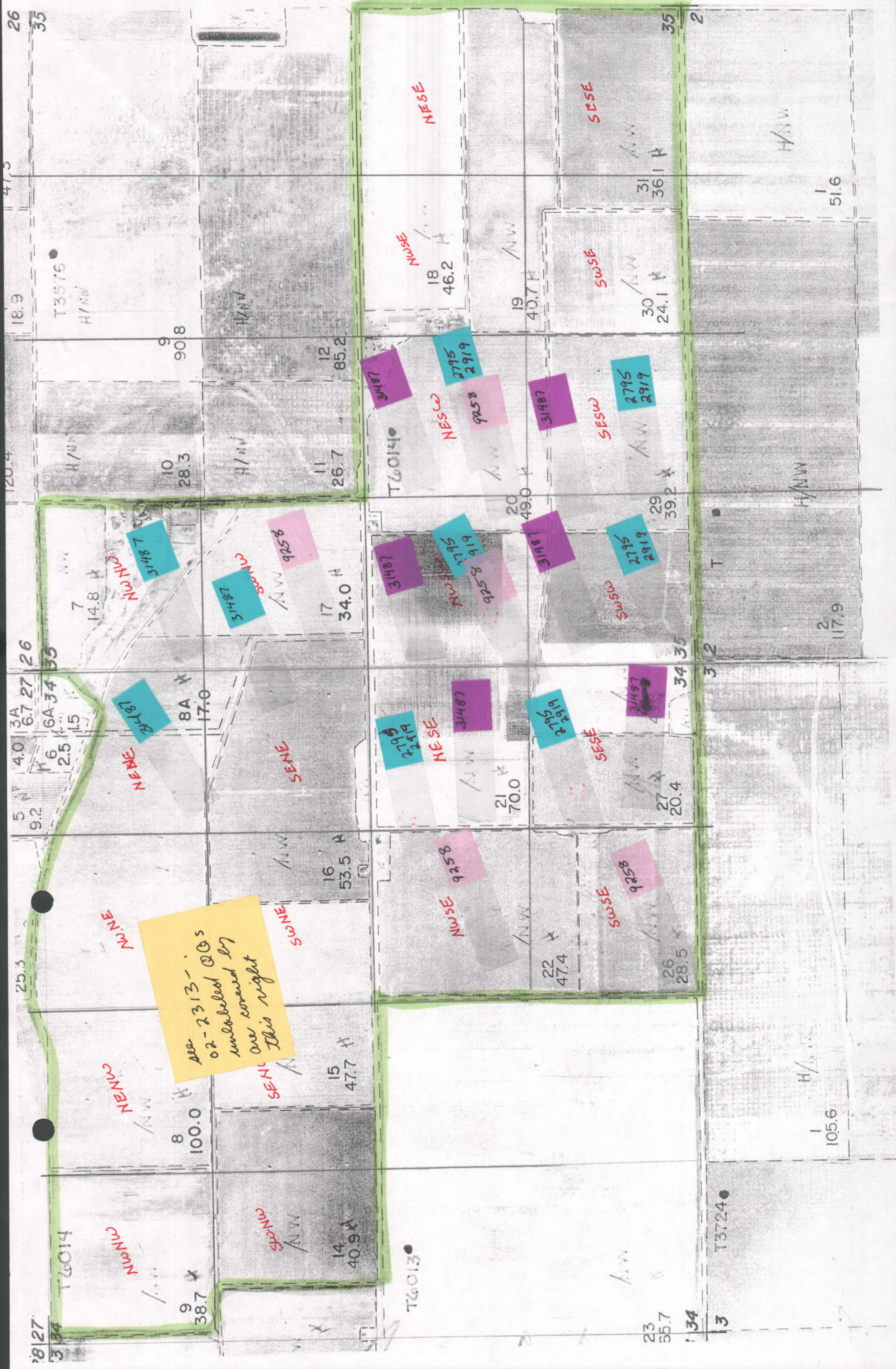
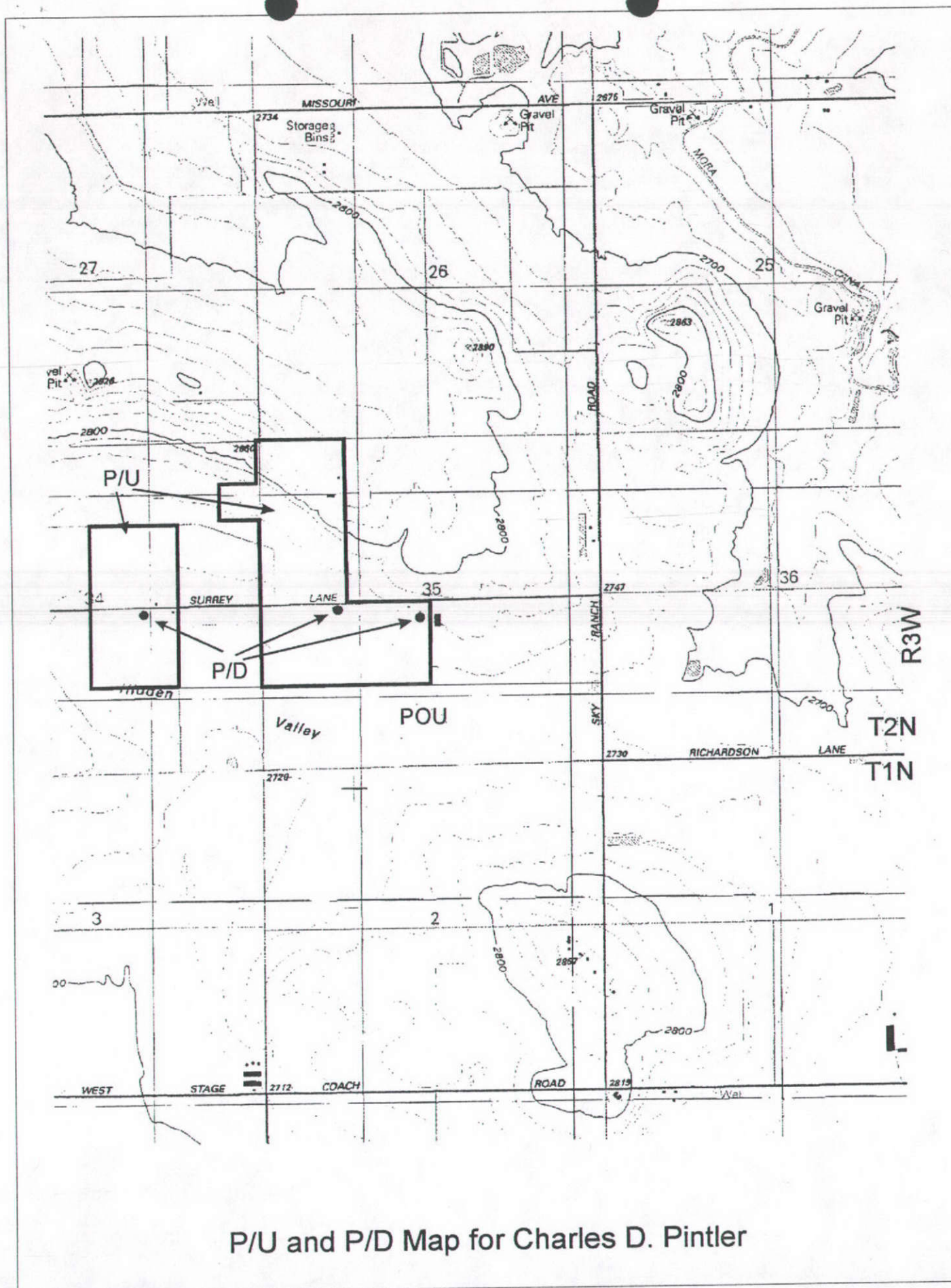








IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 63-31487
Date Received: 5/8/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

PAUL A RASGORSHEK Phone: (208)466-7722
12770 W ROOSEVELT AVE
NAMPA ID USA 83686

MARILYN RASGORSHEK Phone: (208)466-7722
12770 W ROOSEVELT AVE
NAMPA ID USA 83686

2. Date of Priority: 08/01/1979

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	35	NE NE SW	CANYON	
02N	03W	35	NE NW SW	CANYON	

5. Description of diverting works:

Drilled wells, submersible pumps, buried pipelines and stock tanks.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 1000 Dairy replacement heifers

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02N	03W	34	NE	NE		STOCKWATER	
02N	03W	35	NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	

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:

THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER 63-9258 SINCE AUGUST OF 1979.

CHNAGE IN OWNERSHIP LG-7-13-2006 REVIEWED BY SE

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 63-31487
Date Received: 5/8/2002
Receipt No: W029135
Received By:

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

1. Name of Claimant(s)

CHARLES D PINTLER Phone: (208)466-6951
13541 SURREY LN
NAMPA ID USA 83686

2. Date of Priority: 08/01/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
02N	03W	35	NE	NE	SW	CANYON	
02N	03W	35	NE	NW	SW	CANYON	

5. Description of diverting works:

Drilled wells, submersible pumps, buried pipelines and stock tanks.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 1000 Dairy replacement heifers

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03W	34	NE	NE	STOCKWATER	
02N	03W	35	NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	

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:

THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER 63-9258 SINCE AUGUST OF 1979.

15. Basis of Claim: Beneficial Use

Should questions arise during the processing of this application please contact:
Sheri Chapman - ERO Resources Corp. (208) 373-7983

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:

Identification No.

Date Received

Receipt Number

39576

A63-31487

5/8/02

W229135

NOTICE OF CLAIM
TO A
WATER RIGHT

AQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Should be

"Pintler"

Filing Fee \$25

Please type or print clearly

1. Name of Claimant(s) Charles D. Pinter

Phone (208) 466-6951

Mailing Address 13541 Surry Lane, Nampa, Idaho

Zip 83651

2. Date of Priority (Only one per claim) August 1, 1979 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) N/A

4. Location of point of diversion is: Township 2N Range 3W

Section 35, NE ¼ of NE ¼ of SW ¼, Govt. Lot _____, B.M.,

County of Canyon

Additional points of diversion if any: NENWSW, Sec. 35, T2N, R3W, Canyon County.

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Drilled wells, submersible pumps, buried pipelines and stock tanks.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from 1-1 to 12-31 amount .04

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;
Stockwater: Type and Number of livestock) 1000 head of dairy replacement heifers.

RECEIVED

MAY 08 2002

WATER RESOURCES
WESTERN REGION

10. Place of use is: Township 2N Range 3W

Section 35, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____, B.M.,

County of Canyon for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any SWNW, Sec. 35 and SENENE, Sec. 34, both in T2N, R3W.

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-9258 (Stockwater for 500 head of dairy replacement stock).

14. Remarks:

This claim is to recognize that 1000 head of dairy replacement stock have been watered in addition to those included under 63-9258 since August of 1979.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number N/A

16. Signature(s)

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

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Charles Blum Date 5-8-02
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

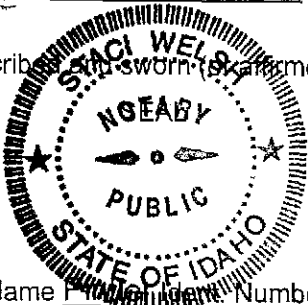
County of Ada) SS.

Subscribed and sworn to (or affirmed) before me this 8th day of May 20 02

Notary Public Daniel Weir

Residing at Meridian, Idaho

My Commission Expires 1/27/2005



Last Name Blum Number _____

disallowed

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

RECEIVED

JUN 25 2004

WATER RESOURCES
WESTERN REGION

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
2-2208	2-2208	___	63-31487	___	___
63-2906	SEC. 27 & NRI 5.34	___	___	___	___
63-2919	___	___	___	___	___
63-2795	___	___	___	___	___
63-9258	___	___	___	___	___

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)

Charles D. Pintler/ Desert Sun Farms, Inc.
 13541 Surrey Ln., Nampa, ID 83686

4. New Owner/Claimant(s)

Paul A. Razgorshchik; Marilyn Razgorshchik
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

12770 W. Roosevelt Ave.

City, State and ZIP Code

Nampa, ID 83686

New Telephone Number

208-446-7722

5. Date you acquired the property

2-20-04

SCANNED

JUN 28 2004

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

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Paul A. Rasgorshuk
Maureen Rasgorshuk

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 AN Date 6-25-04 Fee NO FEE
 Received by MA Date _____ Receipt No. _____
 Processed by AG AJ Date 7-13-06 WR _____ Date _____
 reviewed by SE

SCANNED
JUN 28 2004

200409875

RECORDED

2001 FEB 23 PM 4 22

G NOEL HALE

CANYON COUNTY RECORDER

BY

[Signature]

TITLEONE

REQUEST

TYPE *Deed* FEE *9.00*



Order No.: C044757

WARRANTY DEED

FOR VALUE RECEIVED, CHARLES D. PINTLER and CAROL L. PINTLER, husband and wife and DESERT SUN FARMS, INC., an Idaho corporation, the Grantors, do hereby grant, bargain sell and convey unto PAUL RASGORSHEK and MARILYN RASGORSHEK, husband and wife whose current address is 12770 W. Roosevelt Avenue, Nampa, ID 83686, the Grantees, the following described premises, in Canyon County, Idaho, TO WIT:

PARCEL 1:

The Southwest quarter of the Southeast quarter of Section 27, in Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom that portion conveyed to Winemakers, LLC by Warranty Deed recorded November 19, 1998 as Instrument No. 9842977.

PARCEL 2:

The Southeast quarter and the North half of Section 34, in Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom that portion of the North half of Section 34 as conveyed to Winemakers, LLC, by Warranty Deed recorded November 19, 1998, as Instrument No. 9842974 and re-recorded January 22, 1999 as Instrument No. 9902579.

Further Excepting therefrom that portion of the North half of Section 34 as conveyed to Winemakers, LLC, by Warranty Deed recorded November 19, 1998 as Instrument No. 9842977.

SCANNED

JUN 28 2004

PARCEL 3:

A Non-Exclusive 40-foot Easement for pipeline purposes as conveyed by Easement Agreement recorded August 20, 1963 in Book 24 at Page 223, as Instrument No. 537879, reference is made to said document for full particulars.

Said Easement is declared to be appurtenant to and for the use and benefit of the property described as Parcel 2 above.

PARCEL 3A:

A Non-Exclusive Easement for pipeline purposes as conveyed by Easement Agreement recorded March 18, 1964 in Book 24 at Page 450, as Instrument No. 547145, reference is made to said document for full particulars.

Said Easement is declared to be appurtenant to and for the use and benefit of the property described as Parcel 2 above.

PARCEL 4:

The West half of the Northwest quarter and the South half of Section 35, in Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

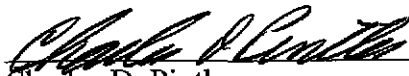
PARCEL 5:

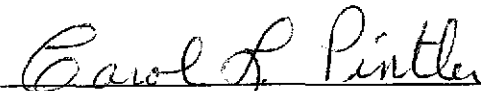
A Non-Exclusive 40-foot Easement for pipeline purposes as conveyed by Easement Agreement recorded August 20, 1963 in Book 24 at Page 223, as Instrument No. 537879, reference is made to said document for full particulars.

Said Easement is declared to be appurtenant to and for the use and benefit of the property described as Parcel 4 above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: February 22, 2004


Charles D. Pintler


Carol L. Pintler

DESERT SUN FARMS, INC., an Idaho corporation

By: 
Charles Pintler, President

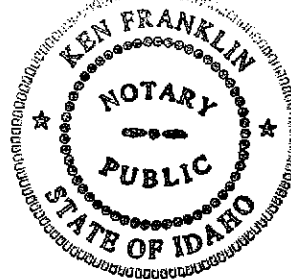
SCANNED
JUN 28 2004

State of Idaho)
) ss:
County of Canyon)

On this 26th day of February 2004, before me, the undersigned a Notary Public in and for said state personally appeared CHARLES D. PINTLER and CAROL L. PINTLER, known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.
IN WITNESS WHEREOF I have set my hand and official seal on the date shown above.

[Signature]
Notary Public

Commission Expires: 10/5/04



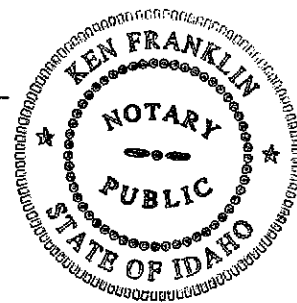
State of Idaho)
) ss.
County of Canyon)

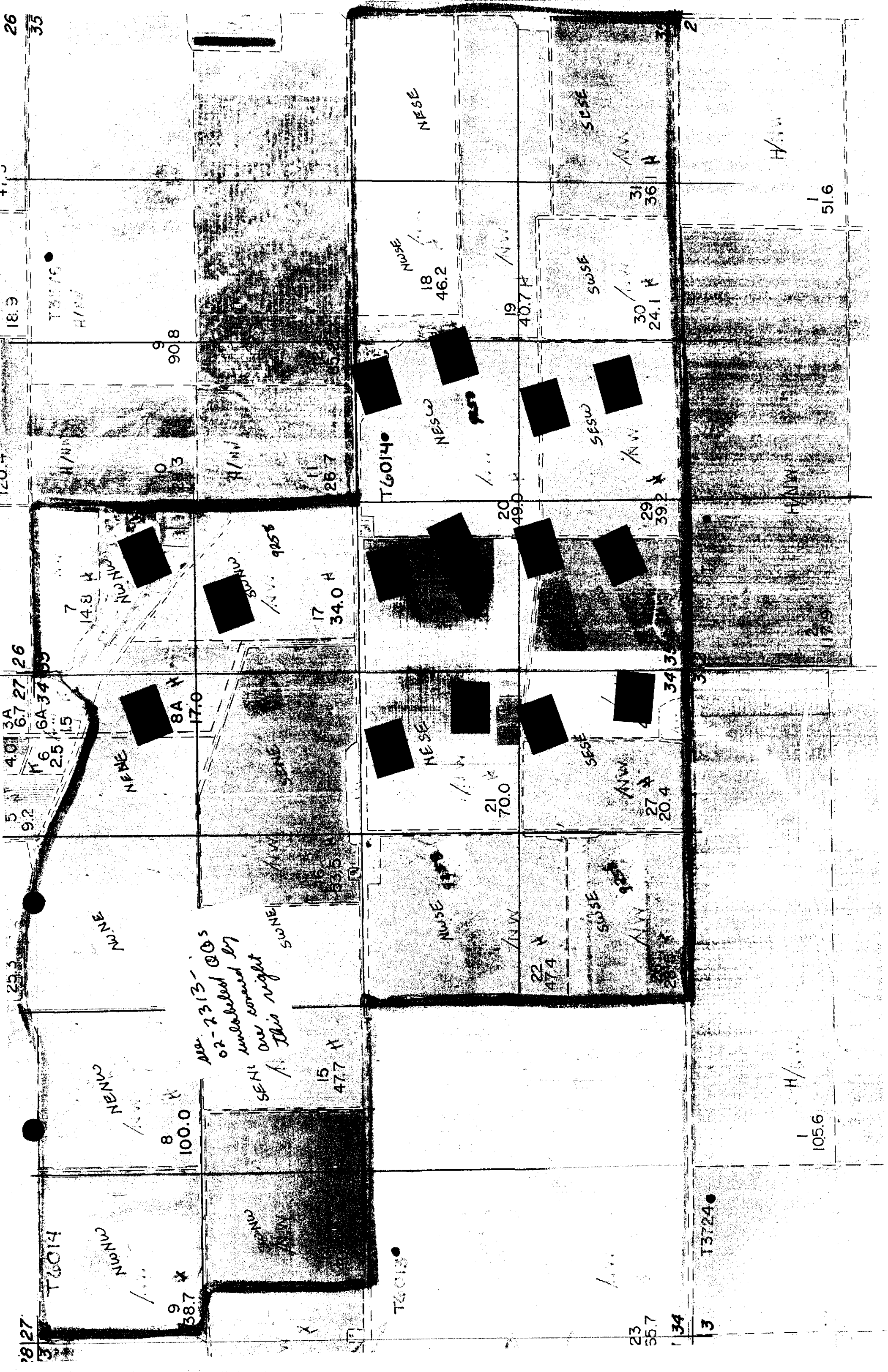
On this 26th day of February 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles Pintler, known or identified to me to be the President of the corporation that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

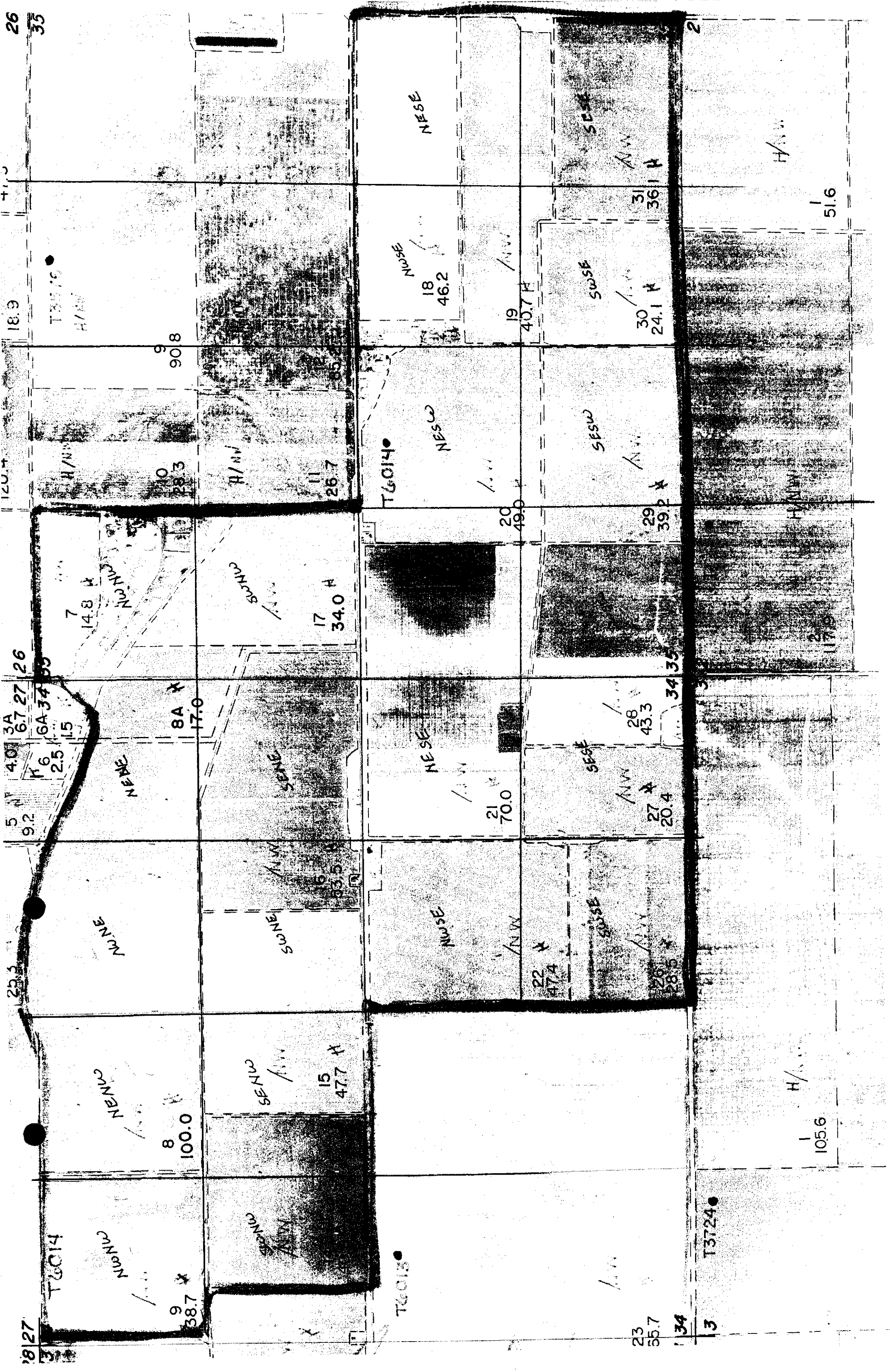
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

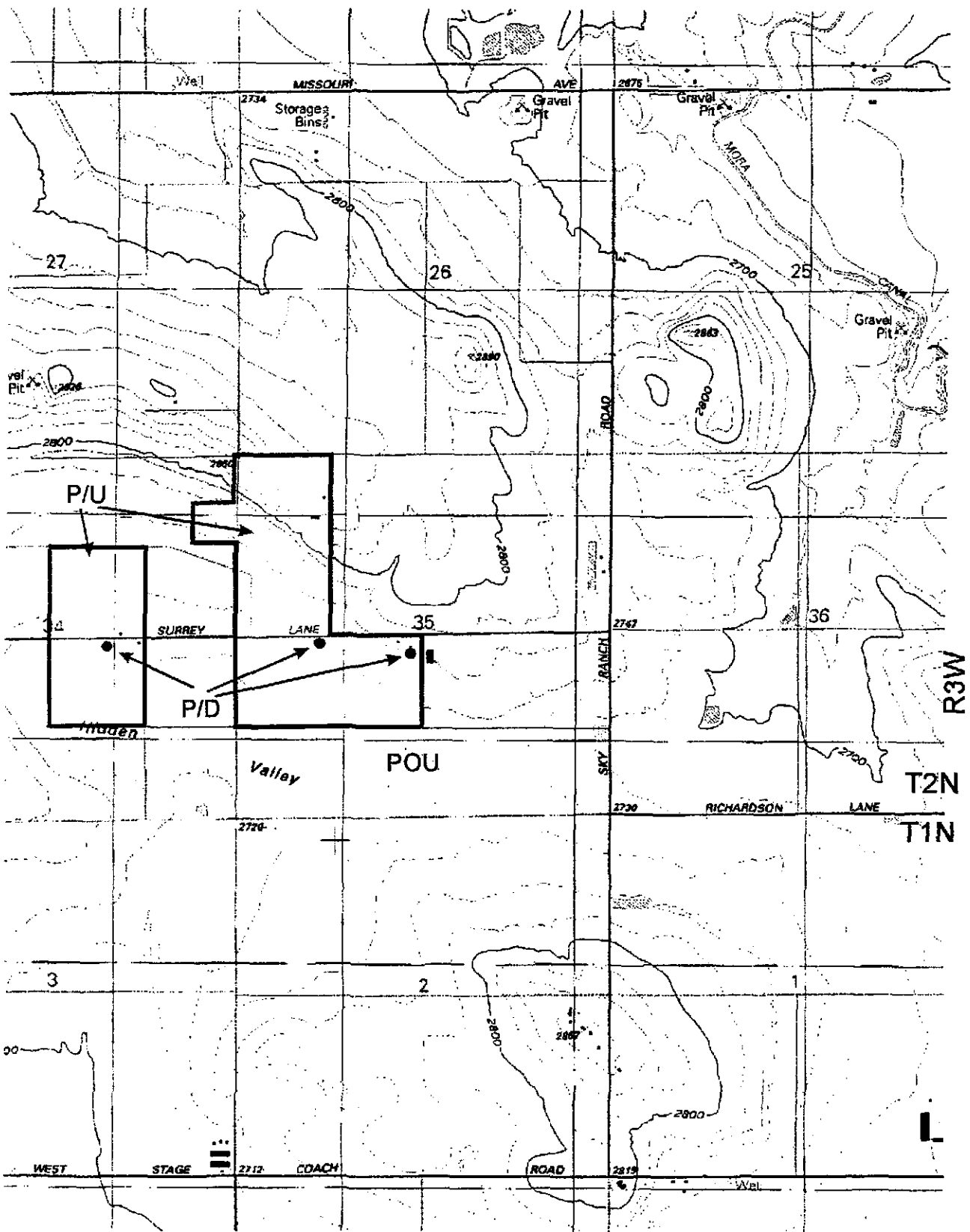
[Signature]
NOTARY PUBLIC for Idaho

My Commission Expires: 10/5/04









P/U and P/D Map for Charles D. Pintler

a

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)



Subcase

63-31487

(insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name:

Paul A. Rasgoroshek

Address:

12770 W. Roosevelt Ave.

Nampa, ID 83686

Daytime Phone:

573-3926

Name & Address of Attorney, if any:



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Paul A and Marilyn Rasgoroshek

Address:

12770 W Roosevelt Ave

Nampa, ID 83686

☒ I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☒ Quantity

Should be: enough cfs. to allow for 500 head of cattle

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☒ Purpose(s) of Use

Should be: enough water for 500 head of cattle.

8. ☐ Period of Year

Should be: _____

9. ☐ Place of Use

Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

☒ REASONS SUPPORTING OBJECTION(S): We are getting an affidavit that there has been 1000 head of cattle in the feedlot. There is currently a water right (63-9258) for 500 head of cattle. The feedlot has capacity for 1000 head of cattle and we'd like water for that capacity.

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.

CERTIFICATE OF MAILING

I certify that on June 20, 1997, 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: Paul A. Ragsorshet
Address: 12770 West Roosevelt Ave.
Nampa, ID 83686

3. Copies to:

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

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

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

Paul A. Ragsorshet
Signature of Objector or attorney
mailing on Objector's behalf

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of CANYON)

PAUL A RASCOVSHEK, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

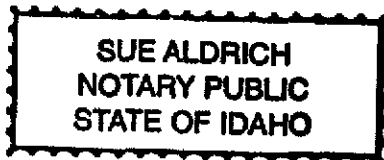
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Paul A. Rasgovshuk
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 20, 2007



Sue Aldrich
Notary Public for IDAHO
Residing at: WILDER
My Commission Expires: 9-30-09

07/14/2006

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

RIGHT NUMBER: 63-31487

NAME AND ADDRESS: PAUL A RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686

MARILYN RASGORSHEK
12770 W ROOSEVELT AVE
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

PRIORITY DATE: 08/01/1979

POINT OF DIVERSION:

T02N R03W S35 NENESW Within CANYON County

T02N R03W S35 NENWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T02N R03W S34	NENE	T02N R03W S35	NWNW
T02N R03W S35	SWNW		

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

CHNAGE IN OWNERSHIP LG-7-13-2006 REVIEWED BY SE

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT
STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER
63-9258 SINCE AUGUST OF 1979.

No beneficial use found: This is included for a claim based on beneficial use
that is proposed to be disallowed because beneficial use of water was not
confirmed by IDWRs field examination or by other evidence submitted by the
claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31487 V1

WATER RIGHT NUMBER: 63-31487 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES D PINTLER 13541 SURREY LN NAMPA, ID 83686 (208)466-6951
Current Owner	PAUL A RASGORSHEK 12770 W ROOSEVELT AVE NAMPA, ID 83686 (208)466-7722
Current Owner	MARILYN RASGORSHEK 12770 W ROOSEVELT AVE NAMPA, ID 83686 (208)466-7722

Priority Date: 08/01/1979

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 35, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4SW1/4	Sec. 35, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	03W	34	X				
02N	03W	35		X	X		

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31487 V1

1. THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER 63-9258 SINCE AUGUST OF 1979.
2. CHNAGE IN OWNERSHIP LG-7-13-2006 REVIEWED BY SE
3. P03 No beneficial use found.
4. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:Comments:

1. segbert 7/13/2006 disallowed

Comment: In 1986 the field examiner only mentioned 400 cows. The license was issued for 500 head in 1987. This right claimed that in 1979 there were 1500 head. There needs to be more proof that 1500 head of cattle were ever at the feed lot at one time.

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:
 Owner Name Connector:
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			07/14/2006	segbert	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31487 V1

Summary 7/14/2006 9:32:08 AM segbert

(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
(No) 4. Is any portion of the claim be recommended?
(Yes) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31487

WATER RIGHT NUMBER: 63-31487

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES D PINTLER 13541 SURREY LN NAMPA, ID 83686 (208)466-6951
Current Owner	PAUL A RASGORSHEK 12770 W ROOSEVELT AVE NAMPA, ID 83686 (208)466-7722
Current Owner	MARILYN RASGORSHEK 12770 W ROOSEVELT AVE NAMPA, ID 83686 (208)466-7722

*Disallow
No proof of beneficial use
P13
P03*

Priority Date: 08/01/1979

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 35, Twp 02N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4SW1/4	Sec. 35, Twp 02N, Rge 03W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	34	X																
02N	03W	35					X	X											

Conditions of Approval:

Disallow - the field examiner in 1986 only mentioned 400 cows - the license issued in 1987 was for 500 head. This right claims that in 1979 there were 1500 head of cattle yet the field exam does not mention that many. There needs to be more proof that that many cattle were ever at the feed lot.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31487

1. CHNAGE IN OWNERSHIP LG-7-13-2006 REVIEWED BY SE
2. THIS CLAIM IS TO RECOGNIZE THAT 1000 HEAD OF DAIRY REPLACEMENT STOCK HAVE BEEN WATERED IN ADDITION TO THOSE INCLUDED UNDER 63-9258 SINCE AUGUST OF 1979.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 5/8/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

Receipt Details for ID W029135

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/8/2002 4:51:12 PM	5/9/2002 2:51:47 PM	WESTERN	\$25.00	Check
Payer		DESERT FARMS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
21268			
Card Expiration Date	Credit Card Transaction #		

Comment

CLAIM TO A WATER RIGHT 63-9258

This is the receipt # for claim 63-31487

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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[Print Report](#)

MEMORANDUM

TO: ADJUDICATION FILE 63-31487

FROM: DANIEL A. NELSON *DAN*

DATE: 9/3/02

SUBJECT: TRANSFER OVERLAP REVIEW OF 63-31487

During a recent overlap review for a transfer for water right 63-2795, 63-2919 and 02-2208, I discovered some discrepancies in adjudication claim 63-31487. Below is summation of my review of water rights 63-31487 and 63-9258.

Water right 63-9258 is a licensed right with a priority date of 6/27/1979 for 6 homes and 500 range cattle for 0.18 cfs and 7.2 afa. The permit did not include cattle numbers, but cattle were added to the water right after the field exam the well supplies water to 400 head of livestock in a feedlot with the capacity of 500 head of range cattle.

Water right 63-31487 is a domestic beneficial use adjudication claim that was filed for 1000 head of livestock for 0.04 cfs and no volume limitation with a comment that the 1000 head are in addition to the 500 range cattle for 63-9285. 63-31487 claimed a priority date of 8/1/1979.

However, the field exam for 63-9258 was performed on 7/14/1986, and it states that the capacity of the facility was only 500 head of cattle. Mr. Pintler filed proof of beneficial use on 5/20/1986 for 500 head of cattle, and 63-9258 was licensed in April of 1987 and no claim was made during that process that there were not enough cattle listed on the license. I have spoken to Jan Shurte of the Western Region Adjudication staff, and she has informed me that **adjudication claim 63-31487 will probably be disallowed**, since the field exam shows that there were only 500 head of cattle at the feedlot until after 1987 when a permit and license would have been needed. Mr. Pintler would need to provide evidence to counter the information supplied in the field exam for 63-9258. Even if the claim could be allowed, it would be limited to 13,000 gallons per day when combined with water right 63-9258, since the stockwater was added to this license as an exempted use. This would provide enough water for approximately 1,000 head of range cattle and would probably change the priority date of 63-31487 to after April of 1987 to more accurately describe when the water use happened.

4/86

RECEIVED
MAY 10 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

EXAMINATION FEE INFORMATION

KEYPUNCHED

For Office Use Only

Fee Received \$100

Date 5/20/86

Receipt #40312

Receipt by 10

Sent to S.O. 5/27/86

RECEIVED
MAY 18 1986

1. Permit No. 63-9258

2 ROOT FILE
5-20-1986

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: PINTLET & SON

3. Post Office Address: RT4 Box 4243 Nampa ID 83651

Telephone No. 466 6951

4. Source of Water: UNDER GROUND

5. Extent of Use:

FOR 500
RANGE CATTLE

Domestic 6 (No. of households) Stockwater 500 (No. and type of stock)

Irrigation (acres) Other/Remark

6. Total rate &/or volume for which proof is submitted 124 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

7-79

8. Person to contact to accompany the department representative during the field examination:

CHARLIE PINTLET

(Name)

RT4 Box 4243

Nampa

IDAHO

466 6951

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

PROOF RECEIPTED
5-20-1986

STATE OF IDAHO		check No. 1238-	
Department of Water Resources		Nº 40	
Boise, Idaho, 5/20, 1986			
RECEIVED FROM	Desert Sun Farms Inc. Nampa, ID		
	One hundred dollars & 00/100		DO
FOR			
Exam Fee	\$ 100	00	
63-9258	\$		
	\$		

20 - Pampa

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

63-9258
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index PCG 7/14/86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☒ Other: Trigger well

Check of P/U index J 1/86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☒ Other: Irrigation well

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? 10/27/86 JD (Initial and date)

- ☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Richard Joseph 7/14/86 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent JD 8/7/86 (Initial and date)

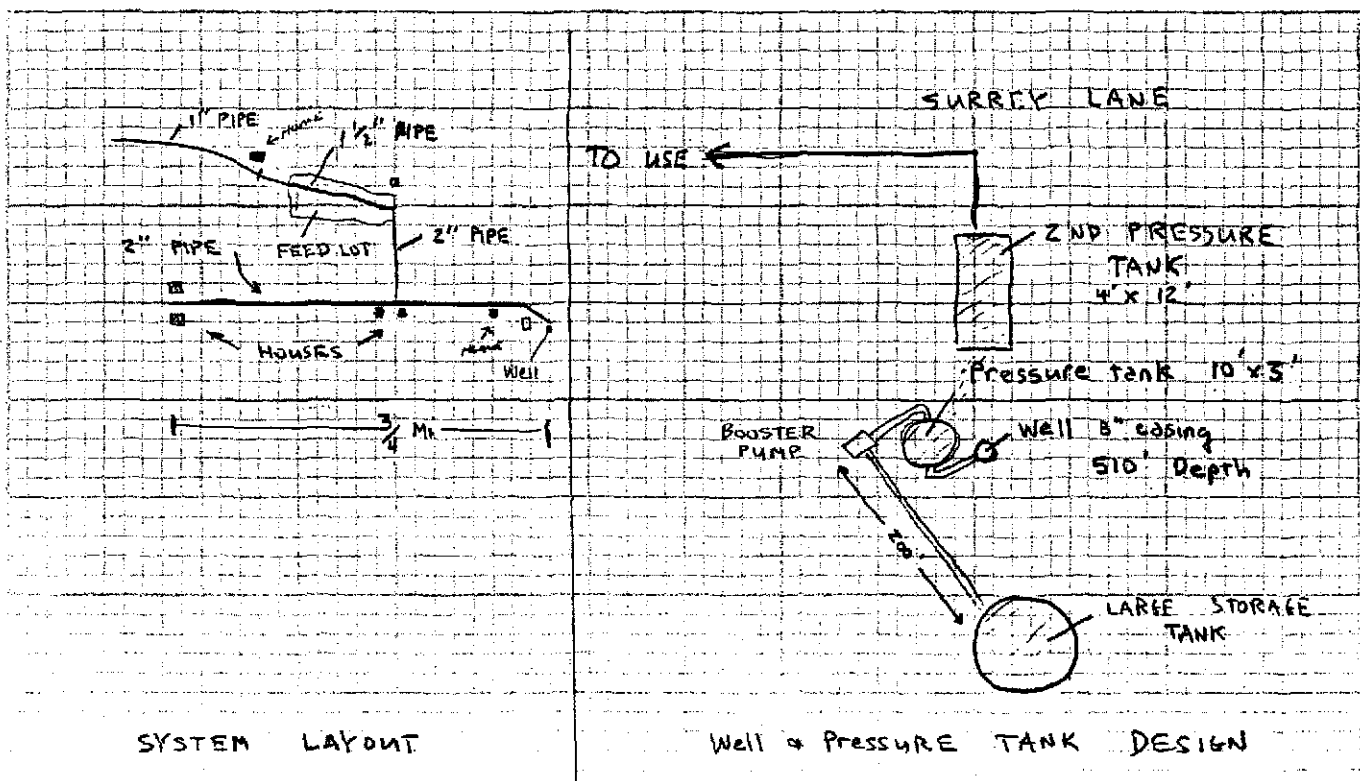
Exam Reviewed by Manager of Regional Office JD 12/9/86 (Initial and date)

Exam Date Entered in Computer 1-6-87 (Initial and date)

Exam sent to State Office EH 1-20-87 (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT**A. GENERAL INFORMATION**Permit No. 63-92581. Owner: Pintler & SonPhone No. 466-6951Current Address: Rt 4 Box 4243 Nampa ID2. Accompanied by: Charlie PintlerEXAM. DATE: 7/14/86Address: -Phone No. -Relationship to Permit Holder: Owner3. Source: Groundwater tributary to -CD-6-87**B. OVERLAP REVIEW**1. Other water rights with same place of use: NoneField Exam
PERFORMED 7/14/86☐ Copies Attached2. Other water rights with same point of diversion: None☐ Copies Attached☐ Copies of Field Exam's Attached**C. SYSTEM DESCRIPTION**1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

TOP VIEW



Scale: 1" = _____

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

System Description (continued)

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

A well 8" by 510' deep supplies water for 6 domestic units and

500 head of cattle. The pump is a 15 HP Berkeley Submersible.

Two pressure tanks are used to supply 98 PSI to the system.

A 2" mainline travels $\frac{3}{4}$ mile along slurry lane to supply water to 4 domestic units. A 2" line travels north $\frac{1}{2}$ mile to the feedlot and to other houses.

FOR 500 head of cattle

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Domestic Well	-	15	-	Berkley	8" casing

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

- 5. Point(s) of Diversion:**

[illegible]

- 6. Place(s) of Use:**

Indicate Method of Determination

[illegible]

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
		N/A				

2. Measurements:

~~Handwritten notes:~~
 400 head of cattle.
 Usage 400 Head cattle = .09 cfs
 Domestic 6 hours = .11 cfs max flow rate
 (FROM MAX. INSTANTANEOUS FLOW REQ FOR Com)
 IN-HOUSE ONLY - ALLOW .18 SINCE IRR. USE ALSO OCCURS.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: None Horsepower EQ $(15 \text{ HP}) \times 3.8 \times .8 = .18 \text{ cfs}$
 900 ft + (2.3 x 75)

2. Alternate Method for Checking Purposes: None

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

6 Homes x 1.2 AF/ANNUAL = 7.2 AF/ANNUAL
 HOME

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Other P/D's in same 1/4 1/4 63-2795

Used only for irrigation purposes

All place of use overlaps are for the irrigation purposes

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.18 cfs	7.2
Totals:			.18 cfs	7.2

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Richard J Gempert

Signature

Richard J Gempert

Certification Date

Field Report Preparation Date

7-14-86

CONSULTANT SEAL

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

State of Idaho
Department of Water Resources

RECEIVED
APR 27 1987

WATER RIGHT LICENSE

WATER RIGHT NO. 63-9258

Department of Water Resources
Western Regional Office

Priority: June 27, 1979

Amount: .18 CFS

7.2 AFA

This is to certify, that PINTLER & SON
RT. 4 BOX 4243
NAMPA, ID 83651

LICENSED
4-27-87

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 27, 1979, and has submitted proof to the Department of Water Resources on June 28, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .18 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.18 cfs	7.2 afa

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 35, Township 2N, Range 3W
Canyon County

PLACE OF USE: Domestic

TWN RGE SEC

2N 3W 34
35

SWNE
SWNW

NWSE
NESW

NWSW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 6 homes & 500 range cattle.

FOR 500 Range
CATTLE.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of April, 1987.

Acting for the Director

Norm Young



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 13 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Paul and Marilyn Rasgorshek
12770 W Roosevelt Ave
Boise, ID 83686

Nampa - Sent corrected letter

Notice of Claim to a Water Right No. 63-2919, 63-2795, 63-9258, 63-31487

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure