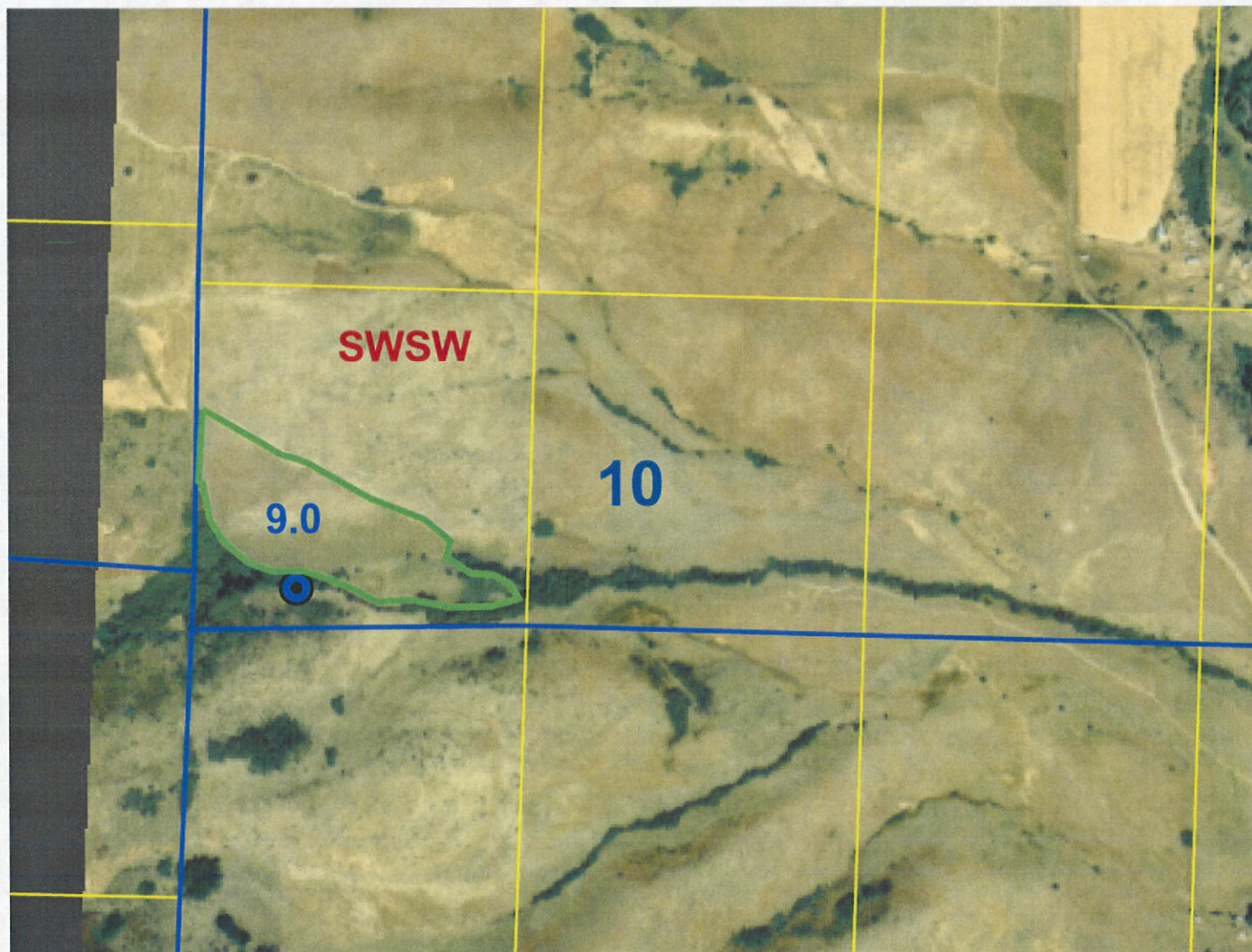
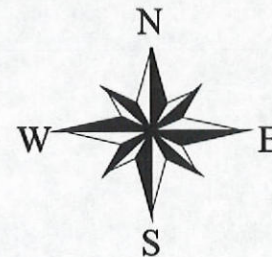
Prepared by Mel Schulte

DATE: JUNE 23, 2000



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S10



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

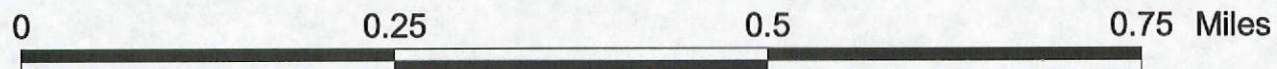
6 SECTION NUMBERS

CLAIM(S): 65-11166A

OWNER(S): ROGERS, BRYCE &
LINDA

Prepared by Mel Schulte

DATE: JUNE 23, 2000



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: A65-11166A
Date Received: 1/30/1990
Receipt No: X999999
Received By: DE-kw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRYCE V. ROGERS 208-584-3325
Address: 29450 THIRD FORK RD.
OLA, ID 83657-5021
AND/OR
Name: LINDA A. ROGERS 208-584-3325
Address: 29450 THIRD FORK RD.
OLA, ID 83657-5021

2. Date of Priority: APR 15, 1964

3. Source: UNNAMED STREAM Trib. to: SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	01E	15	NW	NW	NW		GEM

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	01E	10	SW	SW		IRR	7.0

MICROFILMED
SEP 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
		15	NW	NW	IRR	2.0
					Section Acres	2.0
					Total Acres	9.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGED BY KW 6/7/91.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs 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: _____

MICROFILMED

SEP 24 1992

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 _____

MICROFILMED
SEP 24 1992

SEP 24 1992

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

- [] Water Right Number(s): A65-3088A, A65-3088X, A65-3087,
A65-11166, A65-3088B
- [] Name and Address of
Former Claimant(s): Clyde M. Hoagland
Rt. 1
Melba, ID 83641
- [] New Claimant(s): Bryce V. Rogers &/or
Linda A. Rogers
- [] New Mailing Address: 29450 Third Fork Rd.
Ola, ID 83657-5021

New Telephone Number: (208) 584-3325

- [] Does the change in ownership result in a splitting of the water right claimed? yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:
- _____
- _____
- _____

- [☒] Attach proof of ownership
Describe proof attached: Warrenty Deed
(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 claimant.)

- [☒] Signature of New Claimant(s): X Bryce V. Rogers
X Linda A. Rogers

Date: 10-19-1990

RECEIVED
OCT 19 1990

Department of Water Resources
Western Regional Office

MICROFILMED

SEP 24 1992



WARRANTY DEED

For Value Received

KENNETH M. HOAGLAND AND LORI HOAGLAND, HUSBAND AND WIFE AND DELORES W. HOAGLAND, A SINGLE WOMAN,

the grantors, do hereby grant, bargain, sell, and convey unto

BRYCE V. ROGERS and LINDA ROGERS, HUSBAND AND WIFE,

the grantees, whose current address is

423 18TH ST. SW, PUYALLUP, WA, 98371

the following described premises, to-wit:

THE S1/2 SW1/4 AND THE W1/2 SE1/4 OF SECTION 14;
W1/2 SE1/4 NE1/4; SW1/4 NE1/4; SE1/4 NW1/4; E1/2 SW1/4; SE1/4 OF SECTION 15;
N1/2 NE1/4 OF SECTION 22;
SW1/4 NE1/4; NW1/4; N1/2 SW1/4 OF SECTION 23;
SW1/4 SW1/4 OF SECTION 10;
W1/2 NW1/4; NW1/4 SW1/4 OF SECTION 15;

ALL BEING AND SITUATED IN TOWNSHIP 11 NORTH, RANGE 1 EAST, BOISE MERIDIAN, GEM COUNTY, IDAHO.

EXCEPT ALL DITCH AND ROAD RIGHTS OF WAY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

Dated: April , 1990

KENNETH M. HOAGLAND

LORI HOAGLAND

DELORES W. HOAGLAND

STATE OF IDAHO)
 : ss
COUNTY OF ADA)

On This day of APRIL, in the year 1990, before me, a Notary Public in and for said State, personally appeared KENNETH M. HOAGLAND, LORI HOAGLAND AND DELORES W. HOAGLAND, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires:

166188

Gen County, IDAHO ss.
Record Acquisition
First American Title Co.
Time 9:42 AM
Date May 17, 1990
Instr. No. 166188
Recorded as Deed
K. Kolodziej, Clerk
Deputy Recorder
Judy Egan
Deputy
Fees \$ 1.00

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

In Re SRBA) SUBCASE NO. 65-3088A, 65-3088B,
) 65-3088X & 65-11166A
Case No. 39576)
)
) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

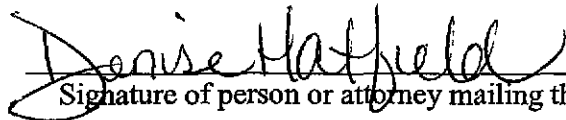
IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 29, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Bryce V Rogers
Linda A Rogers
29450 Third Fork Rd
Ola ID 83657-5021
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Carroll C Carlock
Janet Carlock
PO Box 60
Ola ID 83657
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

RECEIVED

OCT 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65- ~~3088B~~ VI					
65-11166AVI					
65-3088AVI					
65-3088XVI					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Linda A. Rogers widow Bryce V Rogers Deceased

4. New Owner/Claimant(s)

Carroll C. Carlock Janet Carlock

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 60

City, State and ZIP Code

Ala Idaho 83657

New Telephone Number

(208) 584-3531

5. Date you acquired the property

Oct 12 - 1993

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>DH</u>	Date <u>10-24-02</u>	Fee <u>N/A</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by _____ AJ	Date _____	WR _____	Date _____

WARRANTY DEED

GRANTOR, LINDA A. ROGERS, a widow, and LINDA A. ROGERS, personal representative of the estate of BRYCE V. ROGERS, deceased, Gem County Probate Case No. SP92-38, of Ola, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto CARROLL PAT CARLOCK and JANET CARLOCK, husband and wife,, whose current address is Box 57, Ola, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in Gem County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

SUBJECT TO an easement being retained by Grantor to use the spring now providing domestic water to the house retained by Grantor including the right to maintain and repair any water line from the spring to the house. It is further agreed that the right to use the spring now used for domestic water to the house retained by Grantor shall be a perpetual right which shall run with the land. In the event the spring now used for domestic water at the house retained by Grantor goes dry, Grantor shall be allowed to use any other spring on the property being conveyed for domestic water to the house retained by Grantor until the spring again supplies water.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 12th day of October, 1993.

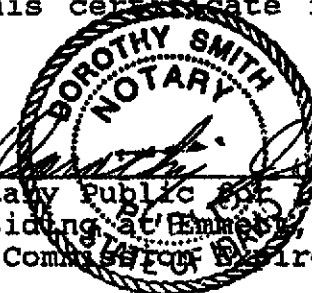
Linda A Rogers
LINDA A. ROGERS

Linda A Rogers
LINDA A. ROGERS, personal
representative of the estate
of BRYCE V. ROGERS, deceased

STATE OF IDAHO)
)
County of Gem) ss.

On this 12th day of October, 1993, before me, the undersigned, a Notary Public for Idaho, personally appeared LINDA A. ROGERS, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

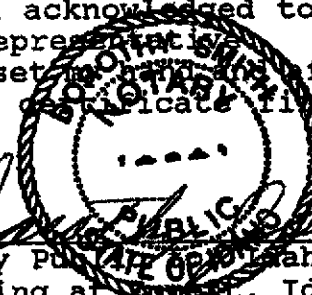
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Dorothy Smith
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 7/11/94

STATE OF IDAHO)
)
County of Gem) ss.

On this 12th day of October, 1993, before me, the undersigned, a Notary Public for Idaho, personally appeared LINDA A. ROGERS, known to me to be the personal representative of the estate of BRYCE V. ROGERS, deceased, and acknowledged to me that she executed the same as such personal representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Dorothy Smith
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 7/11/94

LEGAL DESCRIPTION

The South half of the Southwest quarter and the West half of the Southeast quarter of Section 14;
The West half of the Southeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter and the Southeast quarter of Section 15;
The North half of the Northeast quarter of Section 22;
The Southwest quarter of the Northeast quarter, The Northwest quarter, the North half of the Southwest quarter of Section 23;
The Southwest quarter of the Southwest quarter of Section 10;
The West half of the Northwest quarter, the Northwest quarter of the Southwest quarter of Section 15;

EXCEPT The Southwest quarter of the Northwest quarter of the Northeast quarter of Section 22.

ALSO EXCEPT the Southwest quarter of the Southwest quarter of Section 10 and the Northwest quarter of the Northwest quarter of Section 15

All being and situated in Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho.

EXCEPT ditch and road rights-of-way.

ALSO EXCEPT a tract of land situated in a portion of the Southeast quarter of Section 15, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho more particularly described as follows:

Beginning at the East quarter corner of Section 15, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho marked by a set 5/8" iron pin with aluminum cap stamped PLS 6552; thence South 00°34'03" East, 1299.90 feet along the East line of said Section 15 to a set 1/2" iron pin with plastic cap stamped PLS 6552; thence South 47°29'33" West, 724.66 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 near the West bank of Squaw Creek; thence South 84°42'11" West, 286.32 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 at a fence corner; thence North 84°07'55" West, 598.21 feet along an existing fence line to the centerline of Hancock Road; thence along said centerline of Hancock Road the following courses and distances;

SEE LEGAL CONTINUED NEXT PAGE

FA-4081
Your No. ROGERS/CARLOCK

LEGAL CONTINUED

North 00°47'13" East, 248.14 feet;
North 06°00'53" West, 383.21 feet;
North 00°35'45" West, 259.72 feet;
North 07°54'35" East, 121.21 feet;
North 28°19'36" East, 289.00 feet;
North 49°20'16" East, 189.19 feet;
North 70°28'00" East, 355.47 feet;
North 55°09'52" East, 80.63 feet;
North 27°58'36" East, 88.72 feet;
North 13°46'31" East, 48.41 feet to the North line of said
Southeast quarter of Section 15; thence
South 89°19'02" East, 676.97 feet along said North line to the
POINT OF BEGINNING.

178748

Gem County, IDAHO) ss.
Recorded at request of
First American Title Co

Time 2:23 PM

Date January 5, 1994

Instr. No. 178748

Recorded as a Deed

Richard E. Kolodziej, Clerk
County Recorder

Gudy Bigham
Deputy

Fee \$12.00

SRBA

SUBCASE SUMMARY REPORT 65-11166A

[Return to SRBA Home Page](#)

SRBA
10-24-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-11166A FILE#: 00900
CLAIMANT: ROGERS, BRYCE V
29450 THIRD FORK RD

OLA ID 83657
STATUS: SF5 FILED SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: UNNAMED STREAM, SQUAW CREEK

**** PARTIES INVOLVED ****

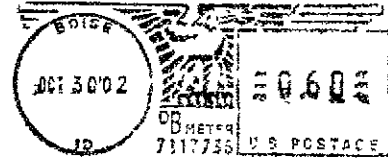
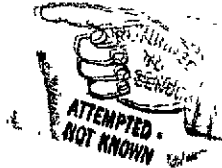
BRYCE V ROGERS	C PRO SE
UNITED STATES OF AMERICA	O ATTY: DAVID W GEHLERT
LINDA A ROGERS	C PRO SE

**** ROA ENTRIES ****

01-17-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	03-22-2002 0001
02-27-2002	ORIGINAL CLAIM FILED		
09-20-2002	STANDARD FORM 5 FILED		09-20-2002
	BASIN 65 GENERAL PROVISIONS NO. 3		

[Return to SRBA Home Page](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705



65-3088A
3088 B
3088 X
1116dA

RECEIVED
NOV 07 2002
WATER RESOURCES
WESTERN REGION

BRYCE ROGERS
LINDA ROGERS
29450 THIRD FORK RD
OLA ID 83457-5021

found



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2002

CARROLL C CARLOCK
JANET CARLOCK
PO BOX 60
OLA ID 83657

RE: Water Right No. 65-3088A, 65-3088B, 65-3088X & 65-11166A

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Bryce V and Linda A Rogers



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 24, 2002

C CARLOCK FARMS
CARROLL OR JANET CARLOCK
PO BOX 60
OLA ID 83657-0060

RE: Water Right No. 65-3088A, 65-3088B, 65-3088X & 65-11166A

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 1310 in the amount of \$100; however, we are returning it to you, as the ownership change fee is not required for these particular water rights. These water rights have not yet been decreed by the SRBA Court. The ownership change is being processed and copies will be mailed out upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

C. CARLOCK FARMS CARROLL OR JANET CARLOCK P.O. BOX 60 208-584-3531 OLA, ID 83657-0060		1310	
DATE <u>OCT 18-02</u>		92-379 3351 1241	
PAY TO THE ORDER OF <u>Idaho Department of Water</u>		\$ <u>100</u> ⁰⁰ / ₁₀₀	
<u>One Hundred and 00/100</u>		DOLLARS	
FOR <u>Filing Fee</u>		<u>JANET CARLOCK</u>	
Wells Fargo Bank Northwest, N.A. 102 W. Main St Emmett, ID 83617 www.wellsfargo.com		Security Features Included. Details on Back.	
"001310" 12410379910071150338"			

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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 65-11166A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Bryce V. Rogers & Linda A. Rogers
Address: 29450 Third Fork Rd.
Ola, ID 83657-5201

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

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 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**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):**

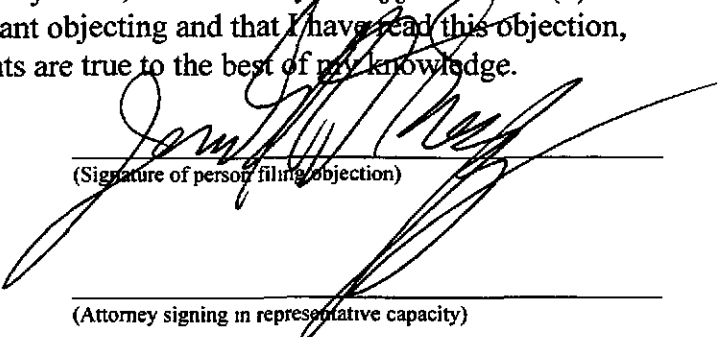
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

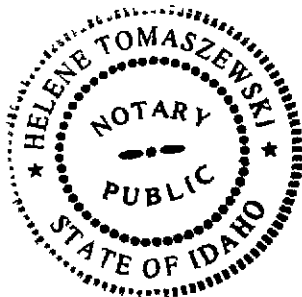
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

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 January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Bryce V. Rogers & Linda A. Rogers

Address: 29450 Third Fork Rd.
Ola, ID 83657-5201

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf



10

11

12

13

14

15



65 - 1116614
45 - 308814
3088 B
3088 X

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St
P O Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

BRYCE V ROGERS
LINDA A ROGERS
29450 THIRD FORK RD
OLA ID 838575021

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

ADDRESS SERVICE
REQUESTED



~~RECEIVED
SEP 20 2001
Department of Water Resources~~

RECEIVED
SEP 21 2001
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 10, 2001

RE: Water Rights in Reporting Area 15, Basin 65
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 65 for the Payette River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Emmett, Payette, Weiser, Idaho City, and Cascade, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed the first part of next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

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

RIGHT NUMBER: 65-11166A

NAME AND ADDRESS. BRYCE V ROGERS
29450 THIRD FORK RD
OLA ID 836575021

LINDA A ROGERS
29450 THIRD FORK RD
OLA ID 836575021

SOURCE: UNNAMED STREAM

TRIBUTARY: SQUAW CREEK

QUANTITY: 0.180 CFS

PRIORITY DATE: 04/15/1964

POINT OF
DIVERSION:

T11N R01E S10 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.180 CFS

PLACE OF USE: IRRIGATION Within GEM County

T11N R01E S10 SWSW 9.0

9 ACRES TOTAL

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.

11/21/2000

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

RIGHT NUMBER: 65-11166A

NAME AND ADDRESS: BRYCE V ROGERS
LINDA A ROGERS
29450 THIRD FORK RD
OLA, ID 836575021

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.18 CFS

PRIORITY DATE: 04/15/1964

POINT OF DIVERSION: T11N R01E S10 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.18 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T11N R01E S10 SWSW 9

9 ACRES TOTAL

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF
DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

AG5-11166A

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 599

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: SCOWA CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION PCJNT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2672	GLIMP, J. C. & GLIMP, LILA H. P.O. BOX 43, SWEET, IDAHO 83670	8/ 4/1960	IRRIGATION	4/ 1 11/ 1	--- AFA .70 CFS	SESW S10 T 7N R 1E	NWNE(10) NENW(26) S15 T 7N R 1E *36*	LICENSE
65-11166	HOAGLAND, CLYDE ROUTE 1, MELBA, IDAHO 83641	4/15/1964	IRRIGATION	4/ 1 11/ 1	--- AFA .32 CFS	NWNN S15 T11N R 1E	NWNN(2) S15 T11N R 1E SWSW(7) SESE(7) S10 T11N R 1E *16*	BENEFICIAL USE
65-11334	U. S. DEPT. OF AGRIC. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401	6/ 1/1964	STOCKWATER FROM STCR	1/ 1 12/31	.50 AFA --- CFS	SE S15 T12N R 1E	NESE NWSE SWSP SESE S15 T12N R 1E	BENEFICIAL USE
65-7120	ORAKE, LOY A. MUNTOUR, IDAHO 83646 REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	2/18/1970	FISH PROP STORAGE	1/ 1 12/31	12.00 AFA 1.00 CFS	SWNW S10 T 7N R 1E	SAME AS OTHER USE	PERMIT
			WILDLIFE STORAGE	1/ 1 12/31	12.00 AFA 1.00 CFS		SAME AS OTHER USE	
			STOCKWATER STORAGE	1/ 1 12/31	.70 AFA .02 CFS *12.00*AFA *1.02*CFS		NESE NWSE S10 T 7N R 1E NWSW SWSW S11 T 7N R 1E	

AJ5809NP
No. A65-11166A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/21/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRYCE V ROGERS	04/15/1964	IRRIGATION	04-01 11-01	0.180 CFS	
C	LINDA A ROGERS 29450 THIRD FORK RD OLA ID 836575021 (208) 584-3325					
				TOTAL DIVERSION:	0.180 CFS	

Water Source: UNNAMED STREAM

Tributary to: SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T11N R01E S15

10
SW 3/4
NWNW

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
11N	01E	10	:																	:	7.0
~~11N~~	~~01E~~	~~15~~	:																	:	2.0
																				TOTAL ACRES	9.0

POU County: GEM

Other Rights: NONE

Remarks: GEN OWNERSHIP CHANGED BY KW 6/7/91.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 06/07/91 WALKER 03/30/95 POST-STD

C18 + C03 1

Source does not flow through the NWNW, S15



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 10, 1991

RE: Notice of Claim No. A65-11166A

Bryce V. &/or Linda A. Rogers
29450 Third Fork Rd.
Ola, ID 83657-5021

Dear Mr. and Mrs. Rogers:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

SEP 24 1992

Beverly Martin called
after talking w/ Mr.
& Mrs. Rogers - she
owns the 40 ac. tract
in question - will submit
change of ownership.
kw 3/19/91



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 12, 1991

RE: Claims to Water Rights

Bryce V. &/or Linda A. Rogers
29450 Third Fork Rd.
Ola, ID 83657-5021

Dear Mr. and Mrs. Rogers:

I have once again searched our records for a domestic use claim filed by Kenneth Hoagland. I cannot locate any claim filed by him for a domestic use. There was no filing made in the Payette River Adjudication for domestic use by the Hoaglands either. Could the water rights from the springs that you mentioned be filed in another name?

In reviewing your change of ownership for the claims filed by Kenneth Hoagland, we found that your Warranty Deed does not cover some of the land that is identified in one of the claims. Claim No. A65-11166 identifies land irrigated in the SESW, Section 10, Twp. 11N, Rge. 1E. The warranty deed only shows land in the SWSW, Sec. 10, Twp. 11N, Rge. 1E. I am enclosing a map of this area for your review. The lands that are identified on your warranty deed are highlighted in green. The land that is identified in Claim A65-11166 that is not included in your warranty deed is highlighted in blue. If you are the owner of this property, you need to go into First American Title Company of Idaho and have them correct your warranty deed to show this is indeed your property. If this is the case and you receive a corrected warranty deed, a copy of the corrected deed would resolve the discrepancy found with the claim. If we find that this land is not yours, then we will split the claim so that the 7 acres identified in the SESW of Sec. 10 will be left in the name of Clyde Hoagland. Final ownership change of Claim A65-11166 will be held pending a solution of the above.

I have enclosed copies of Claims A65-03087, A65-03088A, A65-03088B and A65-03088X which reflect the change in ownership of the lands and appurtenant water rights covered by these claims. The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

MICROFILMED

SEP 24 1992

If you wish to pinpoint your domestic spring and your home on the enclosed map and return it to me, I could further research our records for any additional water rights.

If you have any questions concerning the above please feel free to contact me.

Sincerely,

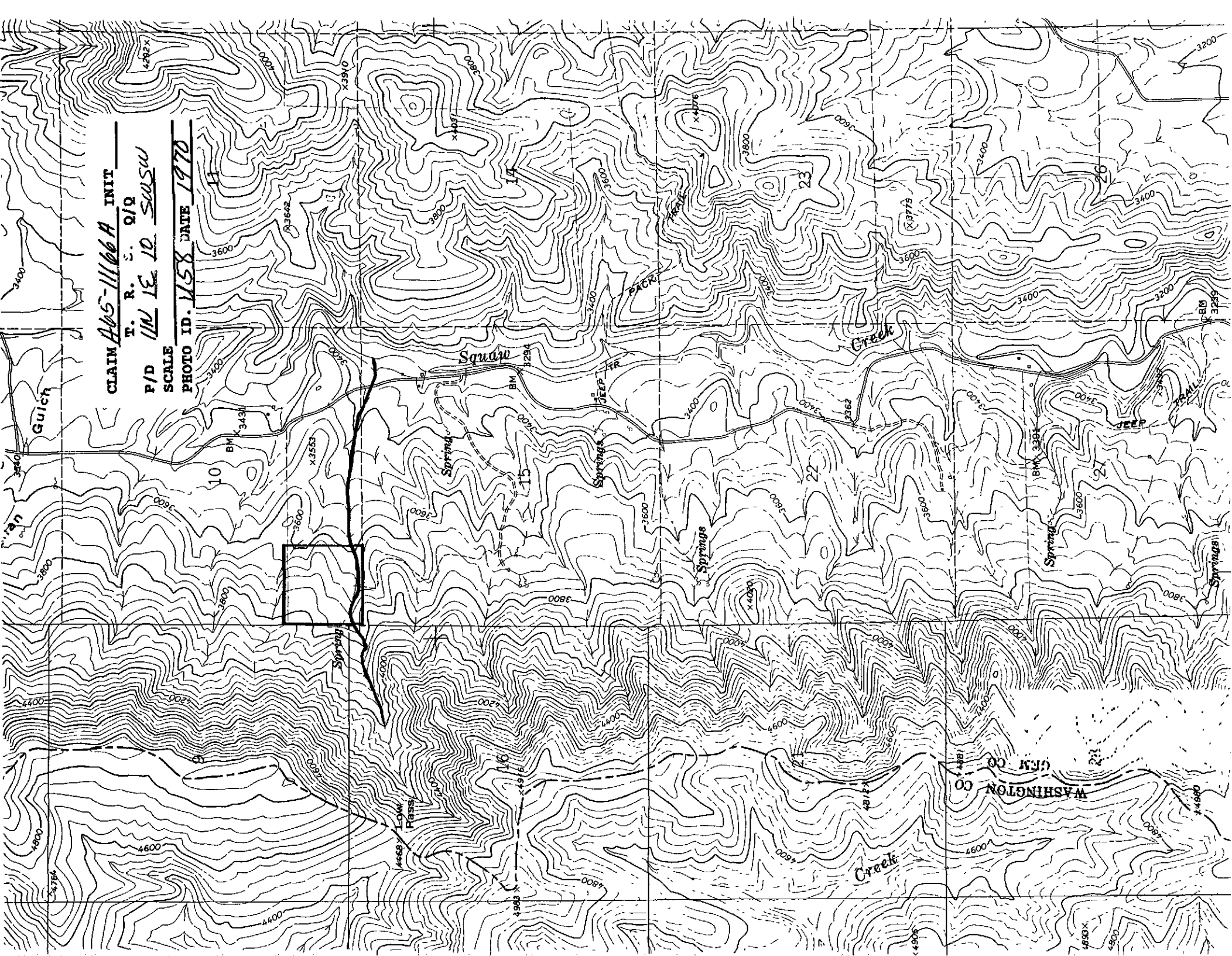
KAY WALKER
Water Resource Agent

KW:k
Enclosures

MICROFILMED

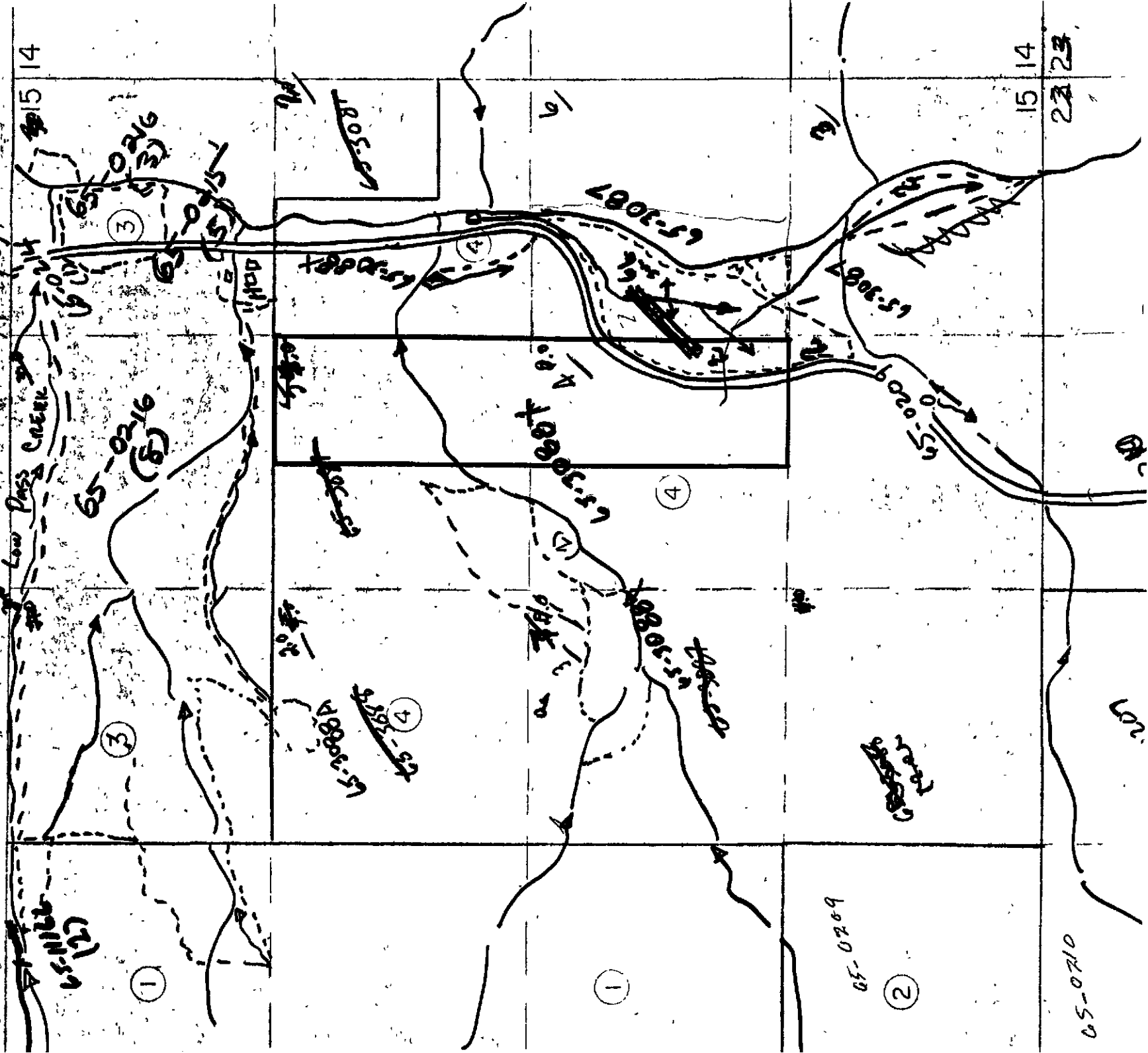
SEP 24 1992

CLAIM 465-1166A INIT
T. R. E. 91Q
P/D 1N 1E 10 SWSW
SCALE
PHOTO ID. 158 DATE 1970



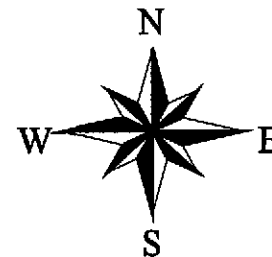
PRBA map

11/10/19



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S10



1987 NAPP PHOTO

● POINT OF DIVERSION

▬ PLACE OF USE

▬ 1/4 1/4 LINES

▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11166A

OWNER(S): ROGERS, BRYCE &
LINDA

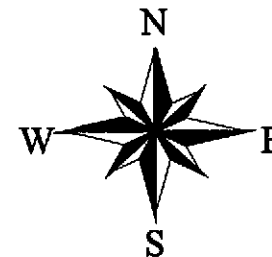
Prepared by Mel Schulte

DATE: JUNE 23, 2000



IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S10



1987 NAPP PHOTO

● POINT OF DIVERSION

▬ PLACE OF USE

▬ 1/4 1/4 LINES

▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-11166A

OWNER(S): ROGERS, BRYCE &
LINDA

Prepared by Mel Schulte

DATE: JUNE 23, 2000

0 0.25 0.5 0.75 Miles

MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

NOTICE OF CLAIM TO A WATER RIGHT

FILED	RECEIVED
NOV 10 1977	NOV 10 1977
CLERK	CLERK

Notice is hereby given that

(Name of Claimant)

Telephone No.

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decree, license, or permit right)

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Squaw Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the water

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

Quantity 56 AFA Use Irrigation Period of Use From 1977 To 1977

(4) **TOTAL QUANTITY CLAIMED**

(5) A) Point of Diversion: Give location of point where water is diverted from its source

Sec. 15 Twp. 11N Rge. 1E B.M. Bar

Additional Points: Bar

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)

ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NW¼				SW¼				SE¼				TOTAL
			NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	NEX	NW¼	SW¼	SE¼	
10	11	11																	2
		12																	14

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

(Date)

(Signature of Claimant)

State of

Organization

(Signature of Spouse)

County of

Seal

Organization

(Signature of Authorized Agent)

On this day of November, 1977, before me

a notary public, personally appeared known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires Notary Public residing at Boise, Idaho

11/17/77



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim.

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

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