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APR 22 2008
DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB #3867
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Email: Dana@IdahoWaterLaw.com

Attorney for Basin and Range Resource Company, LLC

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 39576

)
) Subcase No. 63-31418
)

) AFFIDAVIT OF DANA L. HOFSTETTER
)
)
)
)

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Basin and Range
Resource Company, LLC.

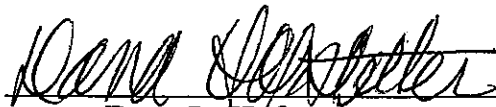
(2) Attached hereto as Exhibit A is a true and correct copy of SRBA Claim No. 63-7354 that I obtained from the Idaho Department of Water Resources' ("IDWR") Western Regional Office.

(3) Attached hereto as Exhibit B is a true and correct copy of the IDWR Beneficial Use Field Report for Water Right No. 63-7354 that I printed from IDWR's Internet website.

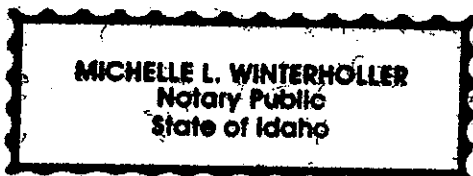
(4) Attached hereto as Exhibit C is a true and correct copy of the License for Water Right No. 63-7354 that I printed from IDWR's Internet website.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 21st day of April, 2008.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 21st day of April 2008.




Notary Public in and for the State of Idaho
Residing at: Luna, ID
My Commission Expires: 3-5-13

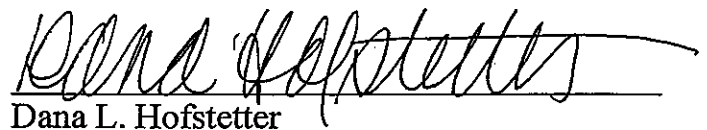
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 21st day of April 2008, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

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

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


Dana L. Hofstetter

Wait Apr 18, 1990
no longer
than lead line

#2012

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

RECEIVED

MAY 17 1990

Ident. Number: A63-07354
Date Received: 2/07/1990
Receipt No: WD12389
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR L. WILSON
Address: 4900 OASIS RD.
CALDWELL, ID

83605

2. Date of Priority: JUL 29, 1970

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	04W	34	SE NW		PAYETTE

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	03/15	11/15	3.000	

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

A.F.A.

8. Total consumptive use is 528.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	04W	34	SW NE		IRR	25.0
			NE NW		IRR	22.0
			SE NW		IRR	20.0

A63-07354

Page 1

Date: 02/07/90

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AUG 21 1990



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	04W	34	NE	SE	IRR	30.0
			NW	SE	IRR	34.0
			SE	SE	IRR	20.0
					Section Acres	151.0
					Total Acres	151.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
NONE

14. Remarks:
EXAM FEE IS BEING PAID TO REINSTATE PERMIT

15. Basis of Claim: PERMIT

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Patricia S. Wilson Date: 3-9-90
Exel F. Wilson Date: 3-9-90

State of Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of March 19 90

Ralston E
Notary Public

Seal

Residing at Borsey, IDAHO
My Commission Expires _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources

A. GENERAL INFORMATION

1. Owner: JOE ROBERTS Permit No. 63-7354
Current Address: 15032 HOLLOW RD. CALDWELL, ID 83605 Phone No. 459-2022
2. Accompanied by: SAME EXAM. DATE: 7-26-90
Address: _____ Phone No. _____
Relationship to Permit Holder: OWNER (NOW PURCHASING PROPERTY)* See remarks
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: NONE ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

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Scale: 1" = _____

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

Blanking No. 5208

EXHIBIT

B

System Description (continued)

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

THE SYSTEM IS A WELL DELIVERING WATER TO HAND LINES THROUGH A 6" BURIED MAINLINE & 4" BURIED BRANCH LINES. 3" HAND LINES ARE USED TO IRRIGATE THE P/U.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELECTRICAL	75	R-6327-03-309	R2117057 C	
				LAYNE BOWLER	44727
BOOSTER	ALLIS-CHALMERS	50	51-411-522-662		
				MONARA, CH	05HGP3

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

END

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	34	6N	4W	CANYON	AERIAL PHOTO

6. Place(s) of Use:

Indicate Method of Determination AERIAL PHOTO

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	4W	34		3 ⁺	24		145			125					18	23		18	113

NOTIFIED

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

NO MEASUREMENT MADE SEE ATTACHMENT FOR
IRRIGATION RIGHT FROM A GROUND WATER SOURCE.
CALCULATIONS.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 113 \times 4.5 = 508.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \text{SEE ATTACHMENT}$

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

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

NO OVERLAP FOUND (ISOLATED ACRES)

PERMIT IS FOR IRRIGATION OF 240A @ 4.8 CFS

FEES PAID FOR:

3.0 CFS MAX

FOUND IRRIGATION OF 113A

2.3 CFS (THEORETICAL)

calculated

2.26 CFS allowable

lowest theoretical rate exceeds allowable rate, so recommend allowable rate. System capacity exceeds volume requirement

* ownership note: permit holder of record (Mikesell) foreclosed on by original owner (Wilson) who is selling to Joe Roberts. I find no assignment back to Wilson, or to Roberts. Refer to permit processing memo #90?
permits (vested rights considered real property)

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>3-1</u>	<u>11-15</u>	<u>N/A 2.26</u>	<u>508.5</u>
Totals:			<u>2.26</u>	<u>508.5</u>

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

KELLY K. CHRISTENSEN

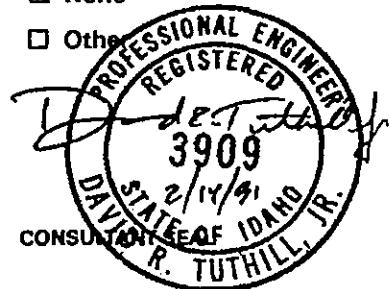
Signature

Kelly K. Christensen

Certification Date

Field Report Preparation Date

10-22-90



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

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Permit No. 63-7354

IRRIGATION RIGHT FROM A GROUND WATER SOURCE

A theoretical calculation is necessary to determine if a measurement is required for irrigation from a groundwater source.

=====

1. Using the found acres (or an estimate by the permit holder) calculate the acre-foot per annum limit. This is the volume that the system must be able to theoretically produce to exclude a rate of flow measurement.
2. Next, given the pump hp and the estimated dynamic water level, calculate the theoretical rate of flow that the system can produce.
3. Using the rate found in step 2 and the days in the permitted irrigation season, calculate the theoretical AFA that the system could produce. This volume is then compared to the first AFA calculation. If the theoretical volume (step 3) is greater than the irrigation requirement volume (step 1) then no measurement is necessary. If it is less, then you must make a diversion rate measurement during the field examination.

- Phone conv.*
1.
$$\frac{150}{\text{Found Acres}} * \frac{4.5}{\text{Irr. Req.}} = \frac{675}{\text{AFA}}$$
 both rates exceed allowable
 2.
$$\frac{(125)}{(50+75) \text{ HP}} * 8.8 * (.7) \text{ EFF} = 2.3 \text{ CFS (2.6 CFS)}$$

$$\frac{(190) \text{ Dyn Level} + (2.3 * [60] \text{ PSI})}{\text{Theor. Div. Rate}} = \text{Theor. Div. Rate}$$
 3. *old field report, incomplete, from 1980 states bows set at this depth.*

$$\frac{(2.6) 2.3}{\text{Theoretical Div. Rate}} * \frac{227}{\text{Days in season}} * 1.9835 = \frac{1066}{\text{AFA}} (1180)$$

Note: for electrical motors
EFF = 0.70
for diesel motors
EFF = 0.60

Data Requires Verification ☐
 Measurement Required -- ☐
 Measurement Not Required ☒

Calculation data sources:

Found acres = 113 - from field report
 HP = same
 Dyn Level = 190
 PSI = using 60 for irrigation system

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07354

Priority: March 28, 1974

Maximum Diversion Rate: 2.26 CFS
Maximum Diversion Volume: 508.5 AF

This is to certify, that JOSEPH W ROBERTS
15032 HOLLOW RD
CALDWELL ID 83605

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 29, 1970; and has submitted Proof of Beneficial Use on July 7, 1980. An examination indicates that the works have a diversion capacity of 2.300 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.26 CFS	508.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 34, Township 06N, Range 04W
PAYETTE 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>
06N	04W	34	NWNE 3	SWNE 24	NEW 14.5	
			SENE 12.5	NESE 18	NWSE 23	
			SESE 18			113

Total number of acres irrigated: 113

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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EXHIBIT

C

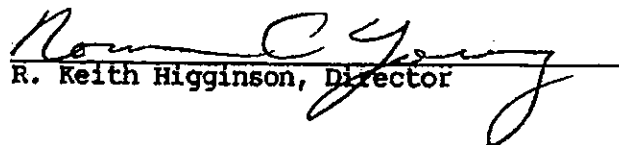
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07354

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 27TH
day of NOVEMBER, 1991.

Acting for


R. Keith Higginson, Director

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