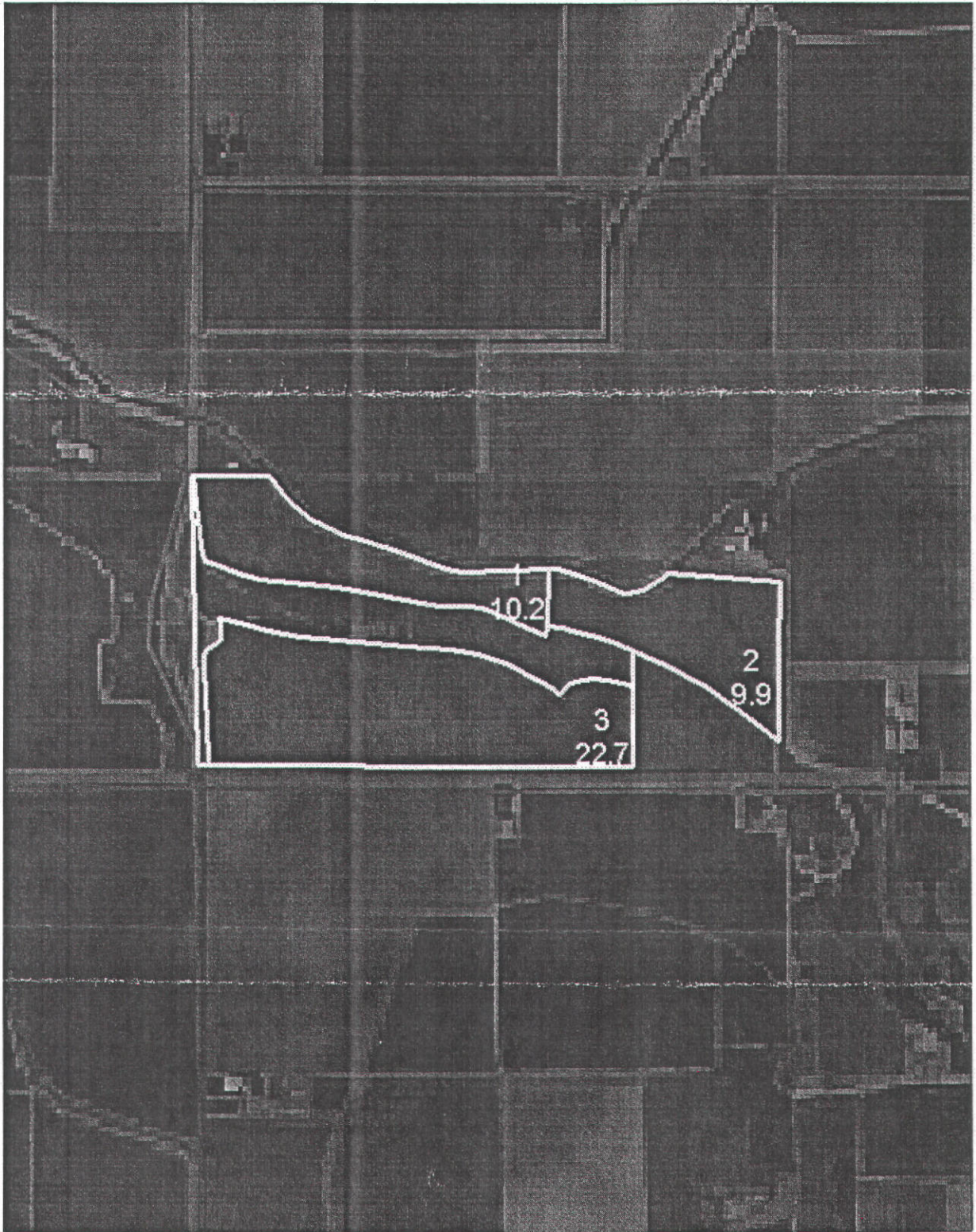




Tract #6913

Prepared by FSA  
April 26, 2006





# Idaho Department of Water Resources

## 63-30462

### 05N 05W S28



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated  
Acres: 8.6

500 0 500 Feet



IDWR  
Prepared by: Lori Graves  
Date: 09-25-06  
1986-87 Photography

**T5N R5W S28**

**Place of Use**

**Wastewater  
Ditch**

**SESW**

**Irrigation  
Ditch**

**SWSE  
7.5 acres**

**SESE  
1.1 acres**

**A total of 8.6 acres are irrigated.**



An aerial photograph of agricultural fields, primarily in shades of red and brown. A network of ditches is visible, with one specific path highlighted in a bright cyan line. The cyan line starts on the left side, follows a vertical ditch, then turns right and follows a horizontal ditch. A green line also follows a vertical ditch on the left. A yellow crosshair is overlaid on the image. The text is located in the lower-left quadrant of the image.

The ditch system was difficult to see during the field exam and in the 2004 aerial photo, because most of it had filled in from irrigation runoff. The ditch is very visible in the 1994 aerial photo, so I used this photo to show the ditch path.

1994  
PHOTO

An aerial photograph of agricultural fields, primarily in shades of red and brown. A network of ditches is visible, with one specific path highlighted by a green line. The fields are divided by straight lines, likely representing property boundaries or irrigation canals. The overall texture is grainy, typical of an aerial photograph.

The ditch system was difficult to see during the field exam and in the 2004 aerial photo, because most of it had filled in from irrigation runoff. The ditch is very visible in the 1994 aerial photo, so I used this photo to show the ditch path.

1994  
photo

**PHOTOGRAPHER AND DATE OF PHOTOS** DANIEL A NELSON 8/18/2006

**FILE NUMBER** 63-30462

The top photo shows the check used to divert the water in the waste ditch.

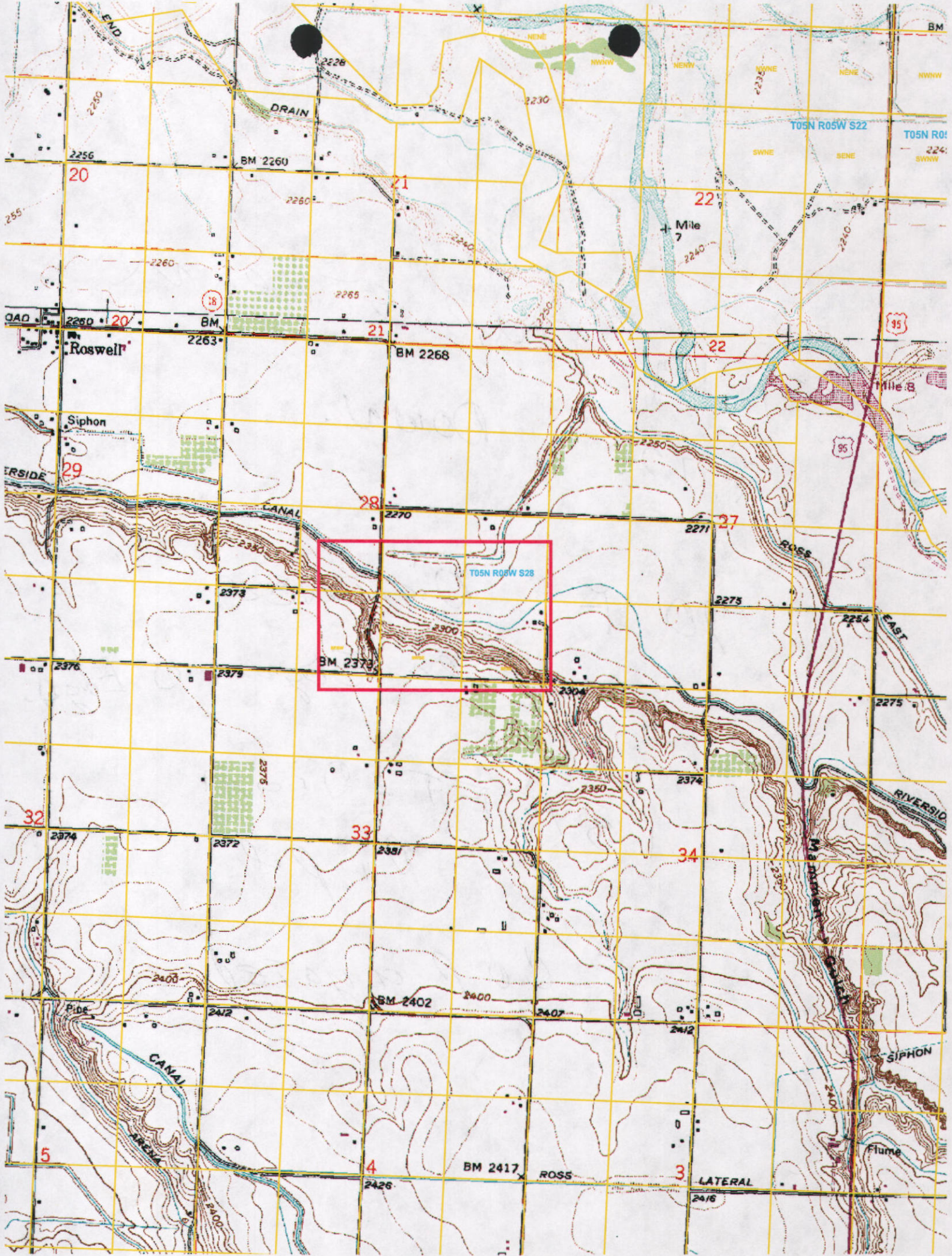


The second photo shows the ditch and culvert going under the road. As you can see, there hasn't been water in this ditch for some time.



The bottom photo shows the place of use. You can see the ditch leading away from the road, and it travels along the base of the hill. This photo also shows the property hasn't been irrigated in some time.







T05N R05W S28

SESW

SWSE

SESE



1939 Photo



water  
delivery  
point

Berage

NWSE

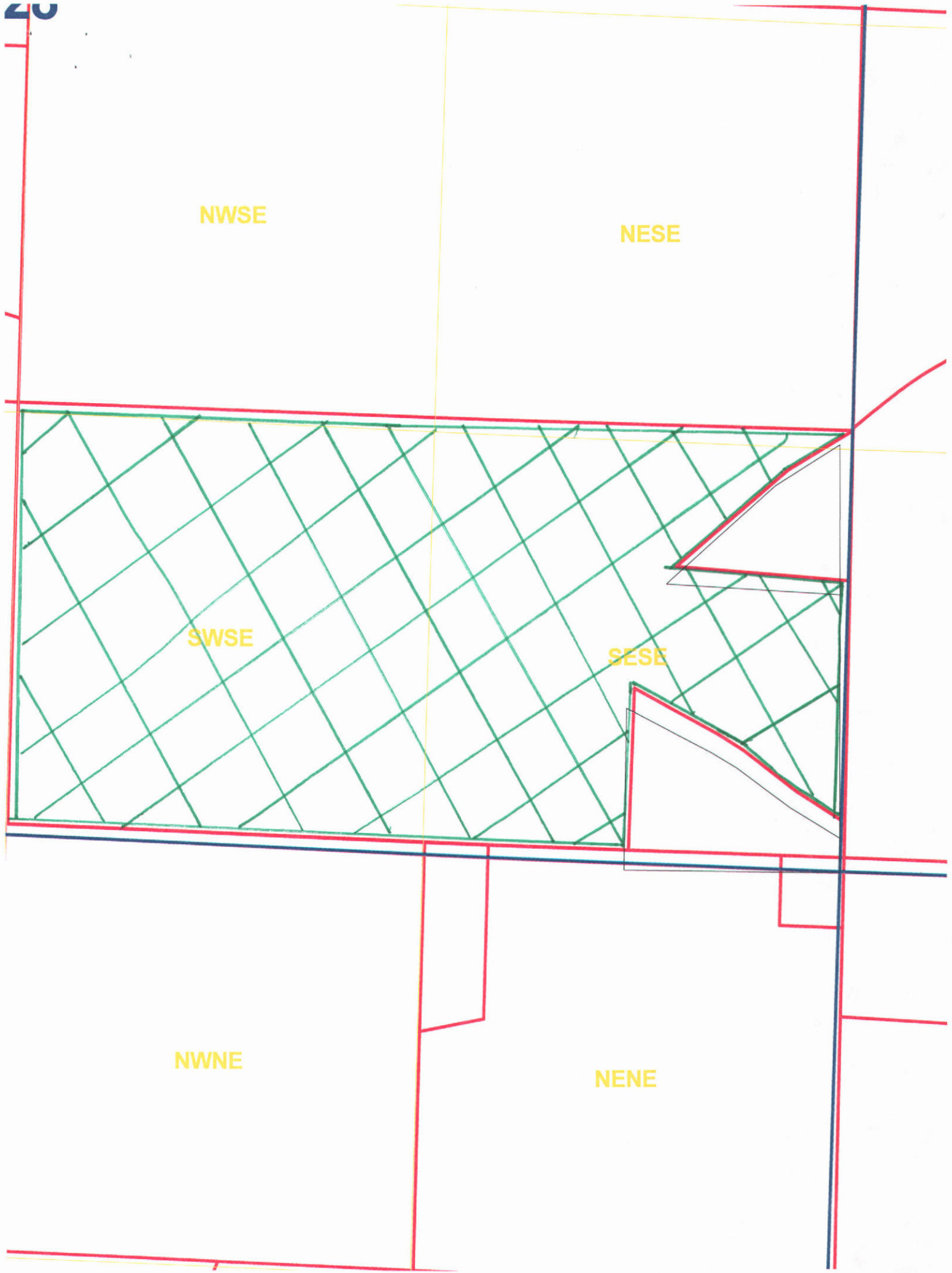
NESE

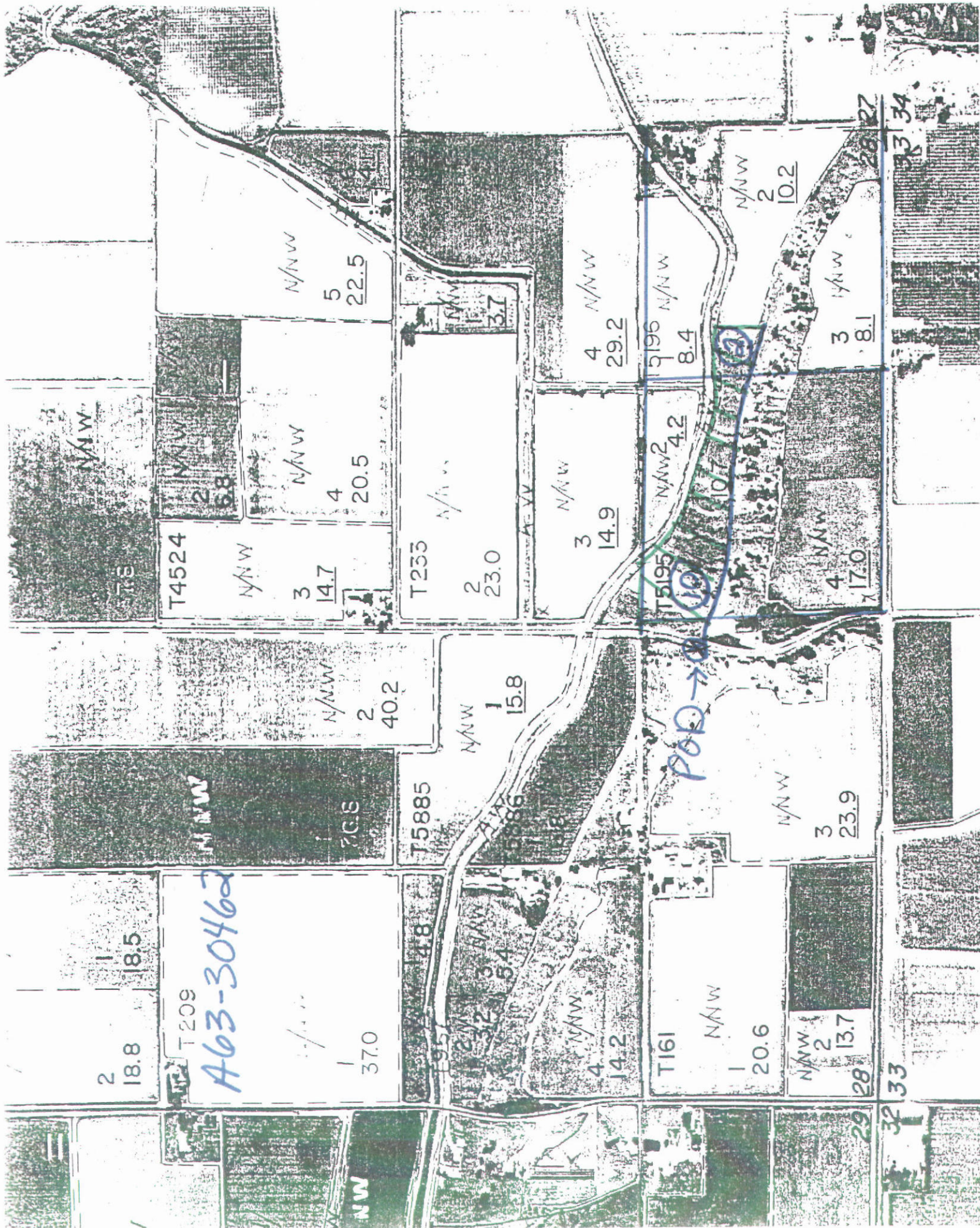
SWSE

SESE

NWNE

NENE





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 63-30462  
Date Received: 9/9/1997  
Receipt No: W023043  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DEBRA D. FREELAND Phone: (208)722-9919  
25218 RODEO LN  
PARMA ID USA 83660

BENJAMIN F. FREELAND Phone: (208)722-9919  
25218 RODEO LANE  
PARMA ID USA 83660

2. Date of Priority: 03/15/1900

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 05W   | 28      | NE SE SW              | CANYON |      |

5. Description of diverting works:

CONCRETE HEAD BOX TO DITCH FOR GRAVITY SYSTEM

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.24   | 54         |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

|     |     |    |    |    |               |    |
|-----|-----|----|----|----|---------------|----|
| 05N | 05W | 28 | SE | SE | IRRIGATION    | 2  |
|     |     |    | SW | SE | IRRIGATION    | 10 |
|     |     |    |    |    | Section Acres | 12 |
|     |     |    |    |    | Total Acres   | 12 |

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:

14. Remarks:

CHANGE IN OWNERSHIP LG 7-10-2006

15. Basis of Claim: Beneficial Use

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: A63-30462  
Date Received: 9/ 9/1997  
Receipt No: 11023043  
Received By: MTS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: NORMAN D WATERS 208-722-5370  
Address: 29410 PEARL ROAD  
PARMA ID 83660  
AND/OR  
Name: DONNA M WATERS 208-722-5370  
Address: 29410 PEARL ROAD  
PARMA ID 83660

2. Date of Priority: MAR 15, 1900

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 05W   | 28      | NE     | SE     | SW  |     | CANYON |

5. Description of diverting works:  
CONCRETE HEAD BOX TO DITCH FOR GRAVITY SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.240 |      | 54.00  |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 05N           | 05W   | 28      | SW     | SE  |     | IRR | 10.0  |
|               |       |         | SE     | SE  |     | IRR | 2.0   |
| Section Acres |       |         |        |     |     |     | 12.0  |
| Total Acres   |       |         |        |     |     |     | 12.0  |

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:

14. Remarks:

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 ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:   1  

**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): Herman P. Waters Date: 9/9/97  
Donna Marie Waters Date: 9/9/97

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 9<sup>th</sup> day

of September 19 97

Melvin T. Schulte  
Notary Public

Seal

Residing at Bosse, Idaho

My Commission Expires 7-24-2001

RECEIVED

JUN 19 2007

DEPARTMENT OF  
WATER RESOURCES

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 63-30462  
(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: Benjamin and Debra Freeland  
Address: 25218 Rodeo Lane  
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. Barlett, 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.

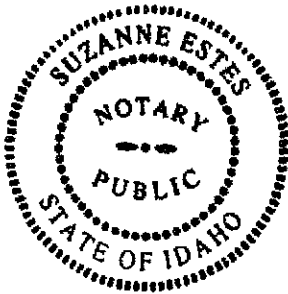
(Signature of person filing objection)

Albert P. Barlett

(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, 2007, 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:

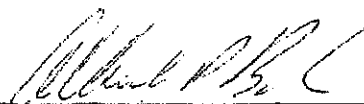
Name: Benjamin and Debra Freeland  
Address: 25218 Rodeo Lane  
Parma, ID 83660

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

New Owner:

Ben Freeeland  
3214 E Homedale Rd  
Caldwell 83605

surface water fr  
Riverside? No

appears irrigated in  
1987

Per Dan Nelson -

8.6 acres are based  
on 1987 & 1994 photos.  
Acres do not exceed  
ditch on south side  
of property - south of  
ditch is uphill and  
cannot be gravity  
irrigated.

09/29/2006

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006**

Water right number: 63-30462

BENJAMIN F. FREELAND  
25218 RODEO LANE  
PARMA ID 83660

DEBRA D. FREELAND  
25218 RODEO LN  
PARMA ID 83660

RECEIVED

OCT 13 2006

WATER RESOURCES  
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*under "Place of use", the property is listed as 8.6 Total Acres.*

2. Describe the changes you wish to make in the proposed recommendation:

*The acreage should be 10.2 Total Acres*

3. Give a brief explanation as to why you disagree with these portions:

*Please refer to the enclosed satellite photo (from USDA) showing the property as 10.2 acres*

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

*10/10/06*

SIGNATURE:

*[Handwritten Signature]*

Please print your name:

*BENJAMIN F. FREELAND*

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/29/2006

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

---

RIGHT NUMBER: 63-30462  
NAME AND ADDRESS: BENJAMIN F. FREELAND  
25218 RODEO LANE  
PARMA ID 83660  
  
DEBRA D. FREELAND  
25218 RODEO LN  
PARMA ID 83660

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 03/01/1939

POINT OF DIVERSION:  
T05N R05W S28 NESESW Within CANYON County

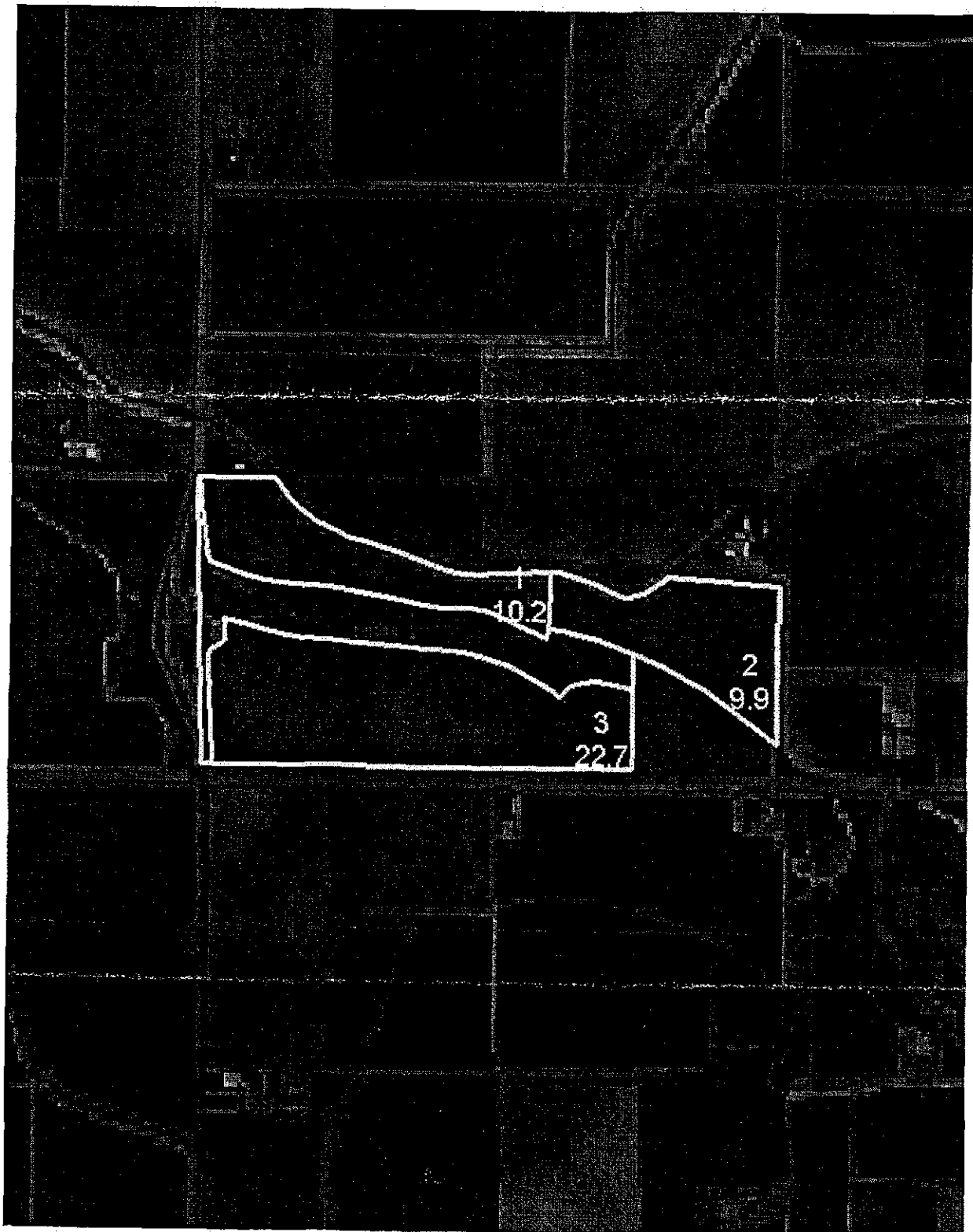
PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|----------------------------------------|----------------------|-----------------|
|               | IRRIGATION                             | 03/01 11/15          | 0.170 CFS       |
| PLACE OF USE: | <u>IRRIGATION Within CANYON County</u> |                      |                 |
|               | T05N R05W S28 SWSE 7.50                | T05N R05W S28 SESE   | 1.10            |
|               | 8.6 ACRES TOTAL                        |                      |                 |

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Tract #6913

Prepared by FSA  
April 26, 2006



12/10/2006

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

RIGHT NUMBER: 63-30462

NAME AND ADDRESS: BENJAMIN F. FREELAND  
25218 RODEO LANE  
PARMA ID 83660

DEBRA D. FREELAND  
25218 RODEO LN  
PARMA ID 83660

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 03/01/1939

POINT OF  
DIVERSION: T05N R05W S28 NESESW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.170 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T05N R05W S28 | SWSE | 7.50 | T05N R05W S28 | SESE | 1.10 |
|---------------|------|------|---------------|------|------|

8.6 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



# Idaho Department of Water Resources

## 63-30462

### 05N 05W S28



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated  
Acres: 8.6

500 0 500 Feet



IDWR  
Prepared by: Lori Graves  
Date: 09-25-06  
1986-87 Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30462 V1

WATER RIGHT NUMBER: 63-30462 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Original Owner    | DONNA M WATERS<br>29410 PEARL RD<br>PARMA, ID 83660<br>(208)722-5370  |
| Original Owner    | NORMAN D WATERS<br>29410 PEARL RD<br>PARMA, ID 83660<br>(208)722-5370 |
| Current Owner     | BENJAMIN F. FREELAND<br>25218 RODEO LANE<br>PARMA, ID 83660           |
| Current Owner     | DEBRA D. FREELAND<br>25218 RODEO LN<br>PARMA, ID 83660                |

Priority Date: 03/01/1939

Basis: Beneficial Use

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| WASTE WATER   | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.170 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.170 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| WASTE WATER   | NE1/4SE1/4SW1/4 | Sec. 28, Twp 05N, Rge 05W, 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 | 05W | 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 7.5 | 1.1 | 8.6    |

Total Acres: 8.6

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.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-30462 V1

Remarks:

Comments:

1. Igraves 9/23/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3907901000.

2. Igraves 9/23/2006 Flow Rate

Comment: A Mannings Equation was used to estimate ditch capacity at 11.45 cfs. Irrigation is limited to .02 cfs/acre.

3. Igraves 9/23/2006 Source

Comment: The waste water appears tributary to Riverside Canal, which is then tributary to the Snake River. The Snake River tributary was recommended based on department standards.

4. Igraves 9/23/2006 Canal Shares

Comment: Claimant stated per telecon that the waste water is the only source for irrigation and that he does not use shares from Riverside Irrigation District.

5. Igraves 9/23/2006 Priority

Comment: The claim lists a 1900 priority date. The submitted affidavit supports an early 1940 priority date. Acres appear irrigated on the 1939 aerial photo. Priority date was advanced to 1939.

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:

## Adjudication Claim Report 63-30462

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Original Owner    | DONNA M WATERS<br>29410 PEARL RD<br>PARMA, ID 83660<br>(208)722-5370  |
| Current Owner     | DEBRA D. FREELAND<br>25218 RODEO LN<br>PARMA, ID 83660                |
| Original Owner    | NORMAN D WATERS<br>29410 PEARL RD<br>PARMA, ID 83660<br>(208)722-5370 |
| Current Owner     | BENJAMIN F. FREELAND<br>25218 RODEO LANE<br>PARMA, ID 83660           |

**Status:** Active

## SNAKE RIVER

Total Diversion: ~~42,000~~ CFS . 17

CANYON County

## 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 | 05W | 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 10.9 | 2.0 | 12.9   |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 7.5  | 1.1 | 8.6    |

Total Acres: ~~42~~  
8.6

1. CHANGE IN OWNERSHIP LG 7-10-2006

Enlargement Use Priority Date:

## ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

**IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.**

1.) Pump information:

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| P10                                   | NO         | 1  | pump             |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

2.) Lift (distance from pump to water) N/A

3.) How was lift determined (well log, measurement, owner)? N/A

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) N/A

5.) Was a measurement made? Yes If no can a measurement be made at a latter time? \_\_\_\_\_

6.) What type of measurement device was used? Mannings

7.) Is there a pump curve available for pump? NO

8.) Please fill out the following:

Number of sprinklers \_\_\_\_\_

Sprinkler nozzle size \_\_\_\_\_

Number of Pivots (include gpm rating for each pivot) \_\_\_\_\_

Wind Flooding.

9.) Please outline all acres irrigated on attached aerial photo. ✓ DONE

10.) Please clearly mark all points of diversion on map and GPS. ✓ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.  
✓ DONE

12.) Pictures taken of place of use and point of diversion. ✓ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

The water for this claim comes from a ~~new~~ waste ditch west of the road. (Ditch runs along the road). The water is checked up in the ditch and diverted east under the road through a culvert to an old ditch. The capacity of the culvert was measured @ 11.45 CFS. See calculation sheet. I found 8.6 acres below the ditch that could be irrigated under this system. The ditch has not been used in some time, and has filled in in most spots. I could find the ditch using the 1994 Aerial photo, so I used this photo to determine the ditch location and the southern boundary of the property. I would recommend this right for 8.6 acres @ 0.17 CFS and 38.7 gfa.

DATE EXAM CONDUCTED

Daniel A. Nelson

FIELD EXAMINER

8-18-06.

**Wastewater  
Ditch**

**SESW**

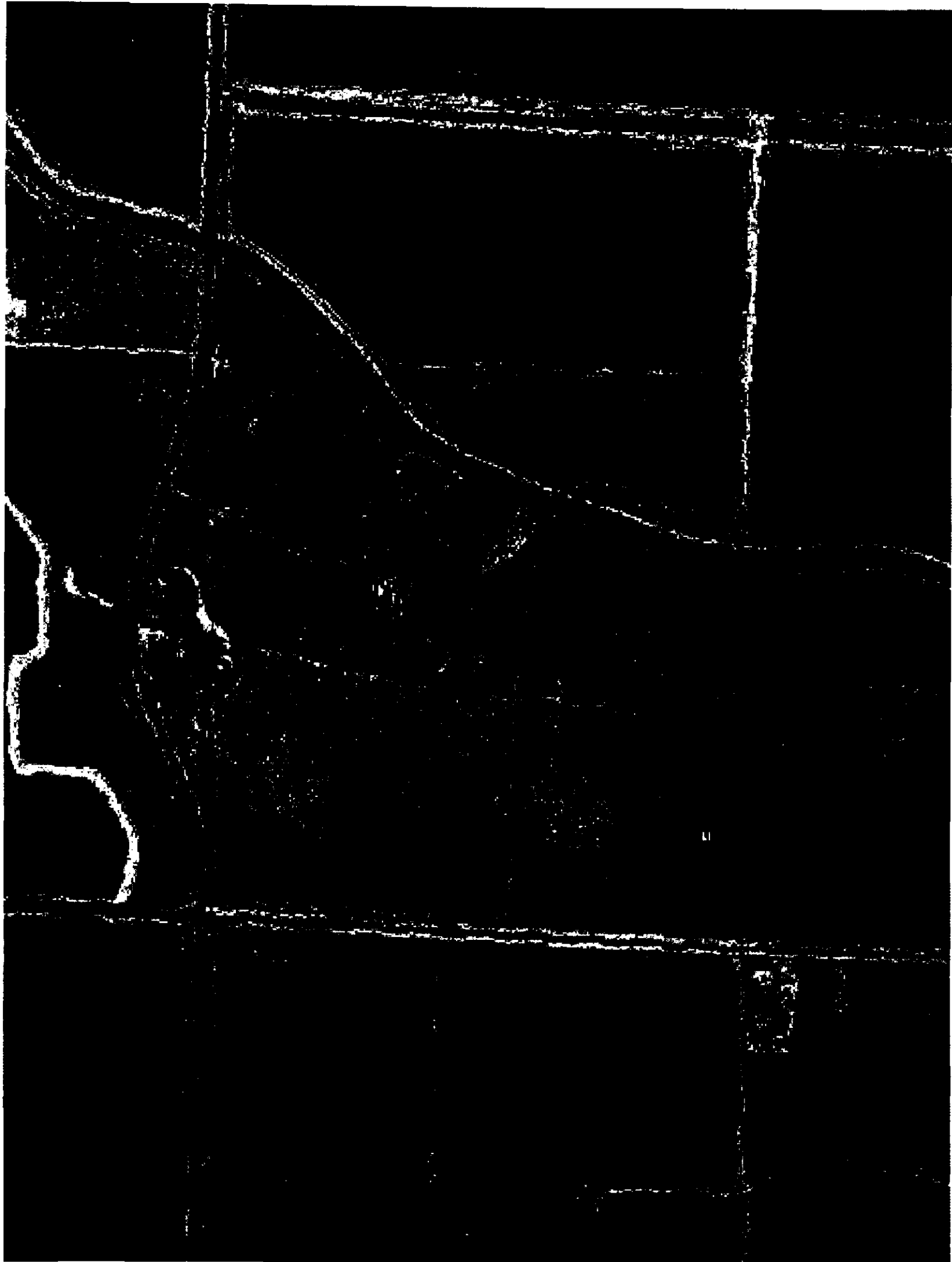
**Irrigation  
Ditch**

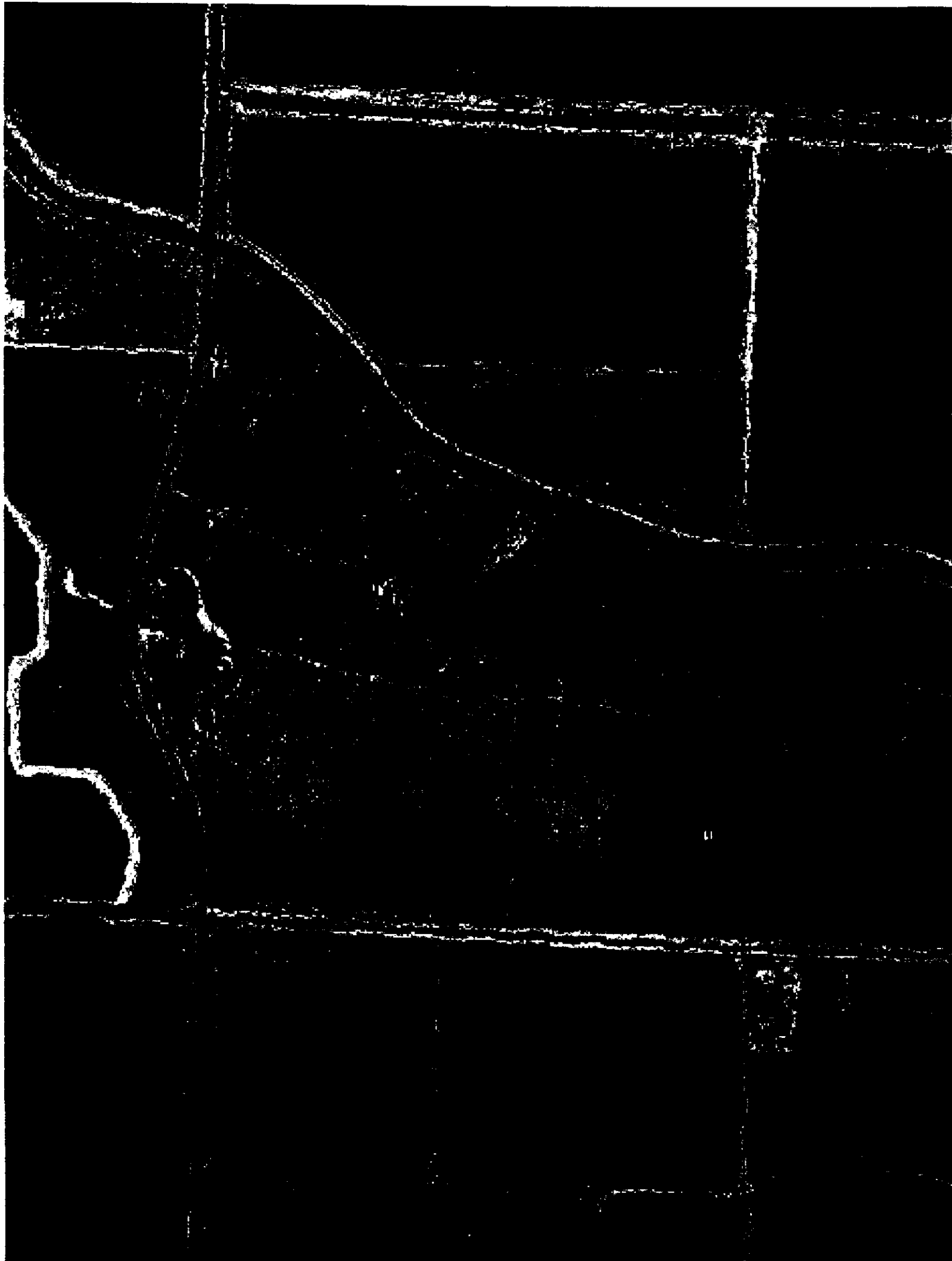
**Place of Use**

**SWSE  
7.5 acres**

**SESE  
1.1 acres**

**A total of 8.6 acres are irrigated.**





# **FIELD EXAM 63-30065**

## **WASTE DITCH FLOW CALCULATIONS**

### **BY DAN NELSON**

Wastewater on this farm comes from waste ditch running along the opposite side of the road. It appears as though the owner's property has been used in the past to divert high water flow events on this ditch away from the road, so the system has a much larger capacity than is actually needed for irrigation. Even though the culvert is several times larger than what is needed to irrigate this ground, it is only part of the system that can be used to determine the capacity of the system.

In order to measure the maximum capacity of the culvert, I needed to take into account the maximum flow of the culvert. In order to do this I used the Mannings Equation, because the system hadn't been used in several years. It is unlikely that the culvert would ever operate at full capacity, but there is a possibility that it could flow at a full pipe during the high water events. The following are my calculations:

Mannings equation  $\rightarrow Q = [ (1.49/n) (R)^{2/3} (S)^{1/2} ] \times A$

$n = 0.030$  Corrugated steel metal pipe in Open Channel Hydraulics, Ven Te Chow 1959, McGraw-Hill

$R = 0.75$  (I measured the inside diameter of the pipe at 1.5 ft.  $D/2 = R$  or  $1.50 / 2 = 0.75$ ) {This is a 18 inch pipe}

$S = 0.036$  (I measured the length of the pipe at 70 feet long with 2.53 feet difference in elevation using an automatic level. I measured 9.72 feet downstream and 7.19 feet upstream. Slope is determined by Rise/Run, therefore,  $2.53 \text{ ft} / 70 \text{ ft} = 0.036$  slope.)

$A = 1.767 \text{ ft}^2$  (Area =  $\pi R^2 \rightarrow A = \pi (.75)^2 = 1.767 \text{ ft}^2$ .)

Mannings Calculation  $\rightarrow$

$Q = [ (1.49/0.036) (0.75)^{2/3} (0.036)^{1/2} ] \times 1.767$

**$Q = 11.45 \text{ cfs}$**

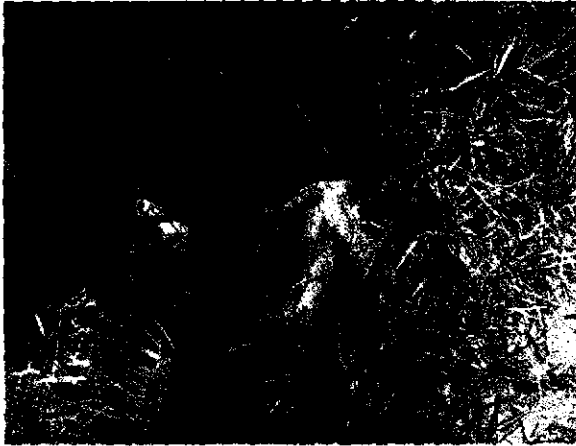
This seems reasonable for this culvert during high flows. However, it is way above what would ever be needed for 8.6 acres of irrigation. Therefore, I am recommending that the diversion rate be limited to an inch or 0.02 cfs per acre and 4.5 afa per acre per IDWR standards. Therefore the total allowable water use for this claim would be 0.17 cfs and 38.7 afa.

FROM: OPEN CHANNEL HYDRAULICS,  
VEN TE CHOW, 1959,

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/18/2006

FILE NUMBER 63-30462

The top photo shows the check used to divert the water in the waste ditch.



The second photo shows the ditch and culvert going under the road. As you can see, there hasn't been water in this ditch for some time.

The bottom photo shows the place of use. You can see the ditch leading away from the road, and it travels along the base of the hill. This photo also shows the property hasn't been irrigated in some time.



7.19 - UP STREAM

9.72 - DOWN.

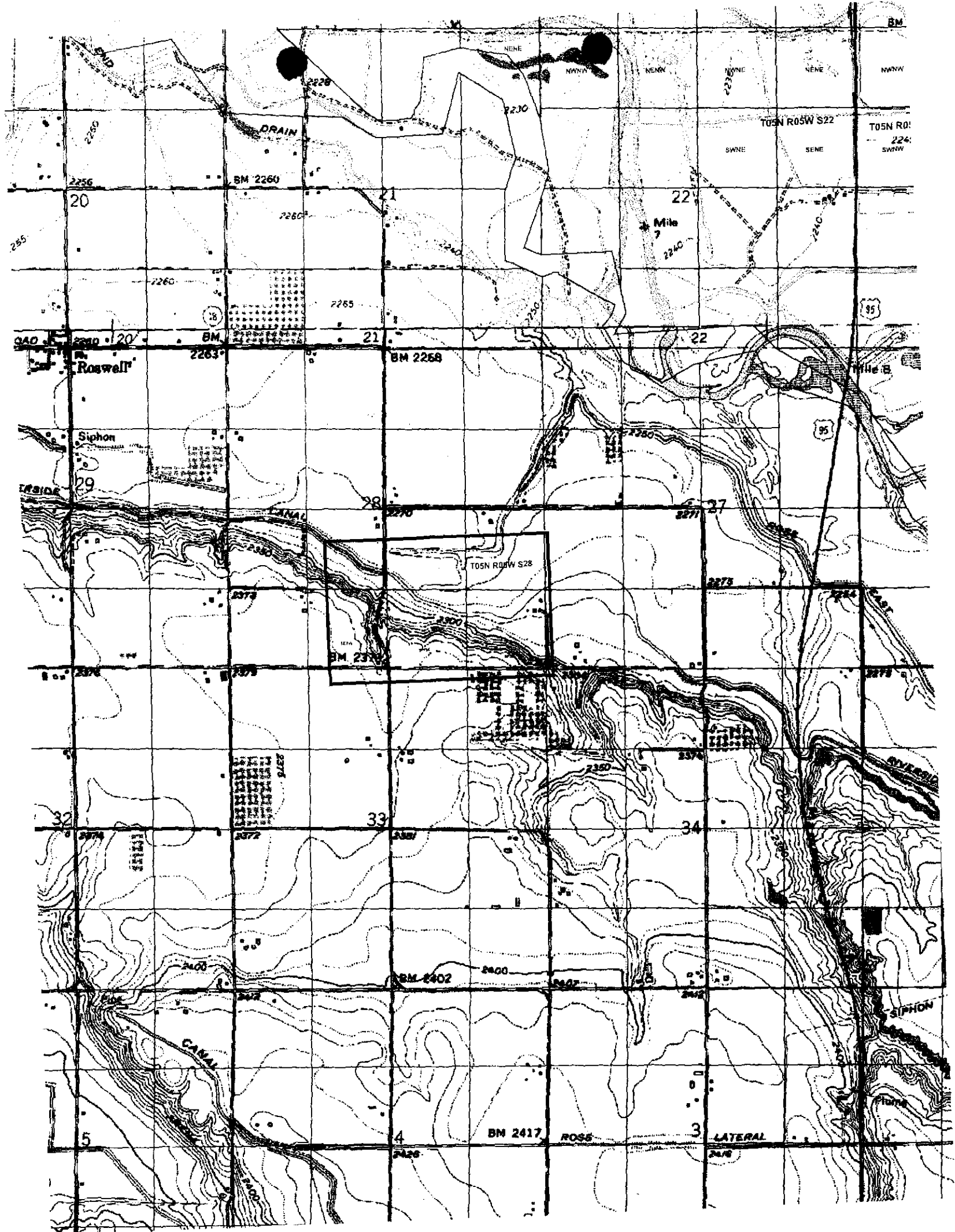
70 F DISTANCE

PIPE EDGE TO EDGE.

1.5 FET DIAM

PIPE

CORAGATED.



T05N R05W S28

SESW

SWSE

SESE

**FIELD EXAM MEMO**

DATE: 7/11/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-30462

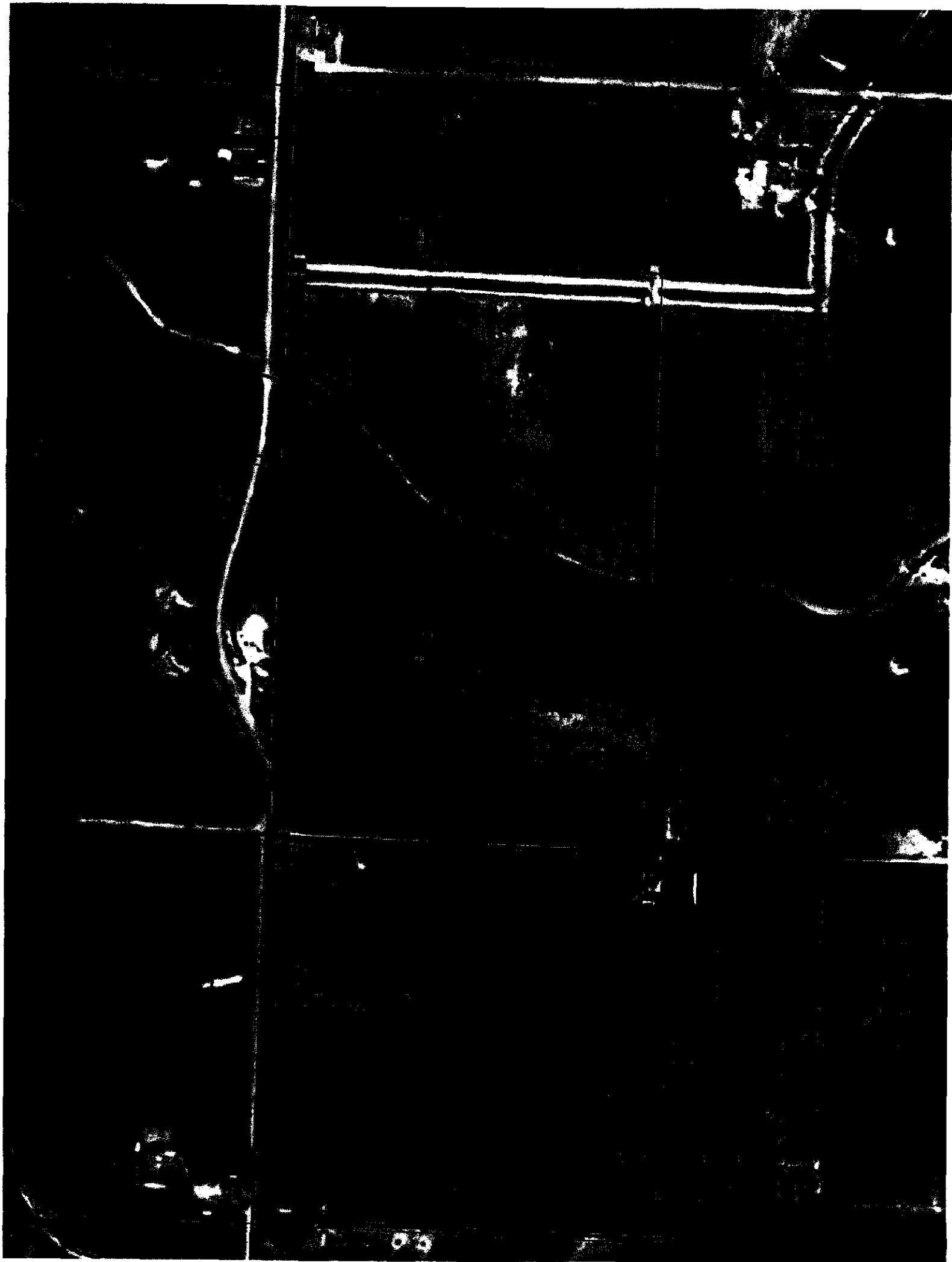
Way too much water was claimed. Please see the map attached to the original claim and the 2004 photo attached to the "new owner" claim for acres and p/d locations.

Please determine:

1. Acres irrigated as of 1987
2. P/d location
3. System measurement and diagram

The new owners are Debra and Ben Freeland. Their phone number is 208-722-9919. I have not personally talked to them but mentioned a possible field exam in the "proof of priority" letter.

Thx Dan



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

AFFIDAVIT

A63-30462 )

State of Idaho )  
County of Canyon )

Jim Obendorf

deposes and says: My Father Farmed this  
property from the early 1940's until he  
passed away in 1994. As his son, I Jim  
Obendorf worked with him on this farm  
during the 50's & 60's. During this time  
my father, Ed Obendorf used the waste  
water for irrigation of the land below  
the bench along old 95 to water  
the west portion of his land.

Jim Obendorf May 22, 2006  
(Signature)



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 15, 2006

BEN FREELAND  
3214 E HOMEDALE RD  
CALDWELL ID 83605

**RE: NOTICE OF CLAIM NO: A63-30462**

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

**NORMAN & DONNA WATERS  
29410 PEARL RD  
PARMA ID 83660**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves  
Sr. Water Resource Agent

Enclosures



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 15, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

NORMAN & DONNA WATERS  
29410 PEARL RD  
PARMA ID 83660

RE: EVIDENCE OF PRIORITY  
Snake River Basin Claim No: A63-30462

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use 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 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion

Page 2

system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by June 5, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves", written in a cursive style.

Lori Graves  
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit  
Notice of Claim A63-30462  
Aerial Photo

Cc: BEN FREELAND  
3214 E HOMEDALE RD  
CALDWELL ID 83605

RECEIVED

MAY 25 2005

WATER RESOURCES  
WESTERN REGION

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

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

1.

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | <u>A63-30462</u>             |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

OR

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

3.

Name and Address of Former  
Owner/Claimant(s)

Norman & Donna Waters (both deceased)  
29410 PEARL Rd, PARMA, ID 83660

4.

New Owner/Claimant(s)

BENJAMIN F. and/or Debra D. Freeland

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

New Mailing Address

25218 Rodeo Ln.

City, State and ZIP Code

PARMA, ID 83660

New Telephone Number

208-722-9919, cell = 208-863-1118

5.

Date you acquired the property

5/24/05

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

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

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

7.

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

*[Handwritten Signature]*

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

## For Office Use Only

Received by *[Signature]* Date *May 25-06* Fee \_\_\_\_\_  
 Received by *[Signature]* Date *7/10/06* Receipt No. \_\_\_\_\_  
 Processed by *[Signature]* AJ Date *7/10/06* WR \_\_\_\_\_ Date \_\_\_\_\_

[Handwritten initials]

## PERSONAL REPRESENTATIVE'S DEED

**THIS DEED**, made by LARY C. WALKER of Walker Law Office, as personal representative of the Estate of NORMAN WATERS, deceased, Grantor, to BENJAMIN F. FREELAND, Grantee, whose current address is 3214 E. Homedale Road, Caldwell, Idaho.

**WHEREAS**, Grantor is the qualified personal representative of said Estate, filed as Case No. CV-2005-4508, in Canyon County, Idaho;

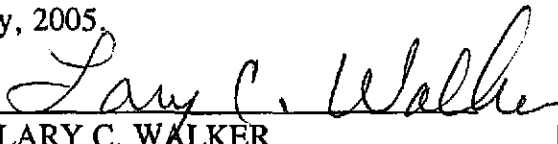
**THEREFORE**, for valuable consideration received, Grantor quitclaims, transfers, and coveys to Grantee the following described real property in Parma, Canyon County, Idaho.

### LEGAL DESCRIPTION OF PROPERTY

See Exhibit "A"

with all appurtenances.

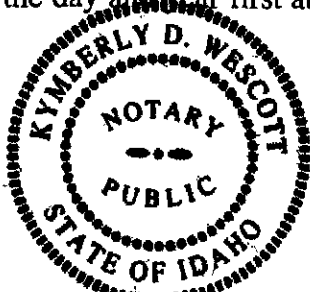
**EXECUTED** this the 24 day of May, 2005.

  
LARY C. WALKER  
Personal Representative of the  
estate of NORMAN WATERS,  
deceased.

STATE OF IDAHO                     )  
                                              : ss  
COUNTY OF WASHINGTON        )

On this the 24<sup>th</sup> day of May, 2005, before me, the undersigned, a notary public in and for said state, personally appeared LARY C. WALKER of Walker Law Office, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of NORMAN WATER, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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



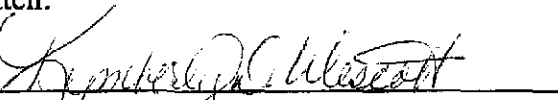
  
Kimberly D. Wescott NOTARY PUBLIC  
Residing at Weiser, Idaho  
My Commission Expires: 05-17-2010

Exhibit "A"

The South Half of the Southeast Quarter of Section 28, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

A portion of the Southeast Quarter of the Southeast Quarter of Section 28, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence

North 0° 07' 31" East along the East boundary of said Southeast Quarter of the Southeast Quarter a distance of 865.76 feet to the TRUE POINT OF BEGINNING; thence

North 86° 20' 21" West a distance of 553.52 feet to a point in the centerline of the Riverside canal; thence

North 48° 39' 54" East along said centerline a distance of 464.08 feet; thence

North 57° 55' 51" East continuing along said centerline a distance of 241.87 feet to a point on the East boundary of said Southeast Quarter of the Southeast Quarter; thence

South 0° 07' 31" West along said East boundary a distance of 470.27 feet to the TRUE POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM

A parcel lying within the Southeast Quarter of the Southeast Quarter, Section 28, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the Southeast Quarter (corner common to Sections 27, 28, 33 and 34), said corner monumented with a 3-inch diameter brass disk; thence

North 0° 07' 31" East a distance of 109.51 feet along the Easterly boundary of said Southeast Quarter of the Southeast Quarter to a 1/2-inch diameter iron pin; thence

North 58° 42' 46" West a distance of 183.55 feet to a 1/2-inch diameter iron pin; thence

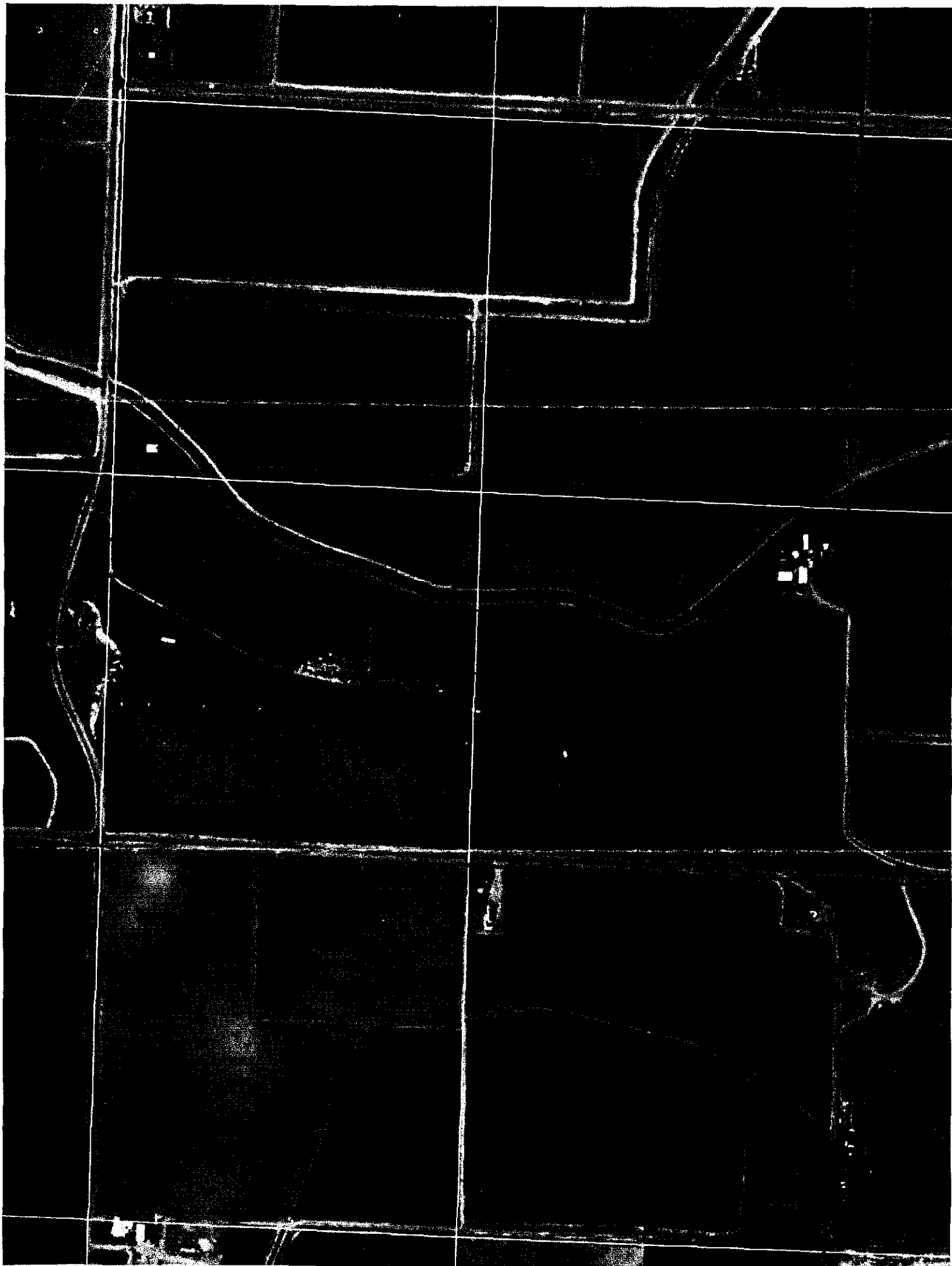
North 53° 36' 55" West a distance of 212.68 feet to a 1/2-inch diameter iron pin; thence

North 59° 08' 43" West a distance of 91.43 feet to a 1/2-inch diameter iron pin; thence

North 62° 31' 46" West a distance of 305.46 feet to a 1/2-inch diameter iron pin; thence

South 0° 59' 46" West a distance of 506.95 feet to a point on the Southerly boundary of said Southeast Quarter of the Southeast Quarter, said point monumented with a 1/2-inch diameter iron pin; thence

South 89° 00' 14" East a distance of 686.25 feet along the Southerly boundary of said Southeast Quarter of the Southeast Quarter to the POINT OF BEGINNING.



10000

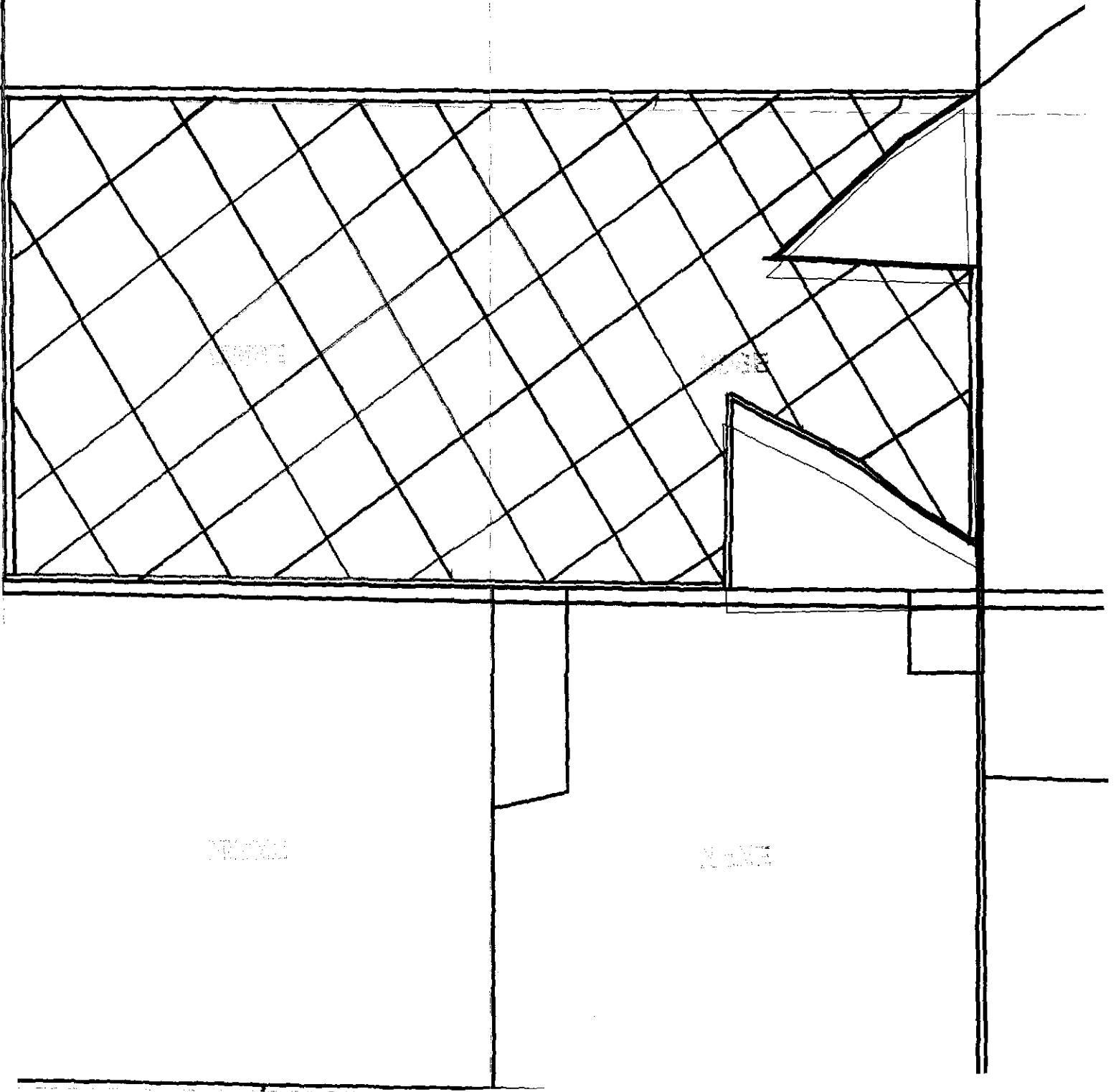
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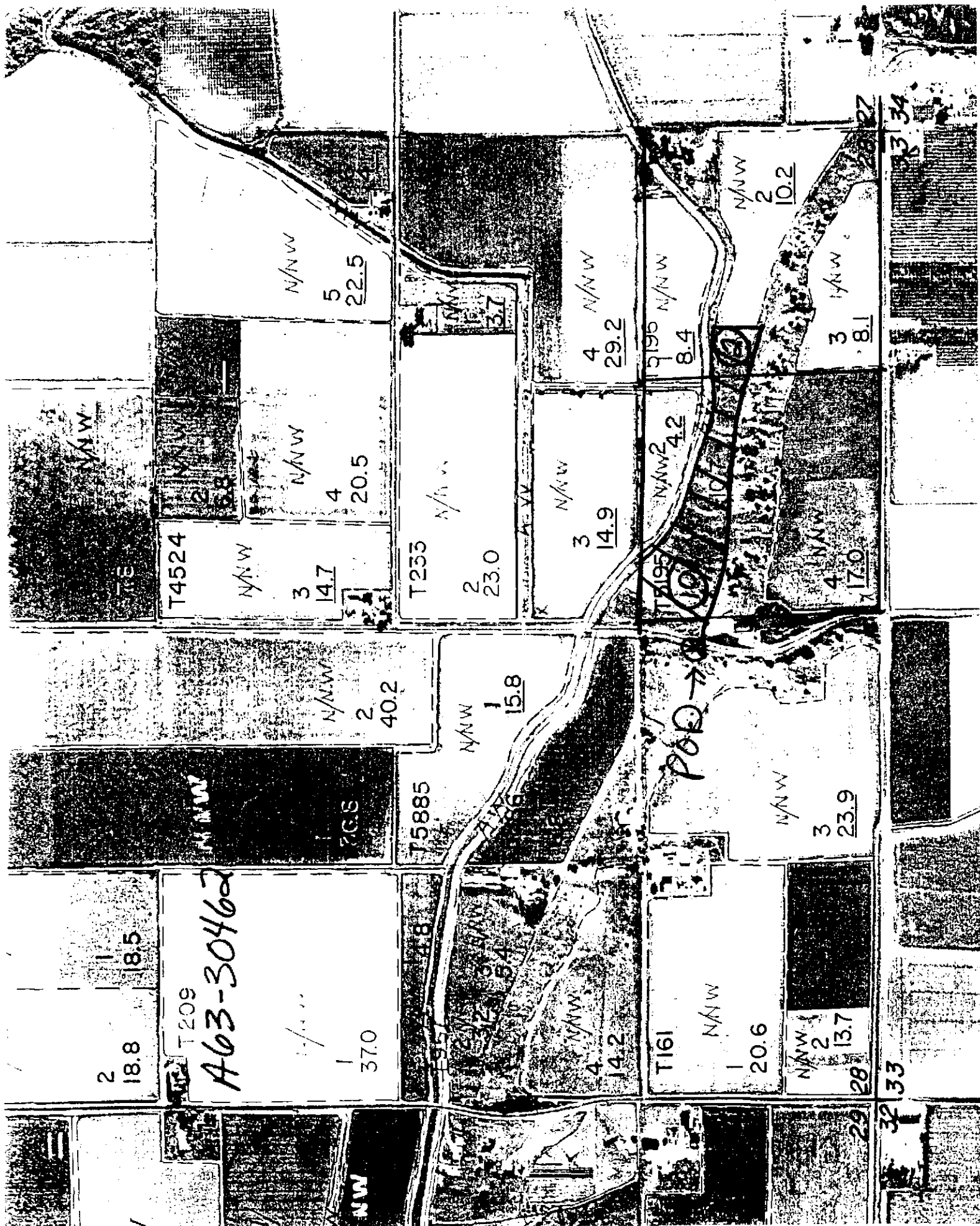
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# Receipt Details for ID W023043

| Status | Adjustment Type     | Version |
|--------|---------------------|---------|
|        | Water Right Receipt | 1       |

## General Information:

| Date Received       | Date Deposited | Region         | Total Amount | Payment Type |
|---------------------|----------------|----------------|--------------|--------------|
| 9/9/1997 3:12:08 PM | 9/9/1997       | Western        | \$62.00      | Check        |
| Payer               |                | WATERS, NORMAN |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 5741                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

Comment SRBA FEE (A63-30462)

## Fee Detail:

| Amount  | Description          | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|----------------------|-------|------|-------------|------------|--------|
| \$62.00 | SRBA FEE (A63-30462) | 41503 | 337  | 0           | 0          | 1155   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 30462           |              | \$62.00 | Claim |

Print Report