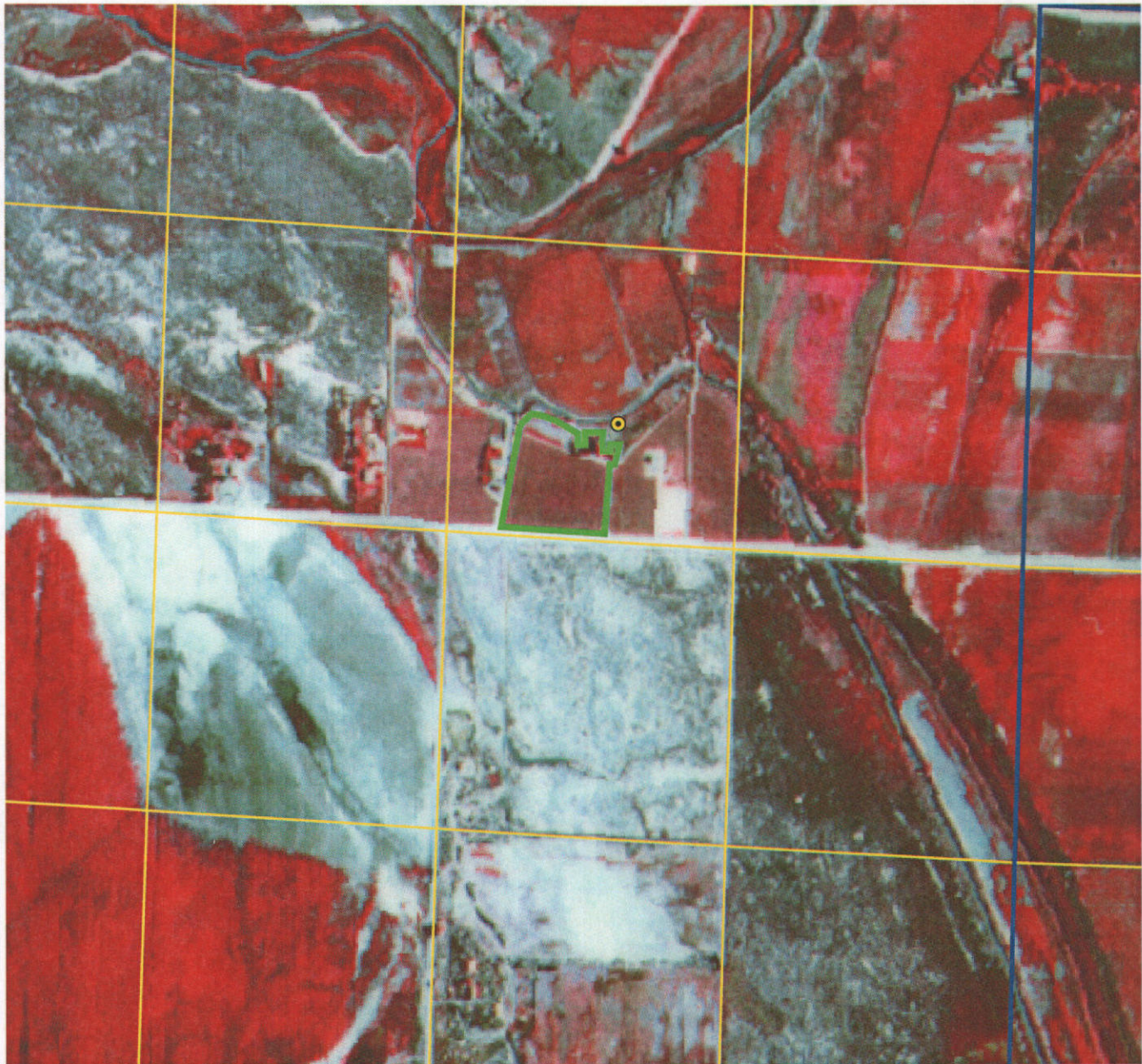




Idaho Department of Water Resources

63-4233C

05N 06W Section 13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 4.8

300 0 300 Feet



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

This Map is attached solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any

CENTERLINE OF DRAIN DITCH
CENTERLINE DUTTON SPILLWAY & DRAIN DITCH
EXISTING FENCE LINE
FROM: ED G. SCHULTZ
TO: DENNIS BALMER
4.279 AC. - TOTAL
Parcel II
(Pl. Parcel III)
FOR: ED G. SCHULTZ
6.066 AC.
Parcel I

Parcel I

FROM: ED G. SCHULTZ
TO: DENNIS BALMER
1,279 AC. - TOTAL

1.00 AC.

Parcel II

(Pl. Race III)

3-00-00-05 N

11/2/05

49701

117.14

val n

65.29

NE. 1/4.
B.N.

MICROFILMED

AUG 20 1992

pic #1 Cement ditch with Gravity Flow Irrigation (Tubes)



David HKiser
#63-04233e
GPS 2258609
USR 1401175

11-08-05

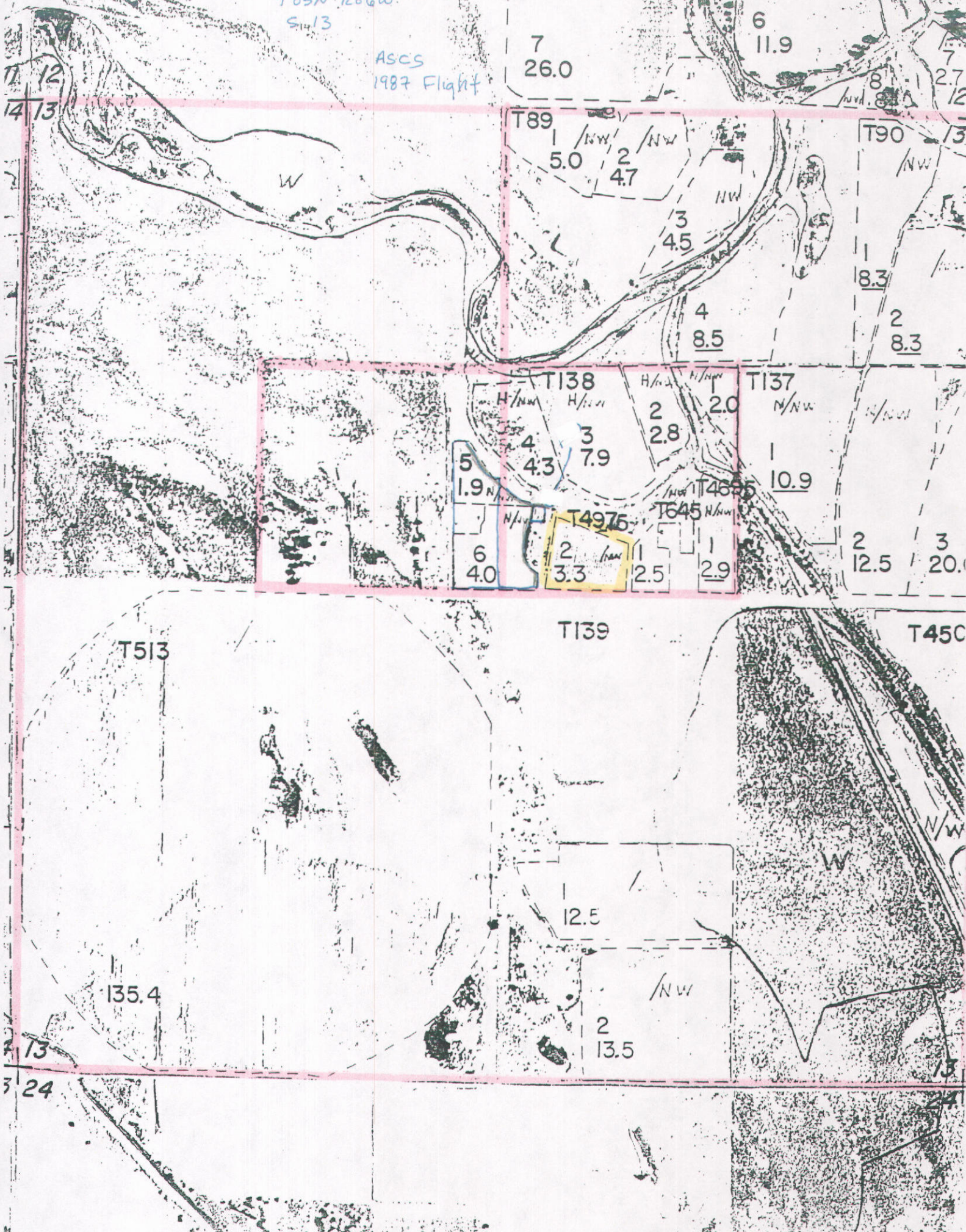
pic#3 Cement ditch with INlet From Pump



pic#2 Pump(3HSP) Baldor motor

A63-04233
T05N R06W
S13

ASCS
1987 Flight



RECEIVED
APR 12 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: A63-04233C
Date Received: 3/20/1990
Receipt No: W011419
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DAVID H KISER 208-722-5525
Address: 30358 BOULDER RD
PARMA ID 83660
AND/OR
Name: ANITA M KISER 208-722-5525
Address: 30358 BOULDER RD
PARMA ID 83660

2. Date of Priority: MAR 15, 1933

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP FROM DITCH, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

7. Total Quantity Appropriated is:
0.140 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	Lot	Use	Acres
05N	06W	13	SW	NE		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
					Total Acres	7.0

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:

THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE
SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

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 _____ 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):

David H. Kiser

Date:

April 10, 1995

Quita M. Kiser

Date:

April 10, 1995

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of April 19 95

Dana Callen
Notary Public

Seal

Residing at Caldwell ID

My Commission Expires 2/24/1995

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: A63-04233C
Date Received: 3/20/1990
Receipt No: W011419
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID H. KISER 208-722-5525
Address: 30358 BOULDER RD.
PARMA, ID 83660
AND/OR
Name: ANITA M. KISER 208-722-5525
Address: 30358 BOULDER RD.
PARMA, ID 83660
2. Date of Priority: JUN 01, 1943
3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
05N 06W 13 SW NE CANYON
5. Description of diverting works:
PUMP FROM DITCH, GRAVITY FLOW.
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 03/15 11/15 0.140
7. Total Quantity Appropriated is:
0.140 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	Lot	Use	Acres
05N	06W	13	SW	NE		IRR	7.0
Section Acres							7.0
Total Acres							7.0

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:

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 _____ 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): David H. Kish Date: 3/20/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

RECEIVED

JUN 19 2007

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 63-4233C
(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: Anita Kiser
Address: 30358 Boulder Ln
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 P. BARRE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

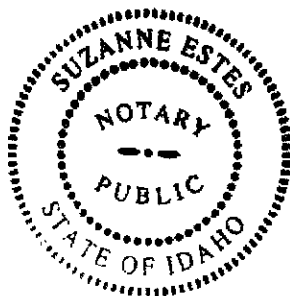
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barre

(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:

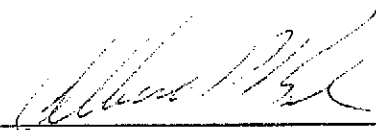
Name: Anita Kiser
Address: 30358 Boulder Ln
Parma, ID 83660

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



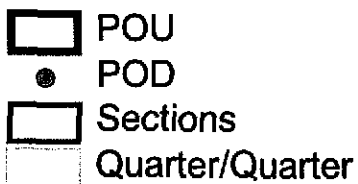
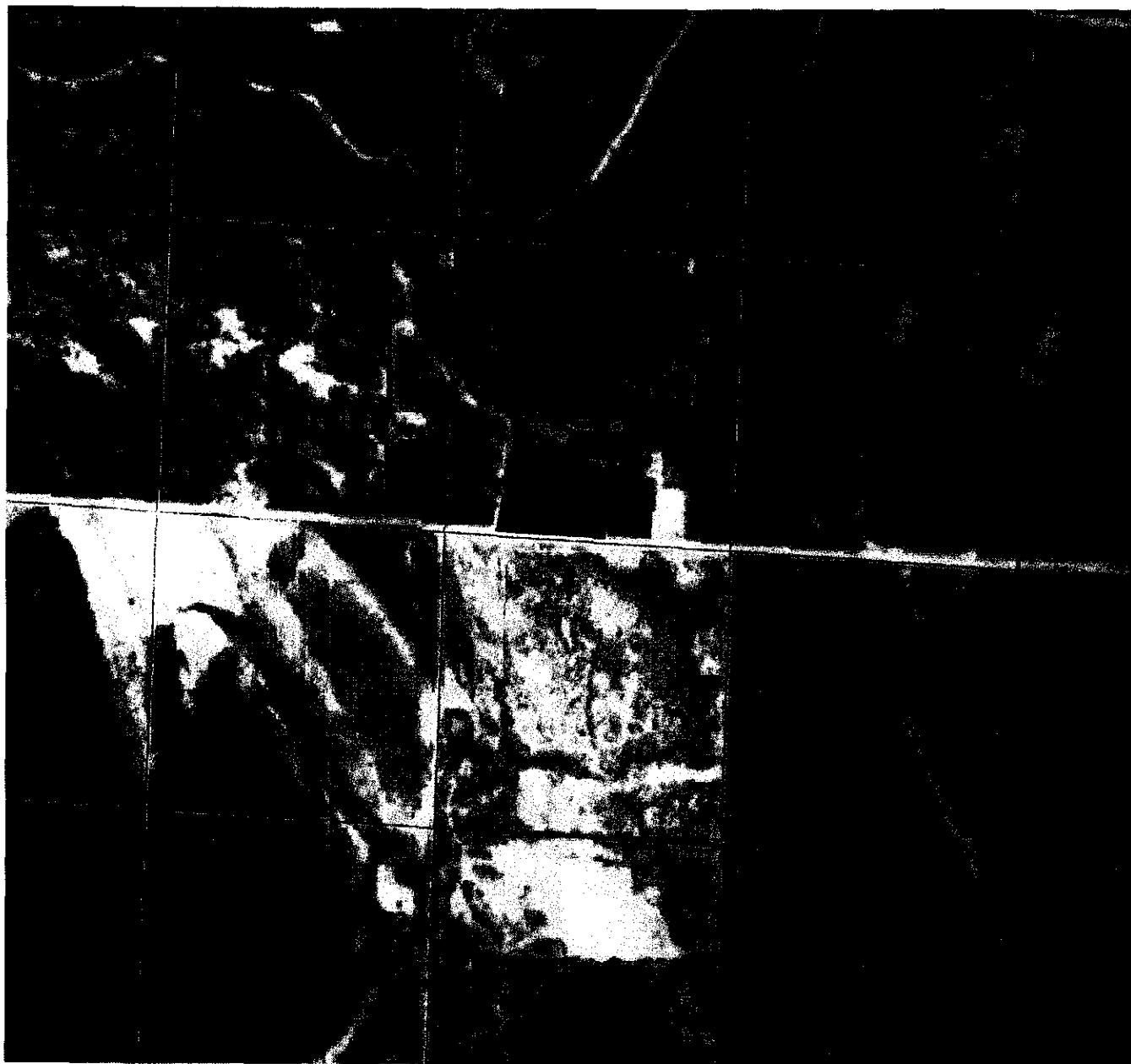
Signature of objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

63-4233C

05N 06W Section 13



Total Irrigated
Acres: 4.8

300 0 300 Feet



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233C V1

WATER RIGHT NUMBER: 63-4233C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525

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</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 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			4.8														4.8

Total Acres: 4.8

Conditions of Approval:

1. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4233C V1

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 Flow Rate

Comment: A theoretical calculation was used to estimate flow rate based on information provided by the right holder. The system appears capable of diverting .95 cfs.

3. Igraves 9/5/2006 Priority Date

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

4. Igraves 9/5/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3926102000.

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:

David Kiser 722-5525

455-3305

owns 6.1 acres per
city

Per telecon w/ David
5/12/06 :- uses 3HP pump
w/ 8' lift

- irrigates yard w/
slough water

$$\begin{array}{rcl} 3\text{HP} \times 8.8 \times .7 & = & 18.48 \\ 8' \text{ lift} + 5\text{PSI} \times 2.31 & 19.55 & \text{cfs} \end{array}$$



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

ANITA M KISER
DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

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

Dear Mrs. and Mr. Kiser:

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. Please contact me when you begin to irrigate this year to set up an appointment for a field exam.

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

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

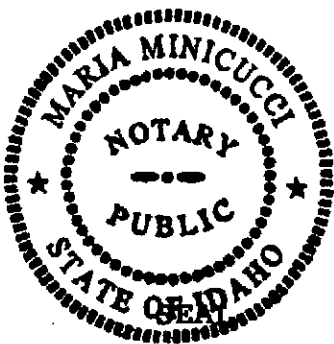
MM:m

Enc: Claim A63-04233C (amended)

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
Drain. This is the best of my KNOWLEDGE



Dale Harold
(Signature)

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

Heather Hansen
(Notary Public)

Residing at Borse, Idaho.

My Commission Expires 06/25/1999.



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

[ANITA M KISER]
DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

[]

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

Claim Nos. A63-04233C

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 accompnay 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 deccribed 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). A63-04233C

R. KEITH HIGGINSON
DIRECTOR

ANITA M KISER
DAVID H KISER
30358 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

61-12197

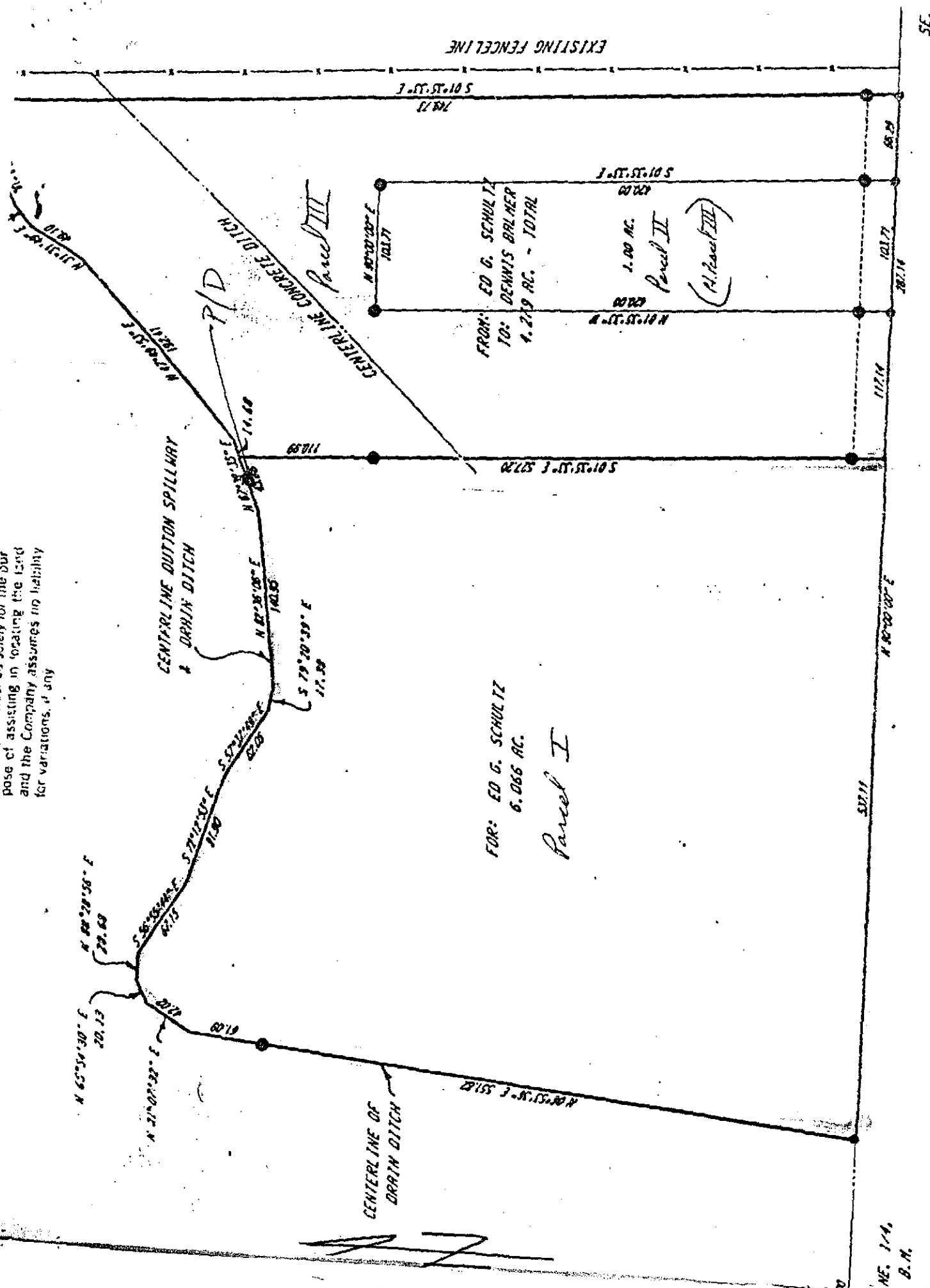
WARRANT NAME: Roswell Duck Club &/or Nagy &/or Glasner DATE: 06/13/1995

CITY: Canyon

OFFICE: TTM WICUCCI

Mr. David Kiser called today about this application. Mr. Kiser irrigates land from the Alkali Draw, which is one of two draws off the wetlands area which is the subject of this application. The applicants had a meeting with all the property owners on May 23, 1995. Mr. Kiser was under the impression that he could protest this application, but the final date for protests was May 22, 1995. After speaking with allocations staff @ W. Region, I advised Mr. Kiser that he could write a letter of concern but that the letter would not be considered a formal protest. I suggested he contact the applicants to voice his concerns and to make sure that he was clear on these intentions (Mr. Kiser had received a letter from the applicants about the meeting on May 23). I also suggested that he call John Herman @ IDWR's state office if he had further questions about his options to possibly intervene on this application. Mr. Kiser has a neighbor downstream who has a license to store 18 AF - Mr. Kiser claims that the neighbor has stored so much water that his ^(Mr. Kiser's) pasture is flooded out. He does not want this situation to be compounded by another storage facility; he feels this ~~could~~ ^{could} occur if this application is approved.

This Map is attached solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any.



MICROFILMED
AUG 20 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4233C

WATER RIGHT NUMBER: 63-4233C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525

Priority Date: 03/15/1933

Basis: ~~Statutory Claim~~ B/H

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN <i>alkali drain</i>	BOISE RIVER <i>South Boise Drain</i>

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.440 CFS	.10
<u>Total Diversion:</u>		0.440 CFS	.10

Location of Point(s) of Diversion

UNNAMED 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	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	06W	13			7.0										7.0
Total Acres: 4.8															4.8

Conditions of Approval:

- THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

Claim Received Date: 3/20/1990

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:

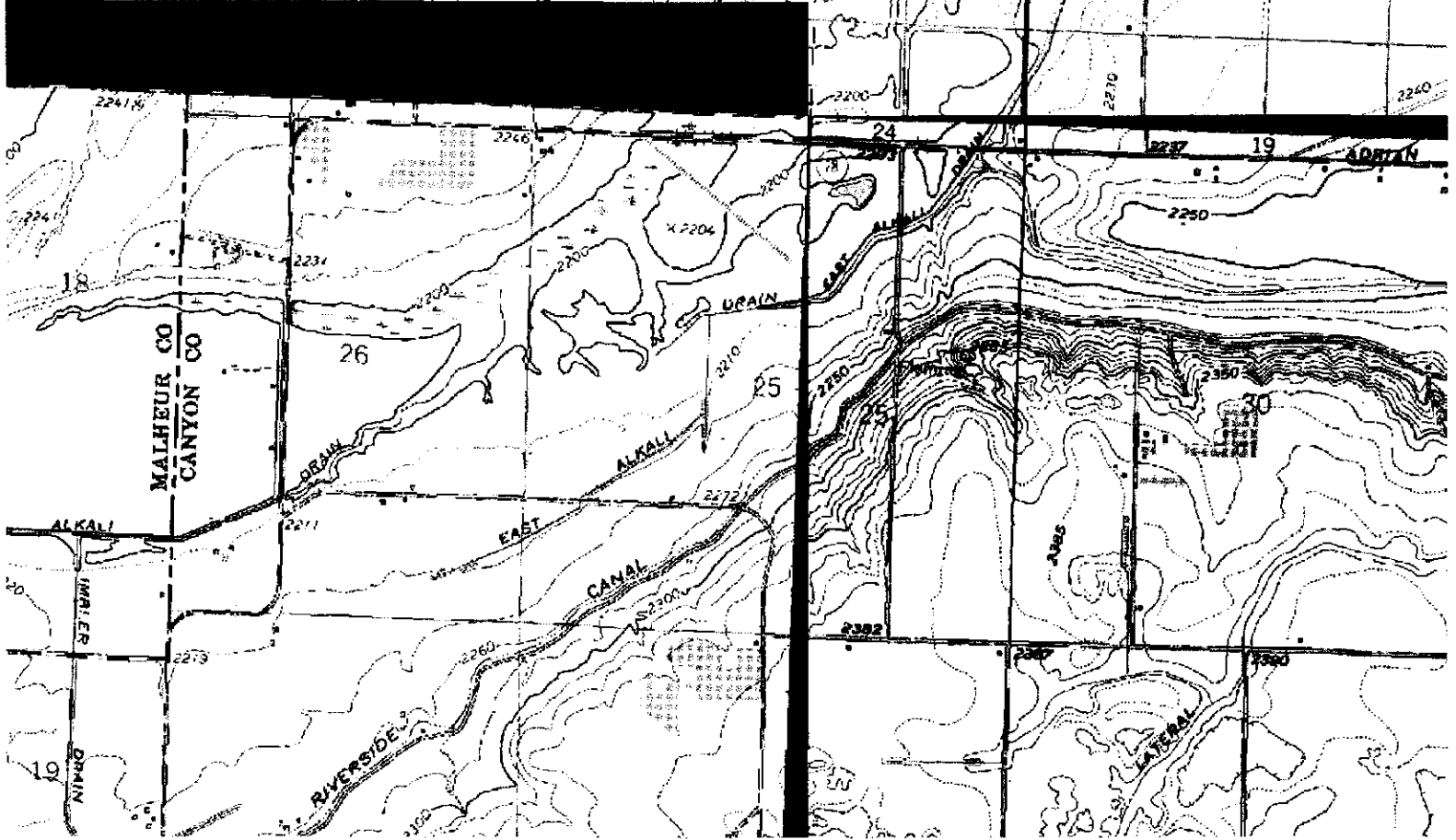
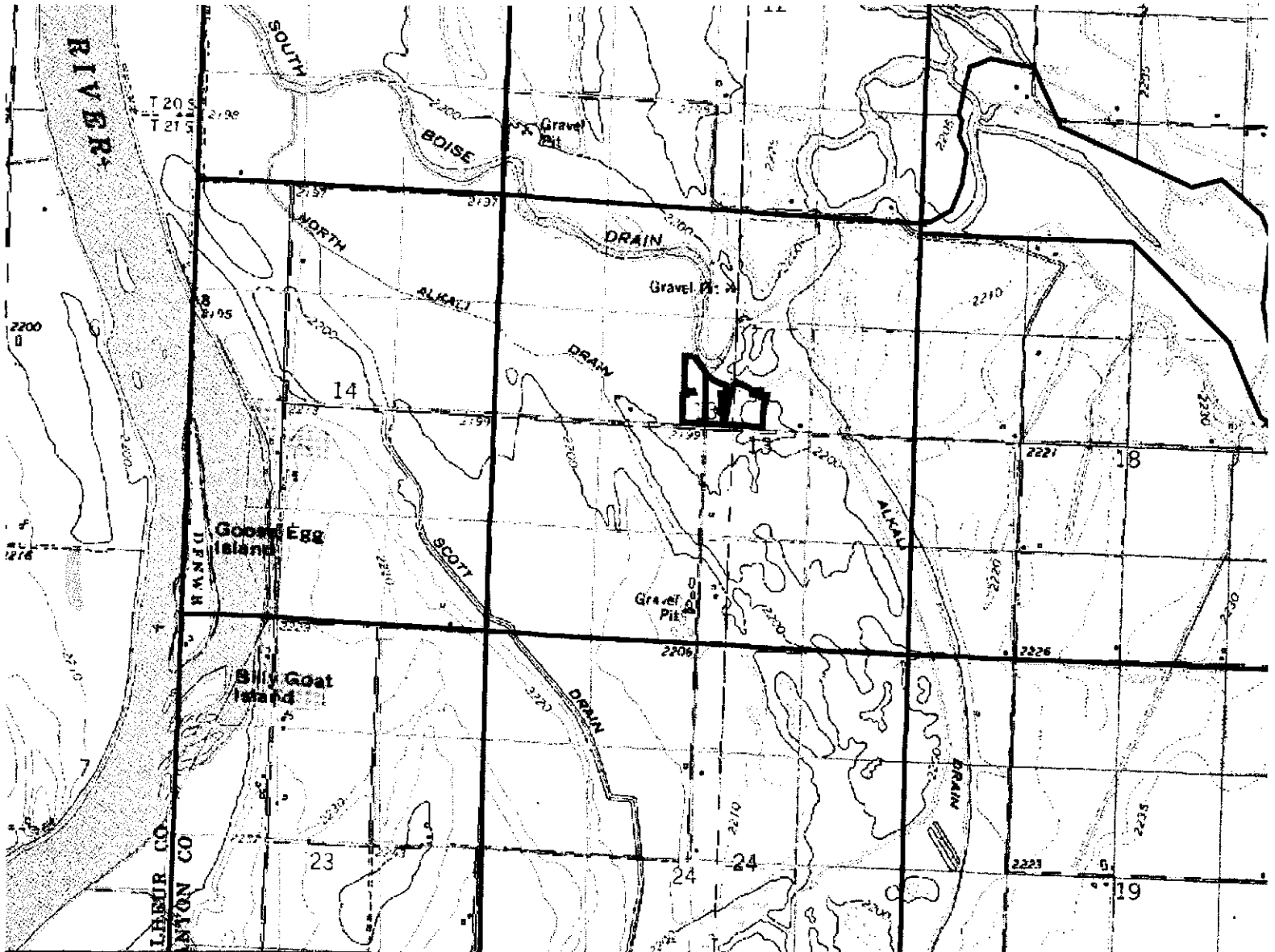
Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

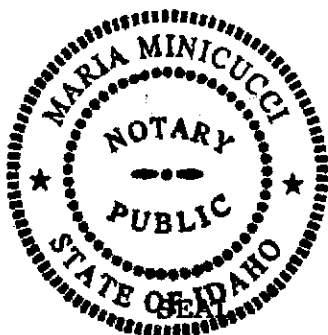
Combined Use Limits:



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
Levin. 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?
(IF YES, DESCRIBE BELOW)

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

N/A(X) Y() N()

FIELD EXAM COMPLETED

N/A(X) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(X) Y() N()

LICENSE ISSUED

N/A(X) Y() N()

* 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: Late-long resident of area submitted affidavit. The dates
in the affidavit acc 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 4223

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. Braach)
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 34, T4N, R4E, S4 Township 64-8648
Range West of B.M. located on Drainage Ditch (name of source) Range 6 West of B.M.

Water ditch from
Wabash Riverside Irrigation District in Canyon 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 46 acres c.f.s. or five acre feet

Amount of Water Claimed 5 acre feet amount c.f.s. or five acre feet
Total claimed c.f.s. or five acre feet 460 48 acres

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 (both dates inclusive)
30 years ago, continuously each year
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; with 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 4203

(Affidavit)

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain. Motor replaced, and continued in repair
each year by Ed. G. Schulte-present Assignee

c. Conveying works: length of ditch to place of use is three feet; width of ditch at top is three feet; width of bottom of ditch is same feet; depth of water is about 2 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is water from pump is thru a; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is pipeline for a distance thru a 70 foot. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible No particular change

thirty-five acres irrigated from said pipeline part time, but most of the time 48 acres irrigated.

d. If water is stored: name of reservoir No reservoir ;
total capacity of reservoir is none acre feet, active capacity of reservoir is no reservoir acre feet;
year construction commenced thirty years ago ; year completed _____ ; date first used 30 years ago
period of storage is from No storage to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain no reservoir

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built. none, if so, give dates and describe.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

forty-eight acres irrigated

[illegible]

Total number of acres to be irrigated 48

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
no particular change

Donald E. Lee - Witness
 Subscribed and sworn
 before me this 30th day of August, 1973
Ernest Anderson
 Notary Public for Idaho

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. Branch)

(name of claimant)
of W. F. Farns, Idaho, and John D. Lantz under Permit 10050, claims right to the diversion and beneficial use of
1/2 of SW 1/4 of NW 1/4 (mailing address) of Section 13, Twp 5 North,
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.

5 acres feet per acre for each of the 45 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., irr., 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 15 years, and thereafter direct drip 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
_____, _____, _____, Sec. _____, Twp. _____, Rge. _____, B. M. County of _____
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]

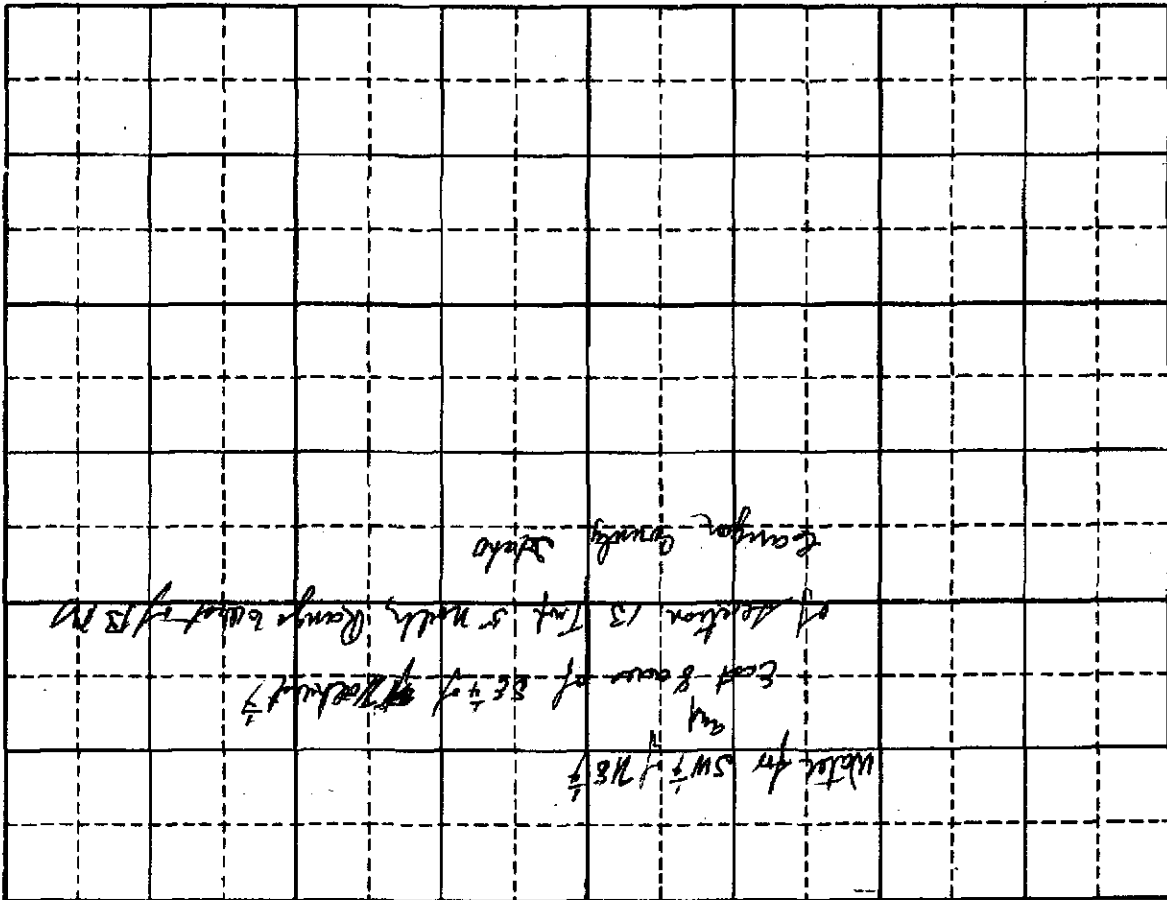
Total No. of acres

- 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: Is an individual only.

(8) Remarks

1233



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 B. Peterson
Ed. D. Schell
(Claimant)

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

Ernest Anderson

Notary Public

Residing at Parma Idaho

My Commission expires

Dist # 11599

For Department Use Only

Received by CCB Date 8-24-73 Exception filed by: _____ Date _____
Prelim. check by CCB Date 8-24-73
\$10.00 fee received by _____ Date 8-24-73
Approved for publication by CCB 9-18-73
Published in Idaho State Register
Dates Sept. 6 & 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) A63-04233COwner: David H. Kiser Phone No. 208-722-5525Current Address: 30358 Boulder Rd Parma Id 83660

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

Accompanied by: David Kiser**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: June 01, 1943

(If priority date, based on your exam, seems questionable, explain below.)

Dutton Spillway / South Boise Drain

Source: unnamed Drain Tributary to Boise 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
		SW	NE		13	05N	06W	Canyon	

Description of diverting works

Pump From unnamed drain & Gravity Flow

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 0.140 CFS _____ AFA

Use _____ From _____ To _____ 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 # 30 sheep + horses
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			7.0														7.0

Overlap with other water rights: None

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

Delivery System Narrative: A 3 HP Baldor Motor + Parma Water Lifter Pump setting on a 84" CORRUGATED METAL STAND PIPE, WITH A 4" INLET AND A 6" OUTLET

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
	Baldor	3.0	F10997E	PARMA WATER LIFTER	6" OUTLET.

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

NO WATER BEING PUMPED AT THIS TIME.

FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \times 7.0 = 31.5 \text{ AF/Y}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.140 \times 260 = 36.4 \times 1.9835 = 72.1994}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{31.50 \text{ AF/Y.}}$$

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 Quadrangle 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: _____

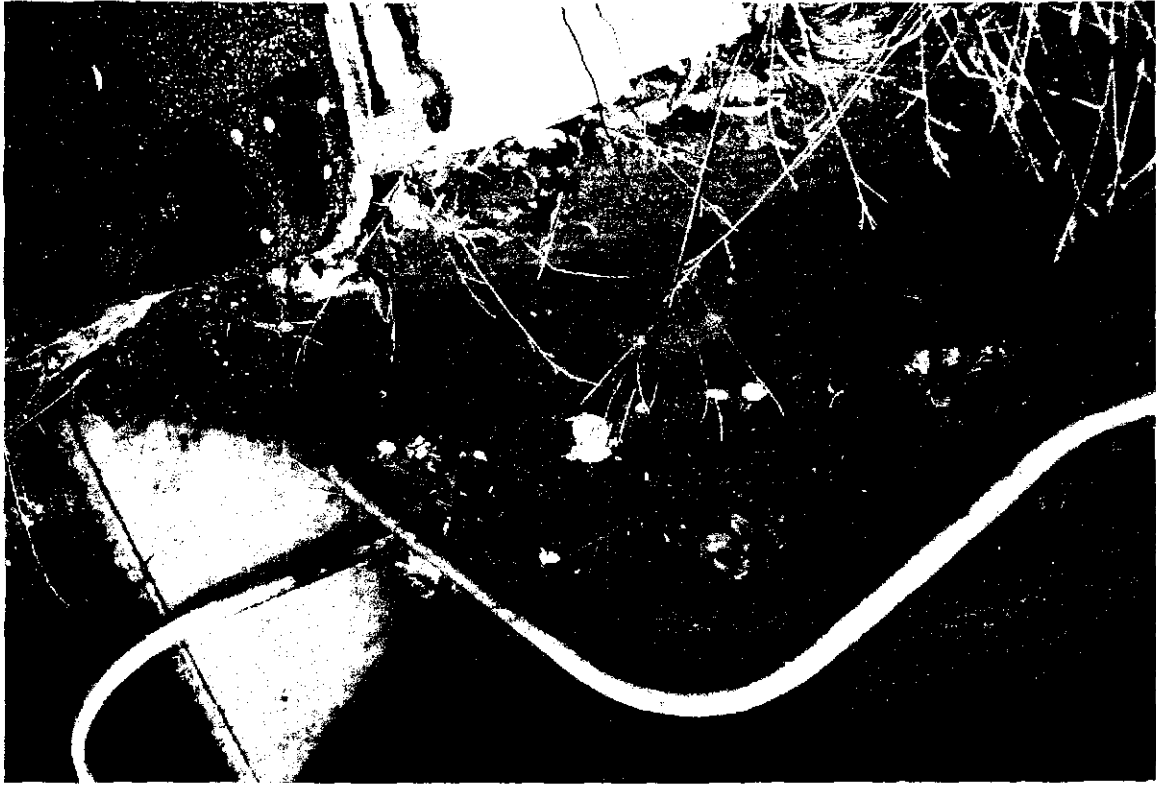
PIC #1 Cement ditch with gravity flow irrigation (tubes)



David HKiser
#63-07233e
GPS 2258609
USR 1401175

11-08-05

PIC#3 Cement ditch with INlet From Pump



PIC#2 Pump(3HSP) Baldor motor

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT David Kiser

PHONE NUMBER 722-5525 ADJ. AGENT T. Minicucci

DATE SET FOR EXAM 03/31/1995 2:00 pm

LOCATION/DIRECTIONS Thru Parma on RT 95. TURN S toward Roswell
(signed), 1st cross road turn RT (West) on Hexon. Cross Boise R.
Just after turn^{turn} left onto Roswell Rd. Next cross street is
Boulder. RT on Boulder is 1.5 miles. Cross Rd @ 1.0 mile

Diverting at full rates?

#30358
on power
pole. N.
Side of Rd

Type of measuring devices? None

Places to make measurements?

Type of System? (pipelines, ditches) Pump in ditch to tubes

How many laterals are used?

Length and size of mainline?

Size of motor used for each P/D? Unknown

Estimate of depth to water?

Pressure at well? N/A

Pressure at sprinkler heads? N/A

COMMENTS

AG3-04233
T05N R06W
S13

ASCS
1987 Flight

11 12
14 13

7
26.0

6
11.9

11.9

7
2.7
12

T89
1 5.0
2 4.7

T90

1 8.3

2 8.3

T138
H/NW H/NW
4 4.3
3 7.9
5 1.9
6 4.0

T137
N/NW
2 2.0
2 2.8
1 10.9
T455
T45
2 2.5
1 2.9

1 10.9
2 12.5
3 20.0

T513

T139

T450

135.4

12.5

2 13.5

13
24