

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)

A. Subcase

73-12035

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

ROBERT W. CHEWNING

Address:

139 PAHSIMEROI RD

ELLIS, IDAHO 83235

Daytime Phone:

(208) 876-4291

Name & Address of Attorney, if any:

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

Name:

DICK H. COLEMAN & STARK W. COLEMAN

Address:

33 PAHSIMEROI RD

ELLIS, IDAHO 83235

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: 0.21 CFS
4. ☐ Priority Date
Should be: _____
5. ☒ Point of Diversion
Should be: T16N R26E S36 NE NE NE NE
6. ☐ Instream Flow Beginning and Ending Point
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____

9. ☒ Place of Use IRRIGATION T16N R20E S25 NW SE 4.60
Should be: STOCKWATER T16N R20E S25 NW SE
LEMMING COUNTY 4.60 ACRES TOTAL
10. ☐ 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 OBJECTIONS(S):

SEE ATTACHMENTS 1, 2, 3, 4, 5, 6

F.

VERIFICATION (must be completed)

State of Idaho)
County of Custer) ss.

Robert W. Chewning
(Name of person filing objection)

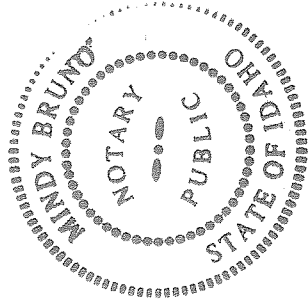
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Robert W. Chewning
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 19, 2007



Mindy Bruno
Notary Public for Shomgen Stephens Law
Residing at: Challis, ID
My Commission Expires: 2-9-13

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 _____, 200__, 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:

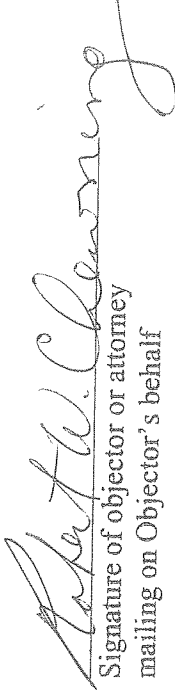
Name: STAR R W, COLEMAN
Address: 33 PAHSIMER 01 RD
ELLIS, IDAHO 83235

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Signature of objector or attorney
mailing on Objector's behalf

November 6, 2007

ATTACHMENT No. 1 TO SUBCASE 73 - 12035

**DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235**

OBJECTION BY:

**ROBERT W. CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235**

This Claim 73 - 12035 was apparently the eventual action by the IDWR after our IDWR Notice Of Change In Water Right Ownership was filed on Claim A73 - 04105 following our purchase of property from the Colemans on Nov. 10, 1996. It should be noted that Mr. Starr Coleman and his wife, Gloria, gave up all claim to the water from the point of diversion listed in Subcase 73 - 12035, the pond, in a Purchase Agreement they signed when we purchased this property, see ATTACHMENT N. 2. Since the date of this purchase, Mr. Starr Coleman has not used nor made any attempt to use the water from this point of diversion. Mr. Starr Coleman does use water from warm springs which are the point of diversion for our Claim 73 - 11960. Apparently, he has not filed a claim on this water. Where I have checked the Point of Diversion on the objection, the "should be" is the location of these warm springs; over 1/3 of a mile from the point of diversion listed in this Subcase 73 - 12035, the pond. There is a barrier in the ditch to keep these two distinct water sources from mingling. I perform sole maintenance on the ditch associated with original Claim 73 - 12036, the pond, and cut it in/out during the irrigation season. Mr. Starr Coleman performs maintenance on the ditch that travels north toward his property from the point of diversion for Claim 73 - 11960, warm springs, and I perform maintenance on the ditch that travels south from this point. Mr. Starr Coleman irrigates approximately 4.60 acres from these warm springs and not the other 13.00 acres listed in this Subcase 73 - 12035. These 13.00 acres are watered by irrigation sprinklers with water being pumped from the Pahsimeroi River. At 2 inches per acre this would be about 0.18 CFM from the warm springs, with 0.03 CFM for stockwater. The Place of Use listed for stockwater in Subcase 73 - 12035 is our property, and Mr. Starr Coleman does not graze cattle there. It seems clear that there was little review of Claims 73 - 12035, 73 - 12036 and 73 - 11960 before they were reported to the SRBA Court. It should be noted that Dick H. Coleman has been deceased for many years. I was only engaged once, on June 24, 1997, by a representative of the IDWR in any investigation of these claims; although, I wrote a number of letters and made phone calls to IDWR explaining the details of these claims. All requests for corrective action were ignored. The records of the IDWR

field trip on June 24, 1997, and the records of our IDWR Notices Of Change In Water Right Ownership filed on Nov. 16, 1996 and on Nov. 26, 2001 were all lost. Fortunately, I retained copies of most of these records. To help in understanding this objection and the details of this Subcase 73 - 12035, I am including our IDWR Notice Of Change In Water Right Ownership dated Nov. 21, 2001 (see ATTACHMENT No. 3), my letter to IDWR dated 02/09/05 (see ATTACHMENT No. 4), IDWR letter to me dated Feb. 16, 2005 (see ATTACHMENT No. 5) and my letter of concern to IDWR dated March 2, 2005 (see ATTACHMENT No. 6).

ATTACHMENT NO. 2 TO SUBCASE 73 - 12035

DICK H. COLEMEN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:

ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235

1. Buyer agrees to transfer of 30" (270 gpm) of water from pond fed by Walker Springs to Coleman's property north of Fish Hatchery. Seller agrees to transfer the remaining claim to the water from the pond to the property being sold as described in paragraph 1 above. Seller to perform transfer prior to closing. Seller to transfer the 30 inches from the pond to the river and change point of diversion downstream.
2. Seller agrees to transfer 3" (27 GPM) from spring on property described in paragraph 1 above with property being sold. Buyer agrees to transfer of remaining water from this spring to seller's property north of Fish Hatchery.
3. Buyer & Seller agree the above statements lack legal descriptions & precise detail. Both agree that oral commitments have been made and both buyers & sellers acknowledge understanding the above commitments.

This is an ADDENDUM to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money:

Earnest Money Dated: 20 Aug 96 19 ID # 319168ADDRESS: Ellis IslandBUYER (S) Robert & Virginia ChearningSELLER (S) Starr & Gloria Coleman

The undersigned Parties hereby agree as follows:

1. Buyer agrees to transfer of 30" (270 gpm) of water from borehole drilled by Utah Lake Springs to Colorado property south of Fred Hatcher. Seller agrees to transfer this water right claim to be made from the pond to the property being sold as described in paragraph 1 above. Seller to perform transfer prior to closing. Seller to transfer the claim from the pond to the real estate. Seller to transfer claim to transfer 3" (270 gpm) from spring on property described in paragraph 1 above with Fred Hatcher. Buyer to transfer property to Fred Hatcher.

3. Buyer & Seller agree the above 3 paragraphs back legal descriptions of previous title. Both agree that all commitments, legal, moral, and both Buyer & Seller acknowledge including the above commitments.

Buyer: Robert & Virginia H. Chearning
Virginia H. Chearning

STATE OF IDAHO, COUNTY OF LEHI

On this 11th day of October, 1996, before me a Notary Public in and for said State, personally appeared STARR W. COLEMAN, GLORIA J. COLEMAN, ROBERT H. CHEWNING AND VIRGINIA H. CHEWNING, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. The herein agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement.

Robert H. Chearning BUYER

Virginia H. Chearning BUYER

DATED: 8-25-96

Starr W. Coleman SELLER

Gloria J. Coleman SELLER

DATED: 8/25/96TIME: 1300☐ A.M. ☐ P.M.TIME: 13:10☐ A.M. ☐ P.M.

876-4291

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County County Reg. of

Robert H. Chearning

BROKER'S COPY

Time 3:12 PM Date 3/8/96

Robert M. Peck, Clerk

Robert M. Peck, Clerk

Robert M. Peck, Clerk

RECEIVED

NOV 21 2007

DEPARTMENT OF
WATER RESOURCES

ATTACHMENT NO. 3 TO SUBCASE 73 - 12035

DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:

ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

- I. 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
<u>A73-04105</u>	<u>✓</u>				
<u>A73-04106</u>					

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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).

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**.

Name and Address of Former
Owner/Claimant(s)

STARR W. COLEMAN

New Owner/Claimant(s)

PAHSIMEROI RD., ELLIS, IDAHO 83235

New Mailing Address

ROBERT W. and/or VIRGINIA H. CHEWNING
Name Connector (Check one): () and, () or, () and/or
139 PAHSIMEROI RD.

City, State and ZIP Code

ELLIS, IDAHO 83235

New Telephone Number

(208) 876-4291

Date you acquired the property

10/10/1996

50" = 450 GPM = 1 CFS
1" = 9 GPM

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 Use	Water Right and/or Adjudication Claim Number	AND DOCUMENTS RELATING TO THIS CLAIM
	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	1.70 CFS (765 GPM)	15.52 acres
Stock	0.03 CFS (13.56 GPM)	HORSES & CATTLE
Domestic		
Other		
Total	1.73 CFS (778.56 GPM)	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Water Right and/or Adjudication Claim Number	
	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) Patrick H. Clawning
(include title if applicable) Snake River Basin Adjudication

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.

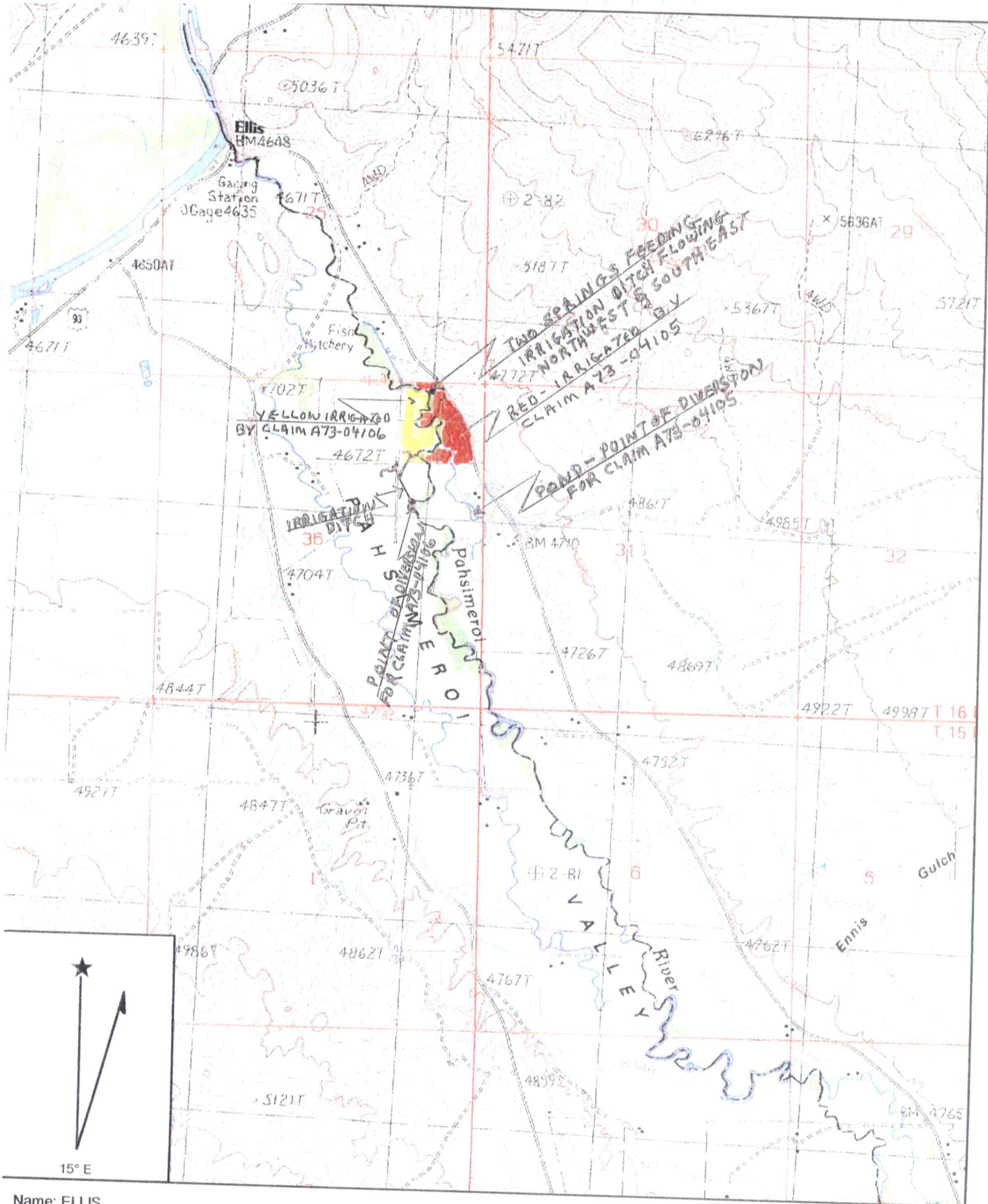
For Office Use Only			
Received by	_____	Date	_____
Received by	_____	Date	_____
Processed by	_____	Receipt No.	_____
	_____	WR	_____
	_____	Date	_____

**STATEMENT ON STATE OF IDAHO DEPARTMENT OF WATER
RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
CONCERNING WATER RIGHT CLAIM NO. A73-04105**

1. Before purchasing the property described in Warranty Deeds 231459 and 212224 the buyers (Robert W. and Virginia H. Chewning) agreed to the transfer of 30" (270 GPM) of water from pond fed by Walker Spring (point of diversion claimed in A73-04105) to Coleman's property north of Fish Hatchery. Sellers (Starr W. and Gloria J. Coleman) agreed to transfer the remaining claim to the water from the pond (point of diversion claimed in A73-04105) to the property being sold (described in Warranty Deeds 231459 and 212224) . The sellers agreed to perform the transfer prior to closing. The sellers further agreed to transfer the 30" from the pond to the river and change the point of diversion downstream. The sellers signed this condition of the sale of the property identified above before a Notary Public 10/10/1996. See the attached copy of the Real Estate Purchase and Sale Agreement And Receipt For Earnest Money recorded by the Clerk of Custer County as document 0222438. This document should establish that Starr W. Coleman no longer has a claim to water from the point of diversion identified in A73-04105. In fact, since 10/10/1996 Mr. Coleman has made no attempt to obtain water from this point of diversion.

2. On June 24, 1997 Mr. Greg Taylor and Mr. Robert Foster from Idaho Department of Water Resources made a field trip in connection with Water Right Claim A73-04105 . At that time it was established that all water from the point of diversion in A73-04105 (the pond) was going to irrigation on the property described in Warranty Deed 231459. It was further established that two strong springs located to Township 16N, Range 20E, Section 36, 1/4 NW, of 1/4 NE, of 1/4 NE were feeding the irrigation ditch originating at the point of diversion in A73-04105 and extending north into T 16N, R 20E, Section 25. The water in the irrigation ditch from these springs was flowing northwest and southeast from its point of entry into the ditch and contributing to the irrigation of the property described in Warranty Deed 231459 and supplying all irrigation north of the point where they fed the irrigation ditch. To the best of my knowledge, these two springs have not been filed on as a claim for water rights. We continue to use this spring water to supplement water from the pond in irrigating our property and Mr. Coleman uses the water to irrigate a pasture of approximately 8 acres in T 16N, R 25E, Section 25, NW, SE only .

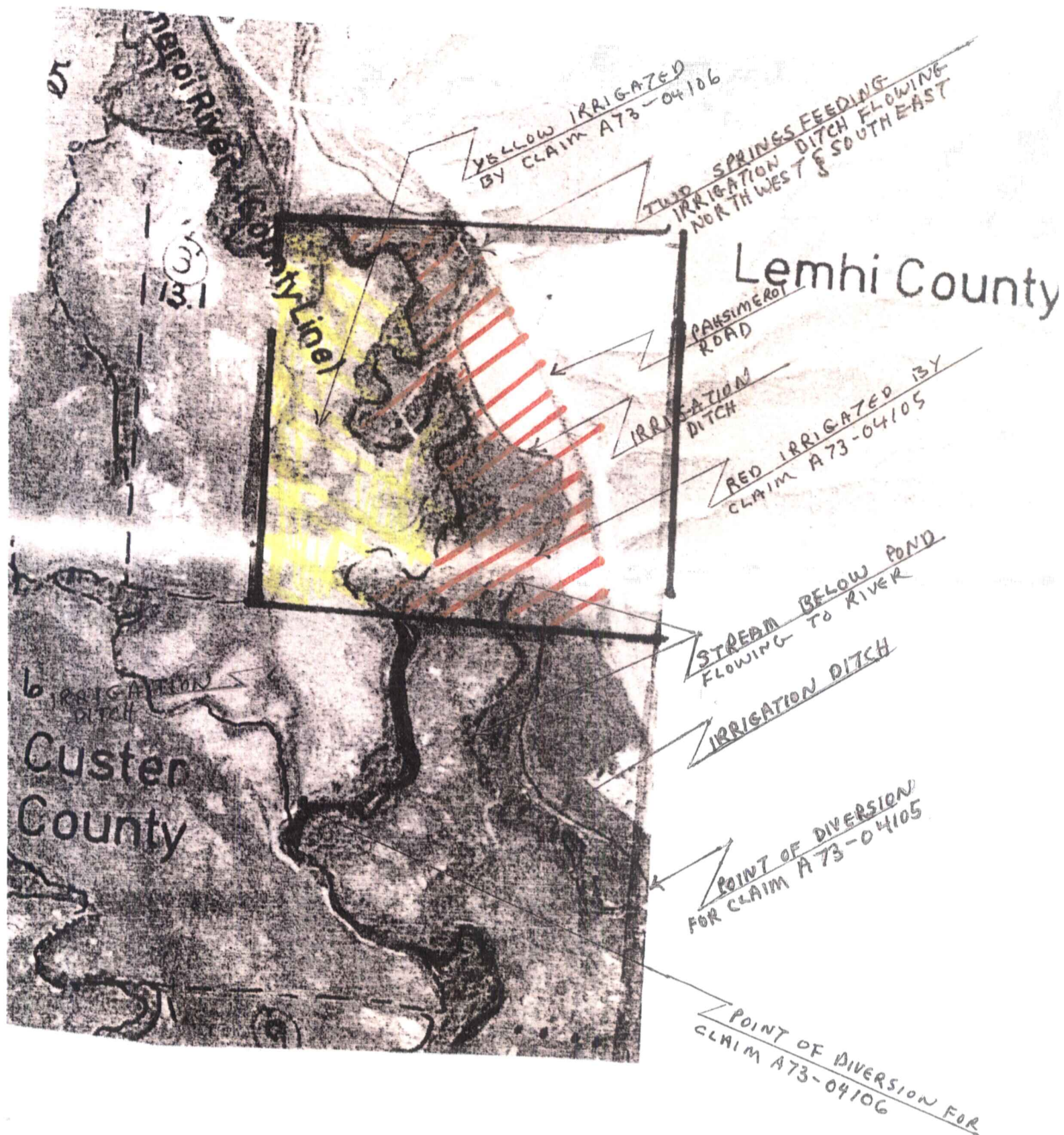
Robert W. Chewning
November 26, 2001



15° E

Name: ELLIS
Date: 10/17/2001
Scale: 1 inch equals 2000 feet

Location: 044° 40' 20.0" N 114° 01' 52.2" W



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: A73-04105
Date Received: 11/17/1989
Receipt No: M005245
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DICK H. COLEMAN
Address: BOX 5

OR
ELLIS, ID 83235

Name: STARR W. COLEMAN
Address: HC 62 BOX 1002
ELLIS, ID 83235

208-876-4244

2. Date of Priority: JUN 01, 1882

3. Source: SPRINGS

4. Point of Diversion:

Trib. to: PAHSIMEROI RIVER

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
16N	20E	36	NE	SE	LEMHI

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

A73-04105

Page



A7304105

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DEC 14 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	20E	25	SE	NW	IRR	14.0
			NW	SE	IRR	6.0
			SE	SE	IRR	2.0
Section Acres						22.0
		36	NE	NE	IRR	8.0
			NE	NE	STOCK	
			SE	NW	STOCK	
			NW	SE	STOCK	
			SE	SE	STOCK	
Section Acres						8.0
Total Acres						30.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A73-04104, A73-04106

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 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):

॥ १ ॥

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State of Idaho

County of Custer)
) ss.

Subscribed and sworn (or affirmed)

of November 1989

before me this 17th day

Stuart D. Bell
Notary Public

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Residing at Twin Falls, Idaho

My Commission Expires - December 7, 1994

A73-04105

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AJ5809NP
No. A73-04106

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/27/00
PAGE: 3

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DICK H COLEMAN BOX 5 ELLIS ID 83235	06/01/1882	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.500 CFS 0.030 CFS	
C	STARR W COLEMAN HC 62 BOX 1002 ELLIS ID 83235 (208) 876-4244				TOTAL DIVERSION: CONSUMPTIVE USE:	0.500 CFS 37.50 AFA

=====

Water Source: PAHSIMEROI RIVER

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T16N R20E S36

NWSENE

CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
16N	20E	36	:	15				:					:					:					:	15.0
																							TOTAL ACRES	15.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
16N	20E	36	:	S				:					:					:					:	

POU County: CUSTER

Non-Irrigation Uses: S/100 RANGE

Other Rights: A73-04104, A73-04105

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 73 Field Inspection Flag:
Presumption Flag:

Audit: 11/17/89 MOBILE4 03/30/95 POST-STD

A COPY OF THE LETTER OF AGREEMENT,
ATTACHMENT 2 TO SUBCASE 73-12035,
AND A COPY OF TWO WARRANTY DEEDS,
CUSTER & LEMHI, WERE ALSO PART OF
THE PACKET SUBMITTED TO IDWR FOR
THE NOTICE OF CHANGE IN WATER RIGHT
OWNERSHIP.

RECEIVED

NOV 21 2007

DEPARTMENT OF
WATER RESOURCES

ATTACHMENT NO. 4 TO SUBCASE 73 - 12035

DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:
ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235

02-09-05

Robert W. Chewning
139 Pahsimeroi Road
Ellis, Idaho 83235

ref: Water Right Claims

A 73 - 04105

A 73 - 04106

Telephone call 02-08-05

Roxanne Brown
Sr. Water Resources Agent
State of Idaho Department
of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720 - 0098

Dear Ms. Brown,

Not long after my wife and I purchased the property irrigated by the above two claims from Starr and Gloria Coleman, I contacted Robert E. Foster, Sr. Water Resources Agent Water Distribution in Salmon, concerning changing Water Right Claim A 73-04105. He told me that I should file a "New Pproperty Owner Notice of Change of Water Right Ownership" with him. This I did on 11-16-1996 and a copy of the correspondance is included as Enclosure One to this letter. Please note that the spring referred to in my letter to Mr. Foster in paragraph 2 of Addendum #1 to the Agreement to Purchase is the springs we subsequently filed upon as 73-11960. These springs, from the point where they enter the irrigation ditch, flow south toward the pond, point of origin, referenced in Water Right Claim A 73-04105 (increasing the water available in that claim), and flow north toward the Coleman's property north of the fish hatchery (this is the entire source of water in the irrigation ditch going to Coleman's property). From the time of purchase of the property from the Coleman's, Mr. Coleman has not tried to use the water originating from our pond, but he does use water from these springs. I do not know if he has every filed a claim on these springs.

Several years passed and we had not heard anything about our "Notoce of Change of Water Right Ownership" concerning A 73-04105. We were told that it had been forwarded to Idaho Falls, but could not find anyone there who had seen it. I eventually made telephone contact with Allen B. Ruberry, Sr. Water Resource Agent Adjudication Bureau. He was helpful and sent me a letter dated 30 March 2001 with several attachments. A copy is included as Enclosure Two to this letter.

Needless to say, I was disappointed that no record of our attempt to change ownership was included in our file.

Before I could meet with Mr. Ruberry, my neighbor across the river, Sydney Downton, opened up a diversion to the Pahsimeroi River that had been collapsed for some years. The Department of Fish and Game was preparing to install a fish screen that was going to involve our property purchased from the Colemans. See Enclosure Three. I decided it was time to also file a "Notice of Change in Water Right Ownership" for the water right claim A 73-04106 that the Coleman's had made on this diversion.

I met with Mr. Ruberry in his office in Idaho Falls on 27 November 2001. I gave him a "State of Idaho Department of Water Resources Notice of Change of Water Right Ownership" for A 73-04105 and A 73 - 04106 with supporting attachments at that time. See Enclosure Four ("The Real Estate Purchase and Sale Agreement and Receipt of Earnest Money" attached to the "Notice of Change of Water Right Ownership" can be seen in Enclosure One). While meeting with Mr. Ruberry Water Right Claim A 73-11960 was drawn up and submitted. See Enclosure Five.

When I left Mr. Ruberry I had agreed to research and forward records which would support the Dates of Priority on claims A 73-04105, A 73-04106 and A 73-11960. He had also requested a copy of the Court Order is Case No. CV-94-229 which relates to Claim A 73-04105. I subsequently sent him a letter dated 22 December 2001 with Affidavits signed by Jack B. Furey, a long time resident of the Pahsimeroi Valley, concerning claims Nos. A 73-0415 and A 73-0416. I also sent him a copy of page 289, "Book A. of Water Rights" found in the Lemhi Courthouse with a signature of Boise Ellis in 1886 claiming water from a stream and irrigation ditch in the Pahsimeroi Valley. At that time I believed it related to waters and ditch in claim A 73-0415. I have subsequently found that it actually relates to my claims 73-4080 and 73-4079. The Boise Ellis who signed the "Book A. of Water Rights" in 1886 was the father of Boise H. Ellis, who with his wife Mary H, first purchased property in 1924 that would have been irrigated by the ditch in A 73-0415. He was the father of Dick H. Coleman and grandfather of Starr Coleman who first filed A 73-0415. Boise H. Ellis purchased the property in 1934 that was irrigated by the water in both claims A 73-0415 and A 73-0416. Starr Coleman had said in the court proceedings in Court Case No. CV-94-229 that the pond and ditch in A 73-0415 predated his grandfather. See Enclosure Six.

We do appreciate your assistance in this matter. It seems that the "Change of Water Right Ownership" for claims A 73-04105 and A 73-04106 have been in the process far too long. If there are additional supporting records needed, please let me know.

Sincerely,

Robert W. Chewning



ATTACHMENT NO. 5 TO SUBCASE 73 - 12035

DICK H. COLEMEN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:
ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 16, 2005

Mr. Robert W. Chewning
139 Pahsimeroi Rd.
Ellis, ID 83235

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to Water Right Nos. 73-4105, 73-4106
Change of Ownership

Dear Mr. Chewning:

First, let me apologize for the confusion surrounding this matter and thank you for your very thorough record keeping. It has been very helpful. We have finally processed the change in ownership of the Claim to a Water Right referenced above.

Enclosed are copies of your water right claims. Please note that 73-4105 was split between you and Mr. Coleman; your portion of that claim is enclosed as 73-12036. Please retain these copies for your file, and refer to these claim numbers in any future inquiries or correspondence.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau
Idaho Dept. of Water Resources

Enclosures

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 73-12036
Date Received: 11/17/1989
Receipt No: M005245
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VIRGINIA H CHEWNING Phone: (208)876-4291
139 PAHSIMEROI RD
ELLIS ID USA 83235

ROBERT W CHEWNING Phone: (208)876-4291
139 PAHSIMEROI RD
ELLIS ID USA 83235

2. Date of Priority: 06/01/1882

3. Source: SPRINGS Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	20E	36	NE SE NE	LEMHI	

5. Description of diverting works:

COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.67	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.67 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
16N	20E	25	SE	SE	IRRIGATION	2	
			SE	SE	STOCKWATER		
16N	20E	36	NE	NE	Section Acres	2	
			NE	NE	STOCKWATER		
			NE	NE	IRRIGATION		8
			Section Acres	8			
Total Acres						10	

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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 73-4106
Date Received: 11/17/1989
Receipt No: M005245
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT W CHEWNING Phone: (208)876-4291
139 PAHSIMEROI RD
ELLIS ID USA 83235

VIRGINIA H CHEWNING Phone: (208)876-4291
139 PAHSIMEROI RD
ELLIS ID USA 83235

2. Date of Priority: 06/01/1882

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	20E	36	NW SE NE	CUSTER	

5. Description of diverting works:

HEADBOX TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	20E	36	NE	NE	STOCKWATER	
			NE	NE	IRRIGATION	15
					Section Acres	15
					Total Acres	15

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

ATTACHMENT NO. 6 TO SUBCASE 73 - 12035

DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:

ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235

March 2, 2005

Robert W. Chewning
139 Pahsimeroi Road
Ellis, Idaho 83235
(208) 876-4291

Roxanne Brown
Sr. Water Resources Agent
Adjudication Bureau
Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720 - 0098

Ref: (a) Snake River Adjudication (SRBA)
Claim to Water Right No. 73-4105

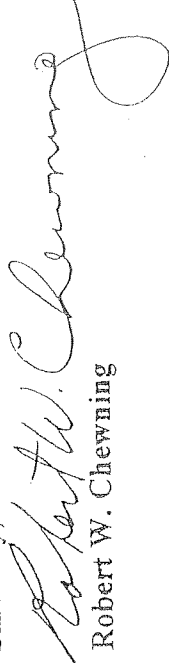
(b) Your letter dated February 16, 2005,
same subject

Dear Ms. Brown,

We thank you for your help with claims to Water Right Nos. 73-4105 & 73-4106. In your letter, reference (b), you stated that 73-4105 was split between us and Mr. Coleman. I assume that is the proper 1st step in changing this Water Right Claim, but we are greatly concerned that Mr. Coleman may be granted a legal right to the water from the point of diversion in original claim 73-4105 and now identified in claim 73-12036. We paid the Colemans a premium price for the property being irrigated by the springs/pond being diverted at Township 16 N, Range 20 E, Section 36, NE 1/4 of SE 1/4 of NE 1/4 for the purpose of eliminating any claim they had to this water. They made a written agreement to transfer 30" of the water being claimed from these springs/pond to the Pahsimeroi River and change the point of diversion downstream. The remaining water being diverted from this point of diversion was to be transferred with the property being sold. I would assume there will be an investigation of all claims prior to adjudication and expect that all claims the Coleman's may currently have on paper for this point of diversion will be made null and void. If not, expect the issue to move to a court of law immediately. As further support for our claim, Mr. Coleman has not used or attempted to use any water from the above point of diversion since the time we bought the property on 10-10-1996.

Again, I thank you for your help in this matter, It has been a long and frustrating process. We would appreciate hearing from you after you have had an opportunity to look into our concerns relative to any claim the Coleman's may have on paper relative to this sensitive point of diversion.

Sincerely,

A handwritten signature in cursive script, reading "Robert W. Chewning". The signature is fluid and elegant, with a large, sweeping "R" and a long, horizontal tail stroke.

Robert W. Chewning