

ET — Change P. O. D
to this
Curtis Lewman

722-5772

MICROFILMED

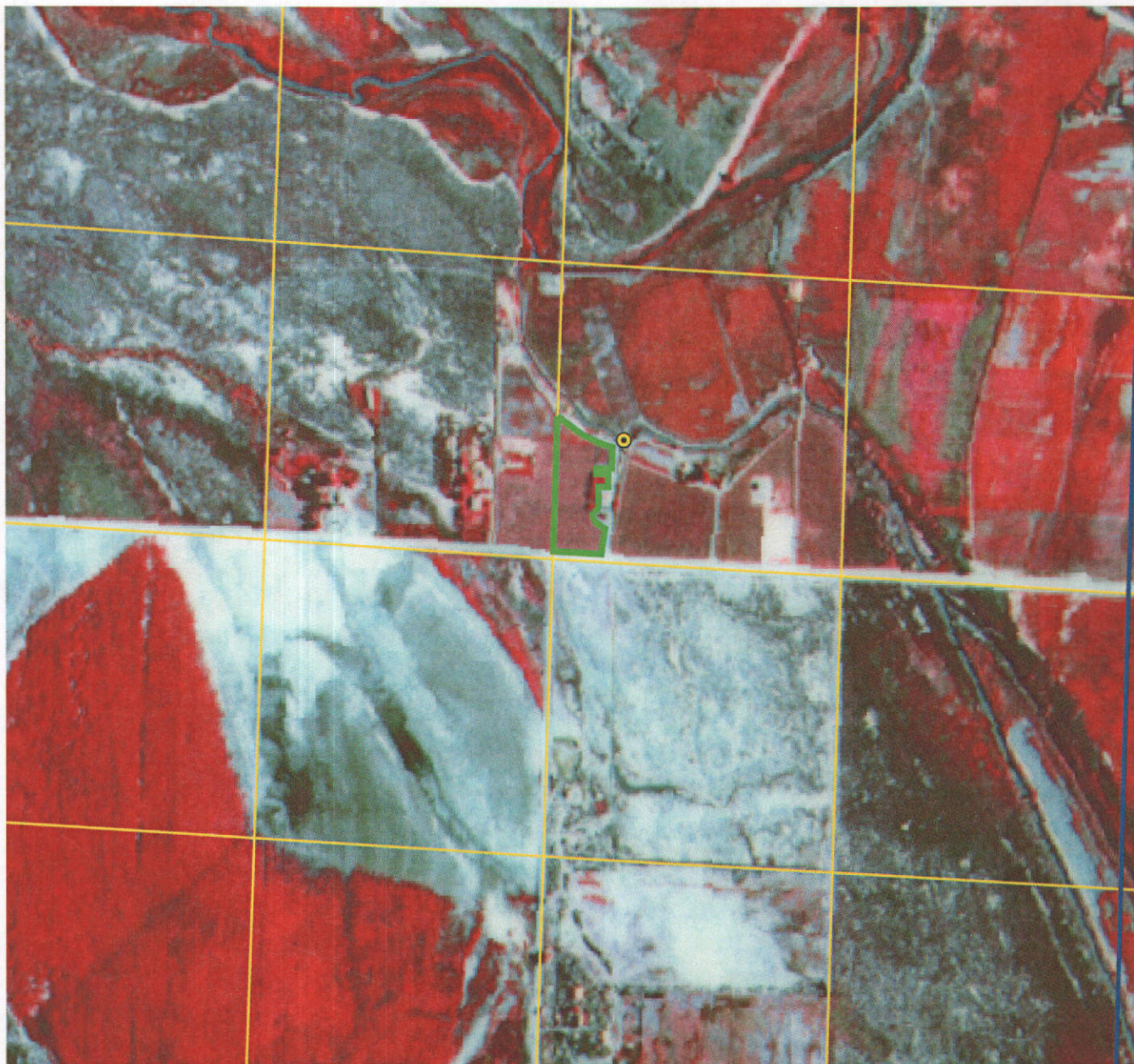
AUG 20 1992



Idaho Department of Water Resources

63-4233A

05N 06W Section 13



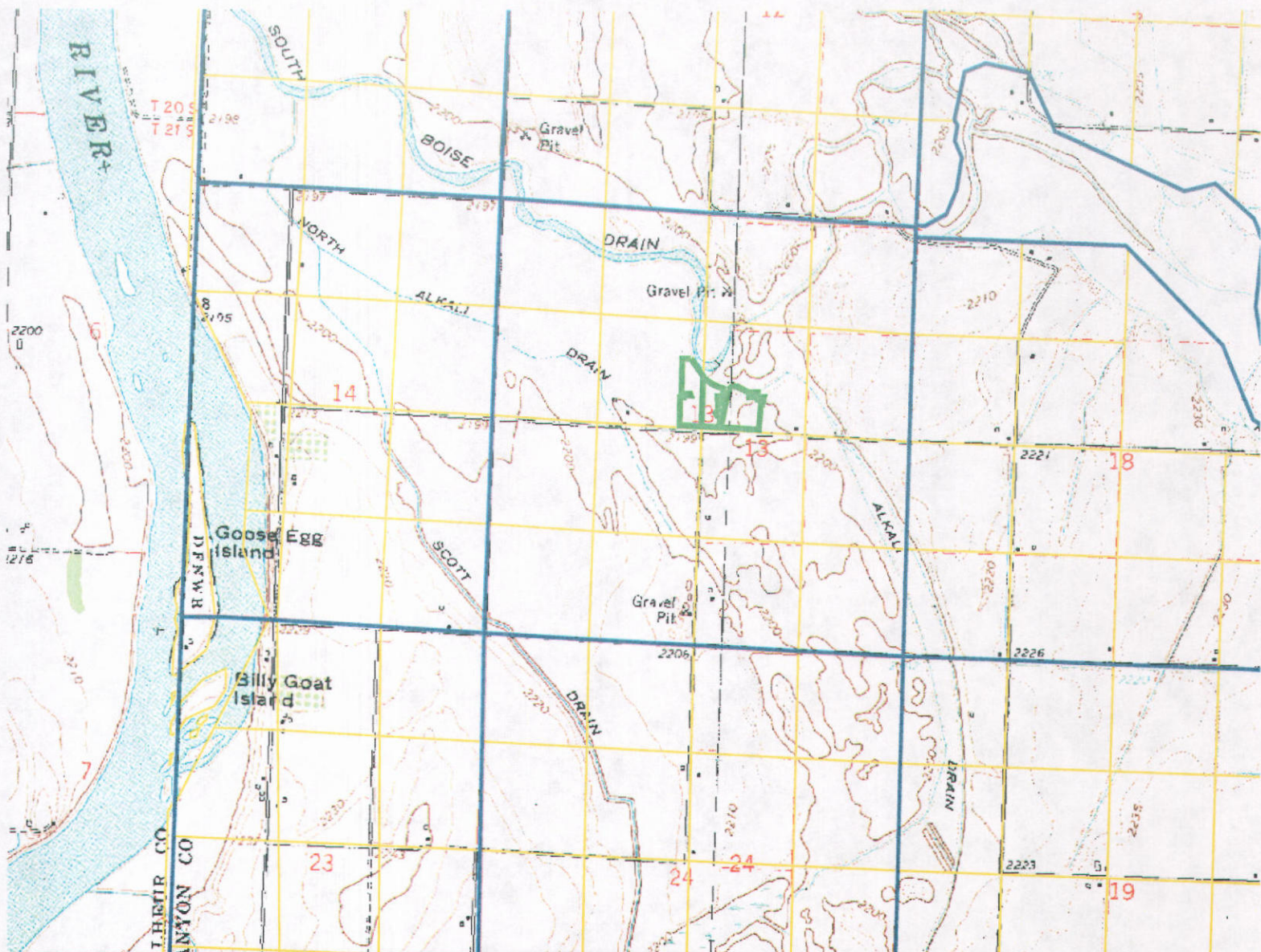
-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 2.7

300 0 300 Feet



IDWR
Prepared by: Lori Graves
Date: 09-05-06
1986-87 Photography

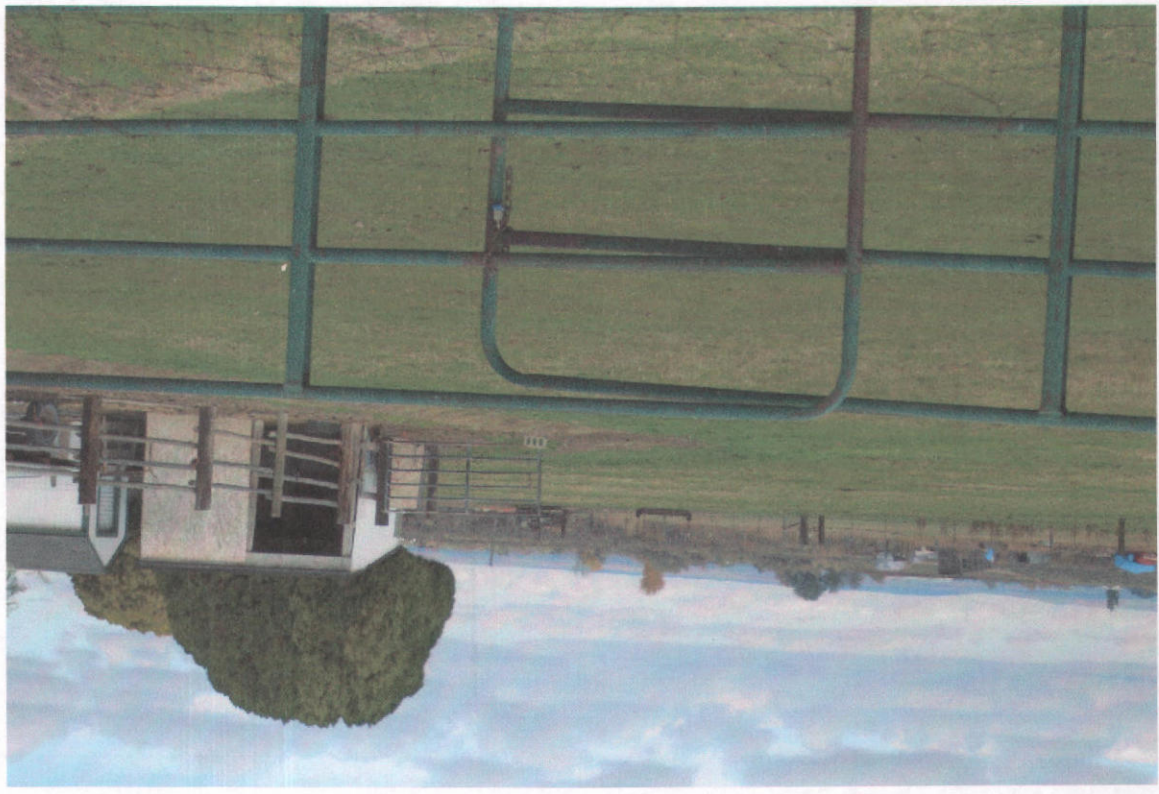


Pic#1 End of pipe from pump to open ditch



H63-04233A

10-27-2005



Pic#3 Property

GPS 2258457 7 Diversion pump.
USR 1401189 32" Stand pipe



Pic#2

08/14/1995 MNICUCC

A63-04233A

POW from Road, looking N



08/14/1995 MNICUCC

POD A63-04233A, A63-04233B

POW Road S.13 SWSW NE



08/4/95 5561/h/80 7772140001

A63-04233A + B

Measurement location where
discharge pipe dumps into ditch



7777777777

3661/51/86

A63-04233

pos from N side



08/14/1995 177,110,000

A63-04233 A+B

POV @ North end of ditch
which runs N/S along W side
of home looking S toward
Boulder Rd

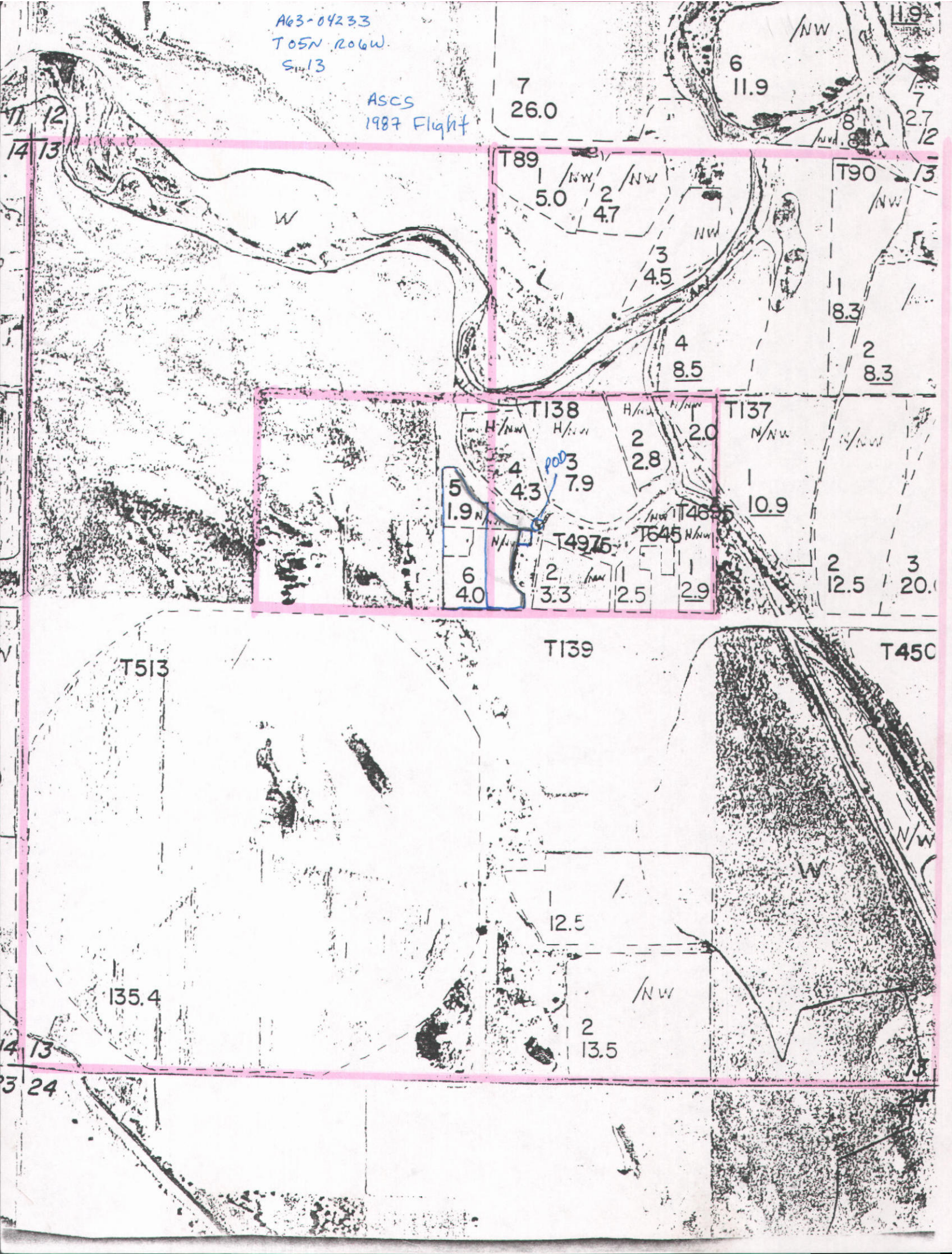
<

>M255 2 N N N Nc 13



AG3-04233
T05N R06W
S13

ASCS
1987 Flight



RECEIVED

AUG 28 1995

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-04233A
Date Received: 2/ 8/1990
Receipt No: M005786
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name:	CURTIS B LEWMAN	208-722-5772
Address:	30450 BOULDER RD	
	PARMA ID	83660
AND/OR		
Name:	ZILLIAH L LEWMAN	208-722-5772
Address:	30450 BOULDER RD	
	PARMA ID	83660

2. Date of Priority: MAR 15, 1933

3. Source: NORTH ALKALI DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	13	NW	SW	NE		CANYON

5. Description of diverting works:
5 HP ELECTRIC PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 10 HD. SHEEP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	06W	13	SE NW		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE SOURCE WAS ORIGINALLY KNOWN AS UNNAMED DITCH.
SPLIT RIGHT
SHEEP DRINK FROM THE DITCH.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE
SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not 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): Curtis B Lewman Date: Aug 24 - 1995

Date: _____

State of Idaho

County of

CANYON

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 24th day

of AUGUST 19 95

Sheila A. Seeman
Notary Public

Seal

Residing at

Parma, Idaho

My Commission Expires

3/17/98

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: A63-04233A
Date Received: 2/08/1990
Receipt No: 400 5726
Received By: J de

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CURTIS B. LEWMAN 208-722-5772
Address: 30450 BOULDER RD.
PARMA, ID 83660

AND/OR

Name: ZILLIAH L. LEWMAN 208-722-5772
Address: 30450 BOULDER RD.
PARMA, ID 83660

2. Date of Priority: JUN 01, 1943

3. Source: NORTH ALKALI DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	13	SE	SW	NW		CANYON

5. Description of diverting works:
5 HP ELECTRIC PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 10 HD. SHEEP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	06W	13	SE NW		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE SOURCE WAS ORIGINALLY KNOWN AS UNNAMED DITCH.
SPLIT RIGHT
SHEEP DRINK FROM THE DITCH.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not we 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): Artis B Lewman Date: _____
_____ Date: _____

State of Idaho)
County of Campan) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Dec 1990

John Dale Corbin
Notary Public

Seal

Residing at Bain ID

My Commission Expires 4/8/94

T6N
T5N



770 000 FEET
(IDaho)

Change P.O.D
to this
Curtis Lewman

A63-4233A

722-5772

48 45000m.N.

MICROFILMED

AUG 20 1992

RECEIVED
JUN 10 2007
DEPARTMENT OF
TRANSPORTATION

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 63-4233A
(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: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Curtis and Zilliah Lewman
Address: 30450 Boulder Rd
Parma, ID 83660

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: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
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**
Should be: _____
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): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

ALBERT D. BAKER, 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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007



Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012

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 JUN 18 2007, 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:

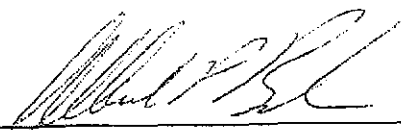
Name: Curtis and Zilliah Lewman
Address: 30450 Boulder Rd
Parma, ID 83660

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

12/10/2006

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

RIGHT NUMBER: 63-4233A

NAME AND ADDRESS: CURTIS B LEWMAN
30450 BOULDER RD
PARMA ID 83660

ZILLIAH L LEWMAN
30450 BOULDER RD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

QUANTITY: 0.050 CFS

PRIORITY DATE: 03/15/1933

POINT OF

DIVERSION: T05N R06W S13 SWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.050 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13 SWNE 2.70

2.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - Beneficial Use

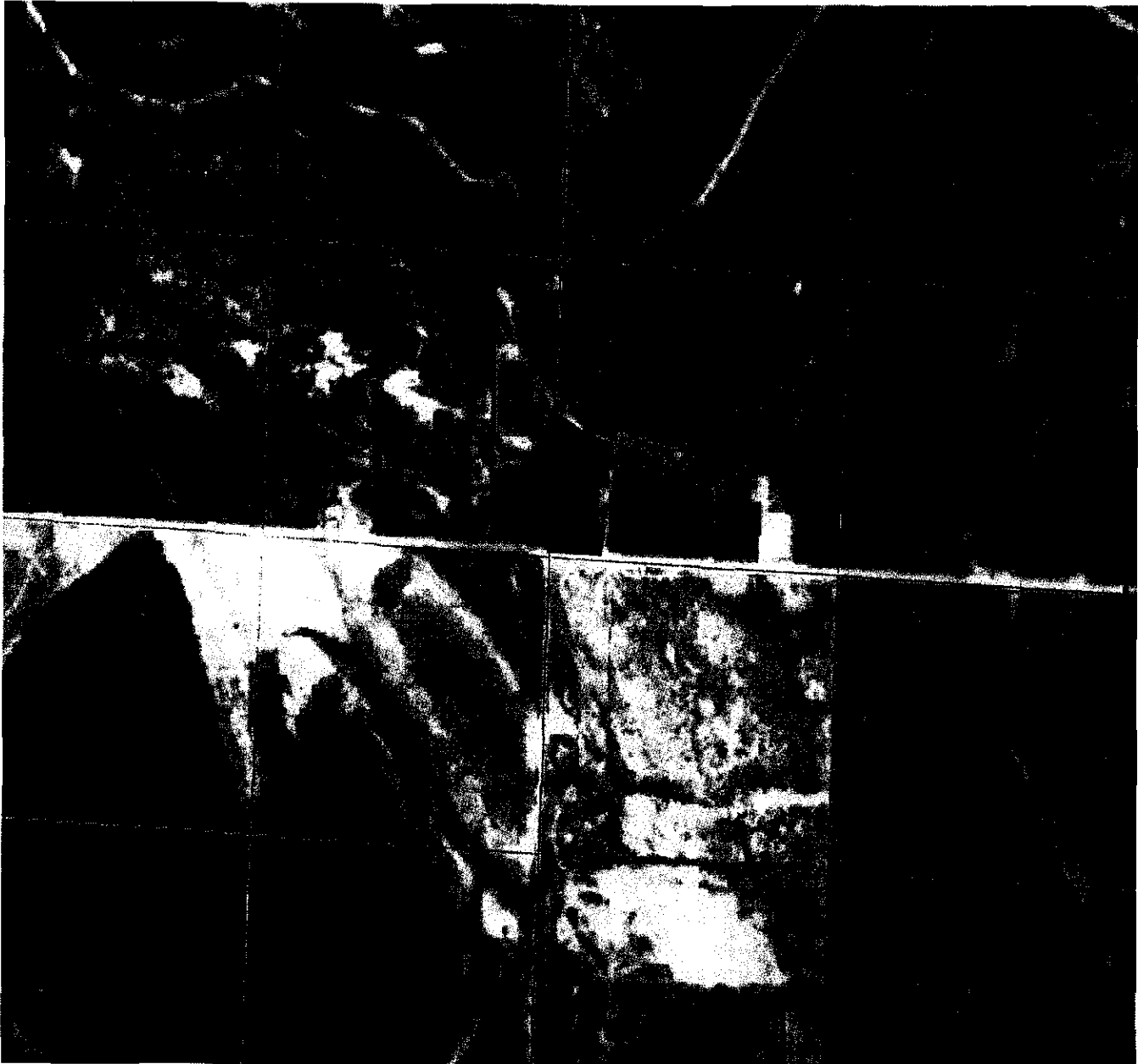
Right No. 63-4233B is also diverted through point of diversion described above.



Idaho Department of Water Resources

63-4233A

05N 06W Section 13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 2.7

IDWR
Prepared by: Lori Graves
Date: 09-05-06
1986-87 Photography

300 0 300 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233A V1

WATER RIGHT NUMBER: 63-4233A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CURTIS B LEWMAN 30450 BOULDER RD PARMA, ID 83660 (208)722-5772
Current Owner	ZILLIAH L LEWMAN 30450 BOULDER RD PARMA, ID 83660 (208)722-5772
Original Owner	ED G SCHULTZ RT 3 PARMA, ID 83660
Original Owner	JOHN D LANTZ , ID

Priority Date: 03/15/1933

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
ALKALI DRAIN	SOUTH BOISE DRAIN

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

ALKALI DRAIN	SW1/4NE1/4	Sec. 13, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13			2.7														2.7

Total Acres: 2.7

Conditions of Approval:

1. F05 Right No. 63-4233B is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233A V1

2. C18 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.

Remarks:Comments:

1. Igraves 9/5/2006 Source/Tributary

Comment: Source and tributary have been clarified to Alkali Drain tributary to South Boise Drain per topo map.

2. Igraves 9/5/2006 P/D

Comment: The pump has been historically shared with 63-4233B. Both rights were using the pump in 1987. Right 63-4233B now uses a separate system. The new owners of 63-4233B plan to file a transfer to change the p/d to their separate system.

3. Igraves 9/5/2006 Flow Rate

Comment: An SRBA exam was conducted in 1995 and flow was measured at .55 cfs.

4. Igraves 9/5/2006 Priority Date

Comment: The original priority date was amended in 1995 based on an affidavit submitted by Dale Harrold.

5. Igraves 9/5/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3926200000.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Per telecom w/ Mr
Lewman 5/5/06

- Pump no longer shared
because Kiser would
not help re upkeep

- own 3.75 ac, flood
irrig lawn with
63-4233A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 4, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

**CURTIS B LEWMAN
ZILLIAH L LEWMAN
30450 BOULDER RD
PARMA ID 83660**

RE: Notice of Claim to a Water Right No. A63-04233A

Dear Mr. and Mrs. Lewman:

Enclosed please find an Amended Notice of Claim for the above-referenced claim. Item 2., the priority date, has been changed to March 15, 1933. This is the beginning of the irrigation season for the year stated by Mr. Harrold as his earliest memory of irrigation of your land by the drain. I have enclosed a copy of Mr. Harrold's affidavit. In order for this change to your claim to be updated on our records, you must add your notarized signatures to the claim and return it to this office.

I did some research on the issues that were discussed during my visit last week. I found that the downstream pond(s) have a water right for storage of 18 acre-feet of water, with a priority date of September 28, 1990. This allows for 18 acres of pond one foot deep, or 6 acres of pond 3 feet deep, or one acre 18 feet deep. The shape of the pond is not specified by the water right.

As far as the change in direction of flow in the slough area, no determination has been made as to the original direction of flow of water through that area to either drain. At this time IDWR would like to determine the valid water rights on both drains, and to move toward having sufficient water available to both drains.

A field exam is still necessary to measure your diversion system. My schedule is open in April but I will be out of the office from May 1 through May 10, 1995. I also am committed to be in the office every Tuesday. Please call me when you begin to divert water and we will set up a field exam at the earliest convenient date.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: Claim A63-04233A (amended)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 24, 1995

[CURTIS B LEWMAN]
ZILLIAH L LEWMAN
30450 BOULDER RD
PARMA ID 83660

[]

RE: Claim(s) to a Water Right filed in the Snake River Basin Adjudication

Claim Nos. A63-04233A

Dear Claimants:

The Department of Water Resources will be conducting claim verification field exams in your area beginning in March. An examination is needed to verify your water use in order to complete our report for the court's decree.

The field exams are conducted to gather information about your water right. This information may include the source of water, type of usage, amount of water used, number of acres irrigated, and the legal description of the point of diversion and/or place of use.

Please contact this office by March 10, 1995, in order to make an appointment at a time which is convenient for you. Although it is not mandatory that you accompany IDWR's examiner, it is helpful if someone familiar with the water delivery system is present during the exam. This will help insure that your water right is described accurately for the report to the court.

To make an appointment, or if you have any questions or concerns about the field exam, please contact me at your earliest convenience.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

FEBRUARY 10, 1995

CECIL D. ANDRUS
GOVERNOR

Re: Claim No(s). A63-04233A

R. KEITH HIGGINSON
DIRECTOR

CURTIS B LEWMAN
ZILLIAH L LEWMAN
30450 BOULDER RD
PARMA ID 83660

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area should be conducted this summer by Department personnel. Prior to conducting the field exams, we will contact you to discuss details and schedule a time convenient for you.

Please submit the required evidence supporting the priority date(s) by March 15, 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4233A

WATER RIGHT NUMBER: 63-4233A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CURTIS B LEWMAN 30450 BOULDER RD PARMA, ID 83660 (208)722-5772
Current Owner	ZILLIAH L LEWMAN 30450 BOULDER RD PARMA, ID 83660 (208)722-5772
Original Owner	ED G SCHULTZ RT 3 PARMA, ID 83660
Original Owner	JOHN D LANTZ

, ID

Priority Date: 03/15/1933

Basis: Beneficial Use

Status: Active

Source

NORTH ALKALI DRAIN

Tributary

SNAKE RIVER

per topo
South Boise DrainBeneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate~~0.000 CFS~~Annual VolumeTotal Diversion:~~0.000 CFS~~

.05

Location of Point(s) of Diversion

NORTH ALKALI DRAIN

NW 1/4 SW 1/4 NE 1/4

Sec. 13, Twp 05N, Rge 06W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp Rge Sec

05N 06W 13

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		2.7					3.0									5.7

Total Acres: 3

2.7

2.7

Conditions of Approval:

1. THE SOURCE WAS ~~ORIGINALLY~~ KNOWN AS UNNAMED DITCH.
SPLIT RIGHT SHEEP DRINK FROM THE DITCH.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE SUPPORTED BY MR.
HARROLD'S AFFIDAVIT. 04/04/1995 MM.

Dates and Other Information:

Claim Received Date: 2/8/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

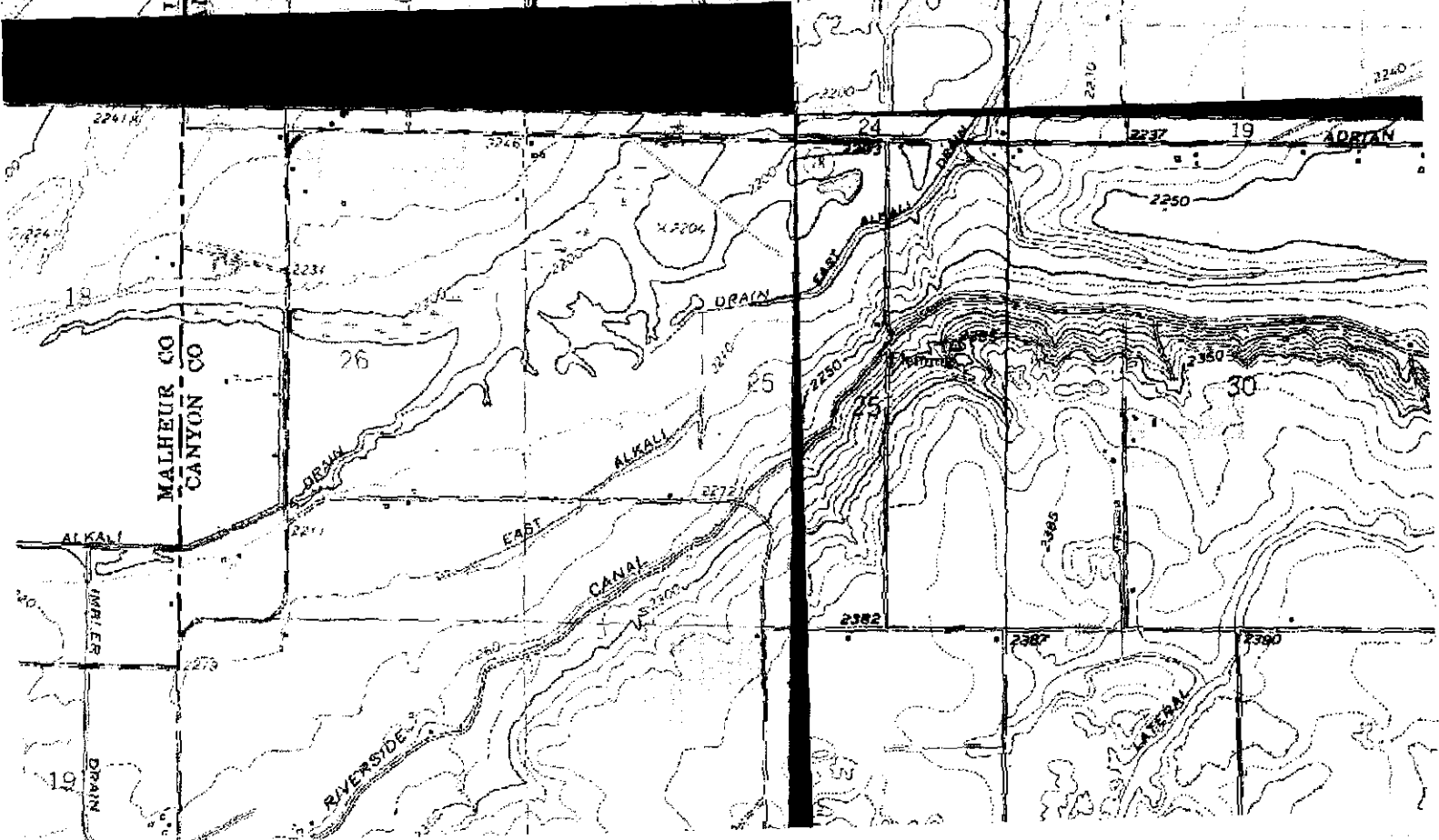
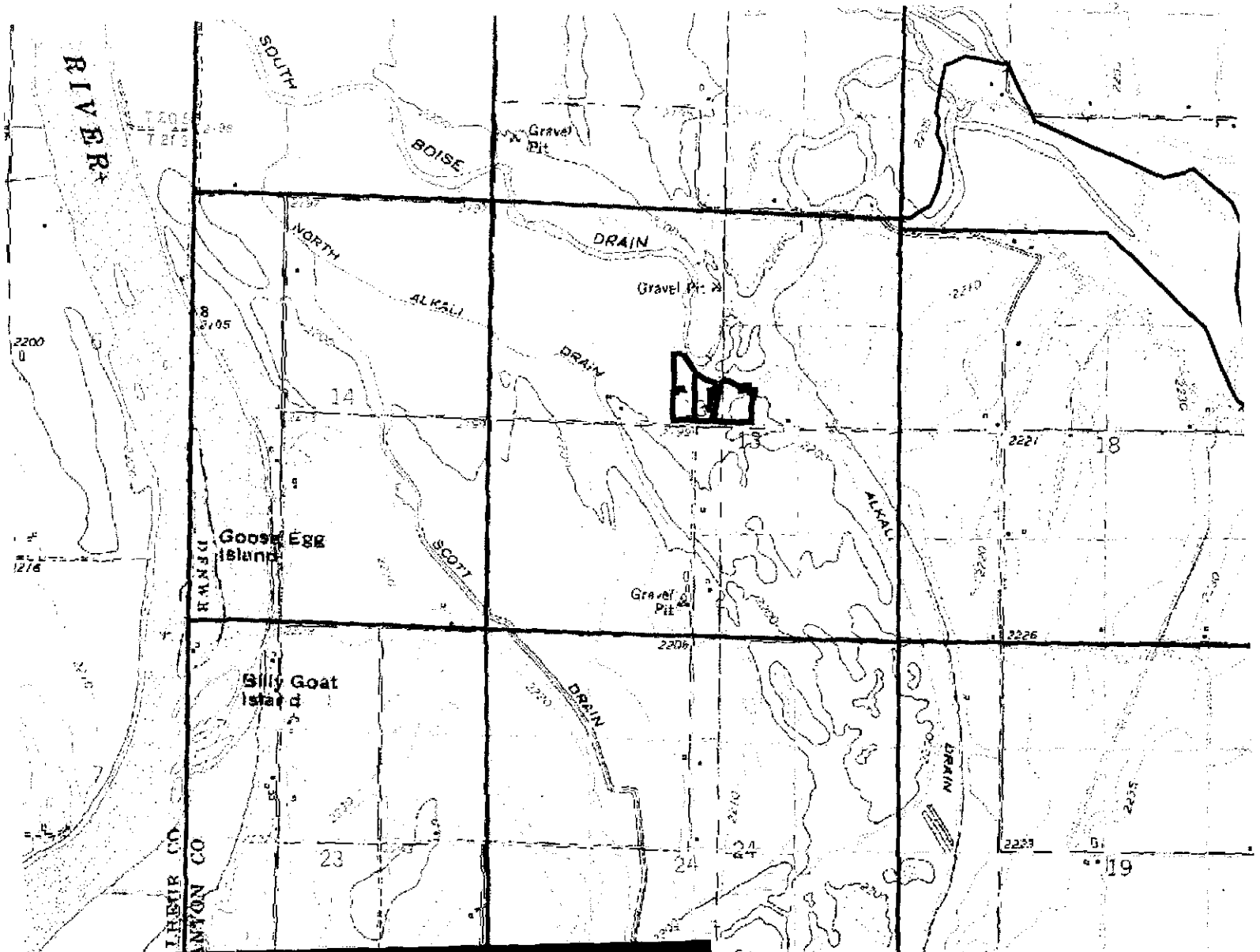
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

old FOS- shared PD



IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

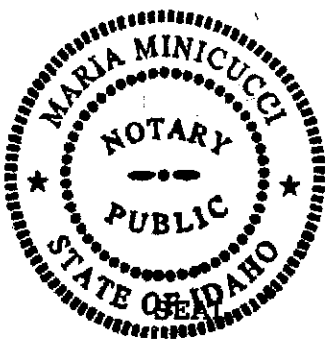
A63-04233)
)
)
)

State of Idaho)
County of _____)

AFFIDAVIT

Dale Harold being first duly sworn,

deposes and says: my first remember
water on this place in 1933
this water came from know name
Darin. this is the best of my KNOWLEDGE



Dale Harold
(Signature)

Subscribed and sworn to before me this
day 31st of MARCH, 1995.

Maria Minicucci
(Notary Public)

Residing at Borise, Idaho.

My Commission Expires 06/25/1999.

A. AJ CLAIM: # A63-04233A PRIORITY DATE: 03-15-1933 STAGE: J
B. WR RECORD: # 63-04233 PRIORITY DATE: 06-01-1943 STAGE: S
C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(X)
D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(X)
E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? Y() N(X)
F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
PROOF OF BENEFICIAL USE SUBMITTED
FIELD EXAM COMPLETED
FIELD EXAM SENT TO STATE OFFICE
LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(X) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(X) N()

NOTES: 08/11/1995: Life-long resident of area submitted affidavit. The dates
in the affidavit are to the best of his knowledge. Amended claim from claimant. mm

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

ERNEST ANDERSON

ATTORNEY AT LAW
PARMA, IDAHO 83660

RECEIVED

August 30, 1973.

AUG 24 1973

Department of Water Administration

State of Idaho,
Department of Water Administration,
Boise, Idaho,

Dear Sirs:

Re: A water Permit:

I am familiar with the present law that in order to secure a water right for a tract of land, permit must be made, and proof be made that water has been applied to the land for which the permit has been issued for the required length of time, as by law required, and that the water applied has been applied to a beneficial use, however I am hoping to follow a line by which a water right is acquired by a long use of water for the land for which the water is sought.

Therefore, I am enclosing two affidavits, hoping that by the same a permit will issued.

The permit is to be issued to Mr. G. Schultz, the successor in interest, for a Water Right for 48 acres of land, from a drain ditch of the Riverside Irrigation District, Ltd., of Canyon County, in which there is large amount waste water flowing each day, and which water has been used continuously for about 30 years. There is plenty of water available at all times going to waste. The land irrigated is low lands requiring very little water--I might say,

Hoping that a permit be issued, conditional, if necessary, and subject to available water during the growing season.

There may be charge for this kind of a permit, and I am enclosing a check for \$10.00.

Appreciating your consideration, I am,

Very truly yours,

Ernest Anderson

Representing Mr. Schultz, the applicant

63 4273

PREVIOUS OWNER: GLEN BREACH

Identification No. _____
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ed. G. Schultz (Successor in interest of Glen R. Breach)
post office address Route 3, Parma, Idaho and John D. Lantz under Permit #19959

2. The point of diversion is in E 1/4 of 1/4 of Section 13, Twp. 5 N, R. 6 E 1/4 Section Township section 13, Twp. 5 N, R. 6 E
Range West of - S.M. located on Drainage Ditch (name of source) Range 6 East of B.M.

Water taken from
Watershed to Riverside Irrigation District in Carson County.

3. Dates of priority claimed: Water has been applied to beneficial use for thirty years - 12 years by Ed. Schultz, and 18 years by his predecessor in interest

based upon the earliest diversion of the water which has resulted in continued beneficial use since that time.
If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: From a Water Wheel more than 30 years ago
Ed. Schultz, the petitioner has used the water for more than twelve years

Amount of Water Claimed 5 acre feet amount 48 acres c.f.s. or five acre feet per year
Total claimed 5 c.f.s. or five acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed: Used for irrigation - About April 1st to November 1st, each year
use irrigation period of use from Water wheel used more than 30 years ago, continuously each year (both dates inclusive)
use Electric Pump period of use from last 12 years (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works: Used a five horse motor, now (electric motor and pump

a. Surface water diversion dam and/or headgate: material is composed of pump set in ditch
no box used; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
used regularly each year
No box used to back water up in the Drain Ditch
Water is pumper right out of ditch

b. Underground water diverting works: is well flowing or pumped surface water; depth of well is _____ feet; diameter of well is _____ inches; type of pump is No well
capacity of pump is _____ g.p.m.; name and address of well driller is None
pump water right out of surface ditch.

63 4213

(Affidavit)

Claim No. 63-4233

AUG 24 1973

STATE OF IDAHO

Department of Water Administration DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Ed. C. Schultz (Successor in interest of Glen R. Breach)

of Ed. J. Parra, Idaho, and John D. Lantz under Permit 19959 (name of claimant)
1/4 of SW 1/4 of NW 1/4 (mailing address) of Section 13, Twp 5 North, claims a right to the diversion and beneficial use of
ground water or surface water tributary to Five acre feet per each of the 48 acres

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Source: From Drainage Ditch of the Riverside Irrigation District, Ltd., of Canyon County, Idaho. as shown by the attached map.

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

5 _____ acres feet per acre for each of the 48 acres shown on the attached drawing
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 240 acre feet feet per second, or 15 acre feet per annum, and/or being 5 acre feet for each of the 48 acres. gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use). ~~For last thirty years~~
~~Water wheel used for 18 years, and thereafter this trip pump for 12 years~~
 A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source. ~~Water used for irrigation of land described~~

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
At three points as shown by the enclosed drawing
 _____ 1/4, Sec. _____ Twp. _____ Rge. _____ B. M. County of _____
 Additional points of diversion: Shown on the enclosed drawing

Additional points of diversion: Shown on the enclosed drawing

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities: be as specific as possible.

Five horse Power electric motor.

- (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.

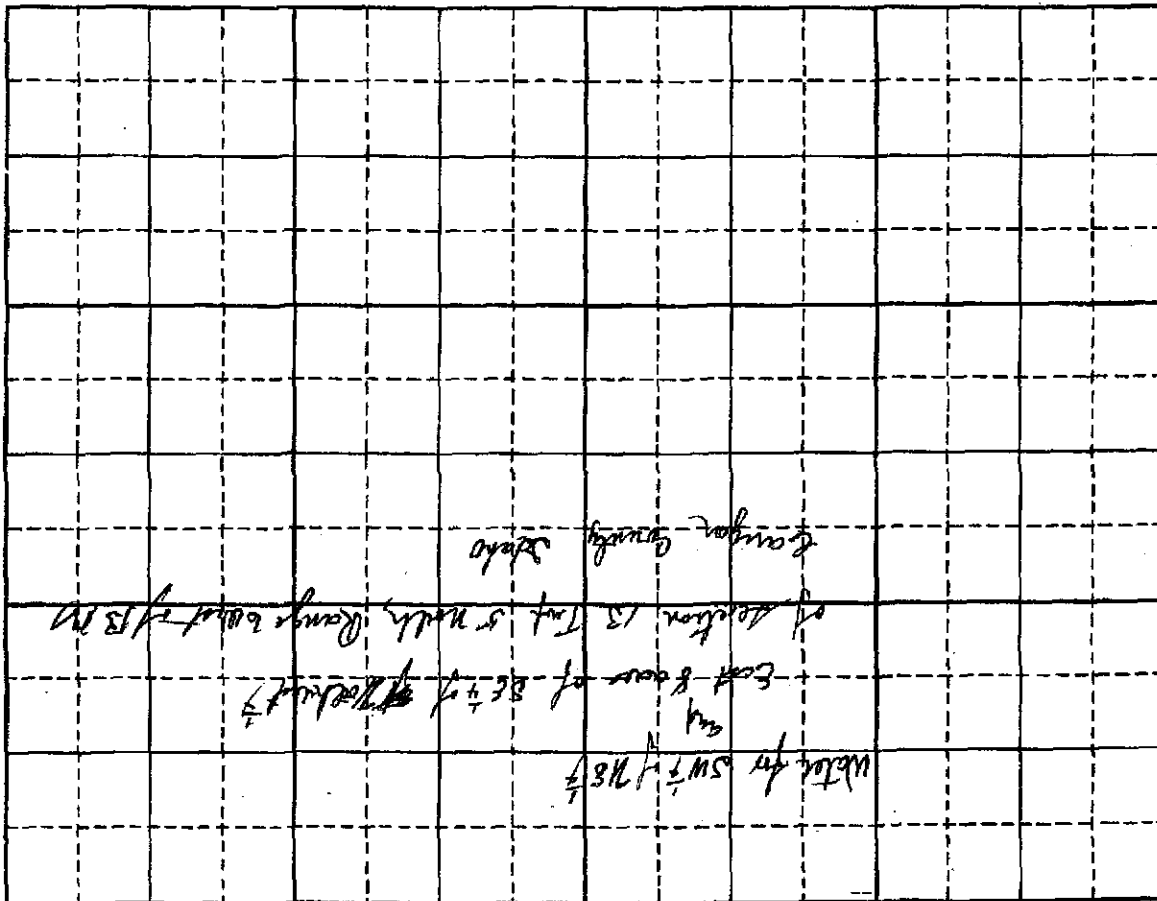
[illegible]Total No. of acres

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

- (7) If you are claiming water as a member of an organization, list name of organization: As an individual only. (1) 8-11-88

(8) Remarks

13 4233



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

such a drawing enclosed

State of Idaho

ss.

County of Canyon

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Curtis R. Lieberman
Ed. D. Schuch
(Claimant)

Sworn to before me this 30th day of August, 19 73.

Ernest Anderson
Notary Public
Residing at Parma Idaho



My Commission expires

Dict # 11599

For Department Use Only

Received by ref Date 8-24-73 Exception filed by: _____ Date _____
Prelim. check by COB Date 8-24-73
\$10.00 fee received by _____ Date 8-24-73
Approved for publication by ref Date 9-18-73
Published in Parma _____
Dates Sept. 4 & 13, 1973

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
 - ☐ Well logs (if needed)
 - ☐ Copy of topo or NAPP
 - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
 - ☐ Check POD & POU overlap, see below – include overlapping right for exam
 - ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A 63 - 04233 AOwner: CURTIS B. Lewman Phone No. 208-722-5772Current Address: 30450 BOULDER RD Parma Id. 83660

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: CURTIS Lewman**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: MARCH 15, 1933(If priority date, based on your exam, seems questionable, explain below.)

_____Source: NORTH ALKALI DRAIN Tributary to SNAKE RIVER

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NW	SW	NE	13	05N	06W	CANYON	

Description of diverting works

5-HSP Elect Pump to GRAVITY IRRIGATION.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

- ☐ No change
- ☐ Different Uses

Use IRRIGATION From 03/15 To 11/15 Amount 800 CFS 10.5 AFAUse Stock Water From 03/15 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # 10 - Head Sheep
- Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13								3.0									3.0
																			3.0

Overlap with other water rights: NONE

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: From pump (see pic #2) Then approx 30' to open dirt ditch (see pic #1) The west to check then goes south behind Nurse to Boulder Rd.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
	unknown	5.0		Parma water lifter	6" pvc.

Pump & stand pipe

FLOW MEASUREMENTS:

G-P S 2258457
USR 1401189

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

MR. Lewman has a problem with getting the drain cleaned as he is told it is a private ditch. His 3.00 acres is all that is irrigated from the pump except what runoff water he has from his property.

FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

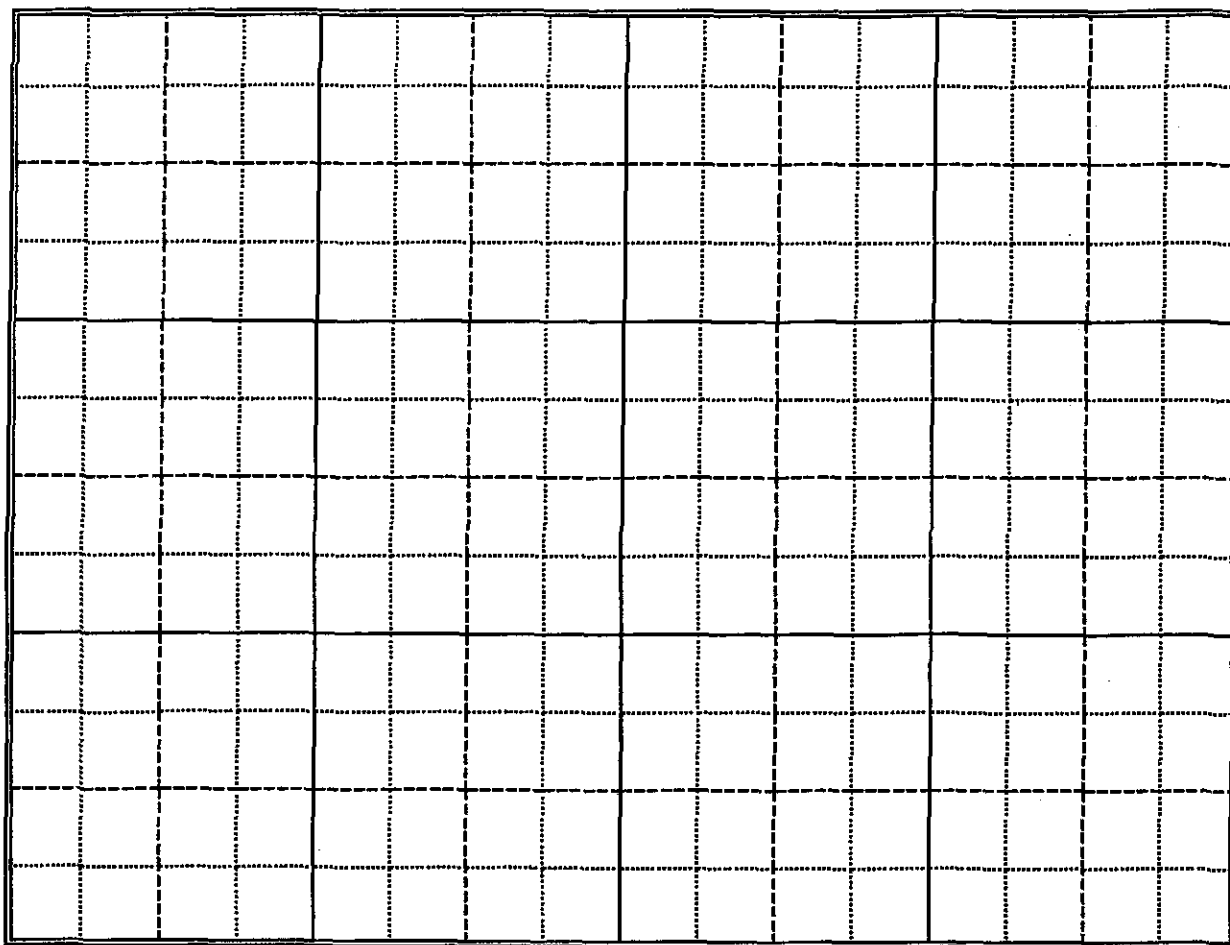
$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \times 3.0 = 13.5 \text{ AF/Y}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.800 \times 260 = 208 \times 1.9835 = 412.568}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{13.5 \text{ AF/Y}}$$

2. Volume Calculations for Other Uses:

Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

FLOW MEASUREMENTS

1.

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

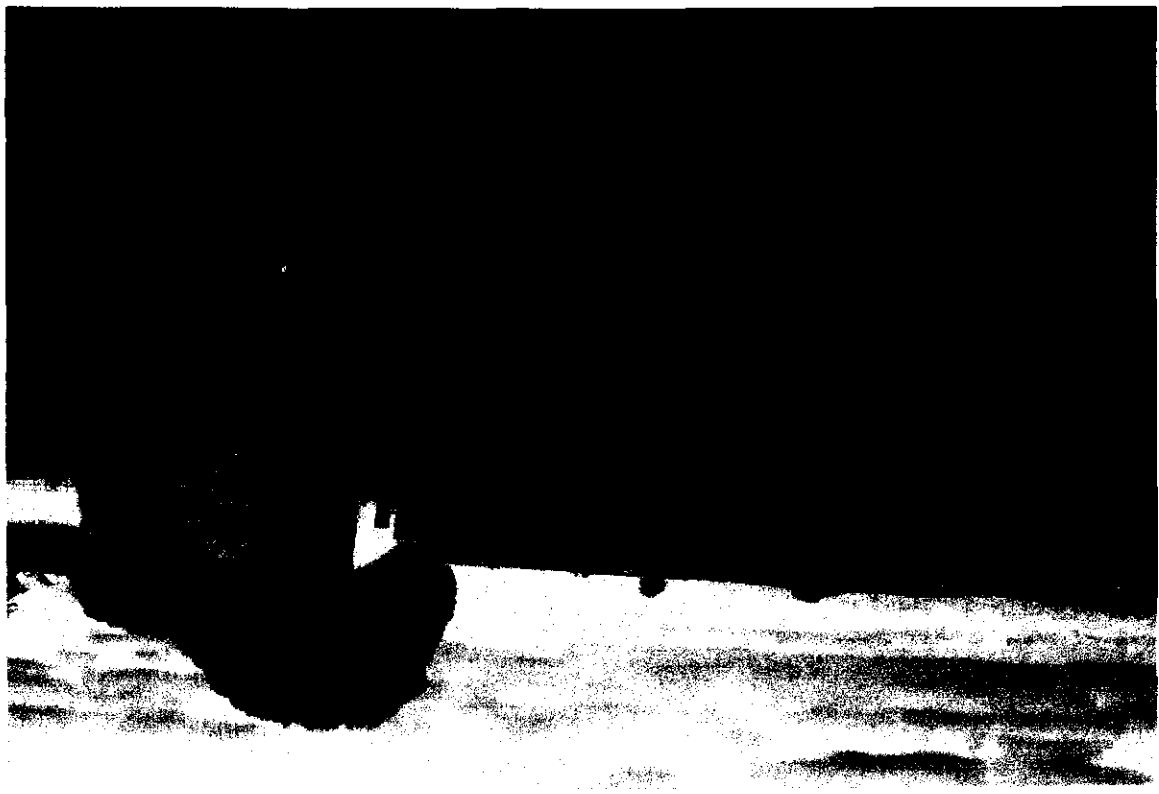
2. Measurements: _____

PIC#1 End of Pipe from Pump to open ditch



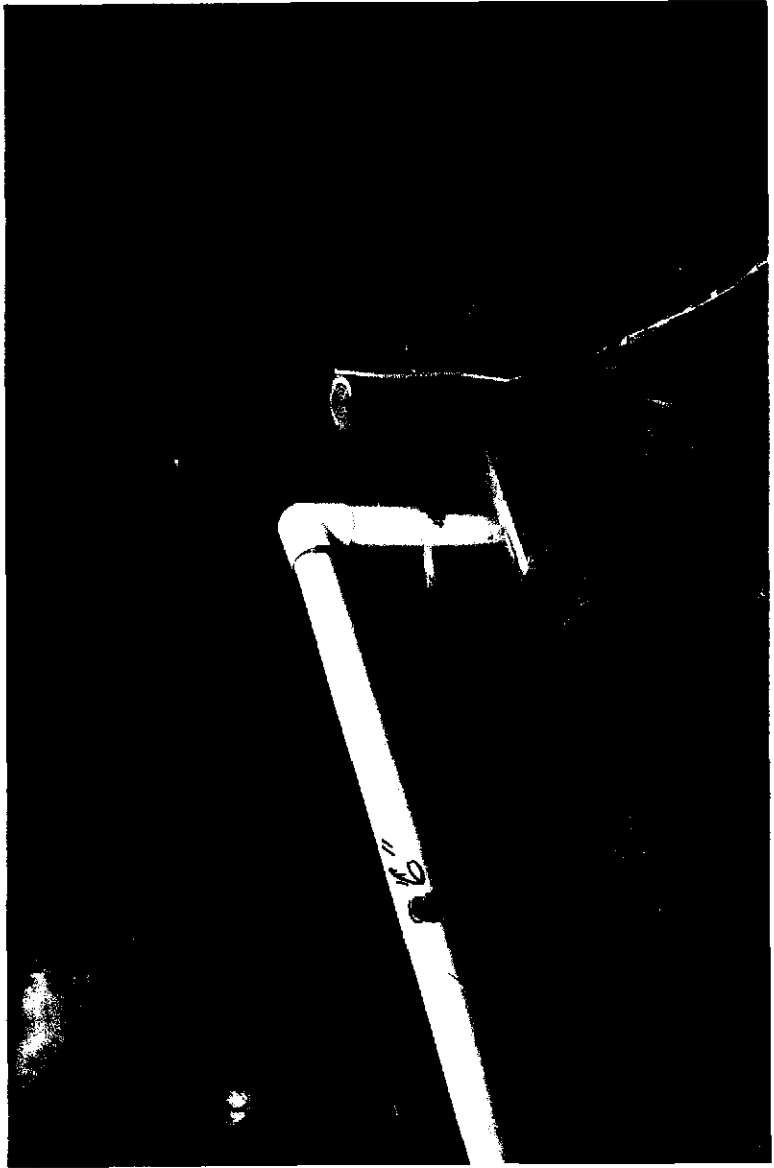
H63-04233A

10-27-2005



PIC#3 Property

GPS 2258457 7 DIVERSION PUMP.
USR 1401189 32" STAND PIPE



PIC#2

08/14/98 LL 77 7711111111

A63-04233A

Pop from Road, looking N



08/14/1995 777,210,000

POD A63-04233A, A63-04233B

Town Road S.13 SWSW NE

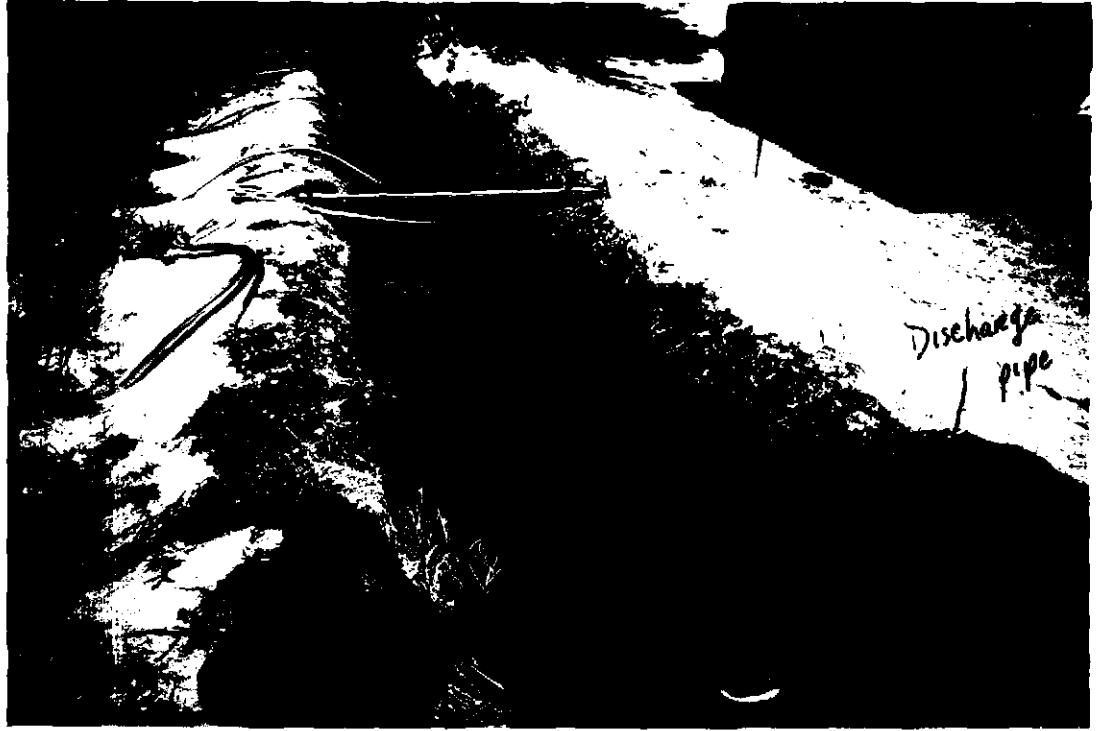


08/14/1995 1777.NICUCCI

A63-04233A + B

Measurement location where

discharge pipe dumps into ditch



08/14/1995 1777.NICUCCI

POU from N side

A63-04233B + B



08/14/1995 MINICUCCI

AG3-04233 A+B

POU @ North end of ditch
which runs N/S along W side
of home looking S toward
Boulder Rd

PH285 2 N N N Nc 13



Open Channel Discharge Measurement Notes

1. GENERAL INFORMATION

1. Name of stream or ditch: Ditch @ LEONARD'S pump discharge pipe .92
2. Location: Discharge from pump pipe .
3. Person conducting measurement: TTTTINICUCCI .94
4. Date and time of measurement: 8/14/1995 9:00 a.m. .
5. Accompanied by: _____ .96
6. Measuring device size and ID no.: Pygmy Meter ID 090185 .
7. Spin test before measurement OK? ✓ after measurement OK? _____ .97
8. Purpose of measurement: System Capacity - Pump + ditch shared by .98

B. MEASUREMENT DATA

[illegible]

8/14/1995 Lewman/Chaney

MagneTek Century motor
5 HP

Part No. 6-360787-02

1 Phase

CAT No. K208

PARMA WATER LETTER Pump

Pump No. 01-2321

Size? Unable to read. 60 or 60

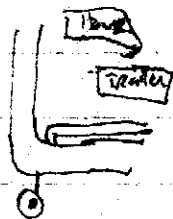
2.5' diameter galvanized culvert stillwell

6' lift to 6" pipe

another 1.5-2' lift to ditch

Pipe goes underground in drain bank,
under driveway, discharges to another ditch.
Siphon tube in

Pipe 7' from pump to ditch bank. ↑
Pump located @ end of driveway



Measurement 18' from
discharge into ditch, 3'
before 1st siphon tube

8/14/1995

Lewman/Chavey

Ditch runs w/ from discharge pipe.

Waters gardens behind (N) of trailer.

Headboxes to turn water S toward road

+ around house or allow to

go west ~~==~~ to drain

Dam placed in ditch to create head for
tubes

Ditch end on Chavey's property @ stock
area on NW tip.

Ditch which runs south wraps around
house, garden + small corral, then runs
= to driveway to road.

Stock drink out of ditches.

Conv. w/ Mrs. Lewman 08/11/1995

Run siphons continuously on weekly
rotation around their fields + Chavey's
fields.

FIELD EXAM PHOTO INDEX SUMMARY

Date: 08/11/1995

Roll No.: 1

Photographer: TJ MINICUCCI

PHOTO NO.	SUBJECT
1	<u>Wagner POD #2 1977 pump</u>
2	<u>POD Field #1 from NE corner</u>
3	<u>"</u>
4	<u>POD #1 from X (east) of ditch</u>
5	<u>Wagner - Randy POD in ditch</u>
6	<u>Pump - 15 HP motor (Brook Co) Wagner - Randy</u>
8/14/1995 7	<u>POD Lewman / Chaney</u>
8	<u>Measurement Location</u>
9	<u>POU w of home</u>
10	<u>Chaney's POU</u>
11	<u>Helper</u>
12	
13	<u>Lewman POU from road, looking N</u>
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

