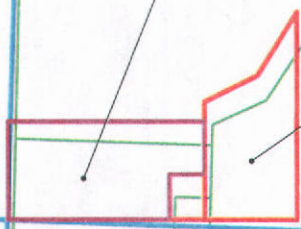


05N05W

11

PELOQUIN, LEO & NANCY
4.6 ACRES

INESK, ANTHONY & SHAWNA
3.6 ACRES

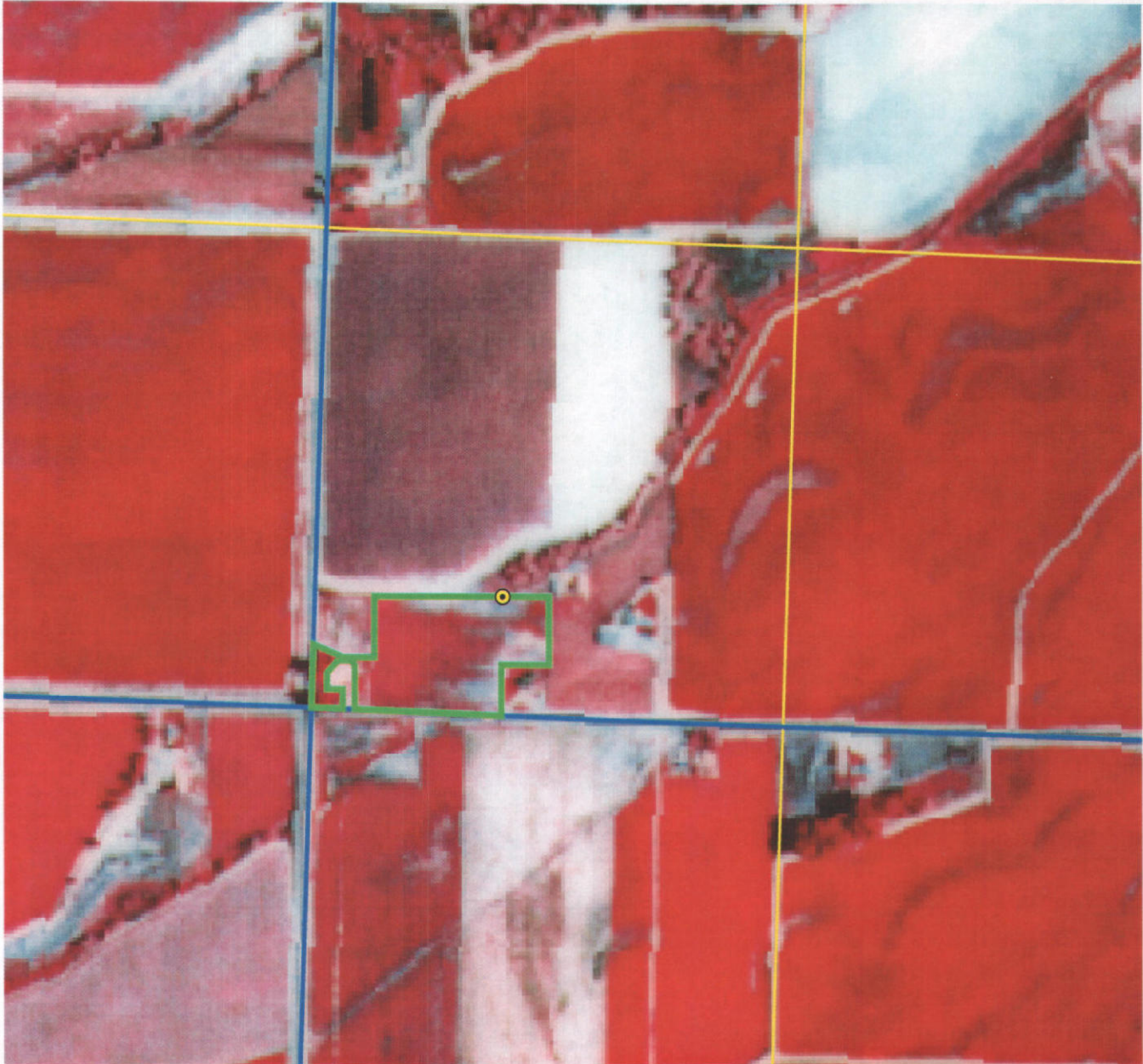




Idaho Department of Water Resources

63-32348

05N 05W Section 11



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 3.7

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 07-20-06
1986-87 Photography



**Pink Box =
40 Acres Claimed**

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

AUG 07 2006

WATER RESOURCES
WESTERN REGION

Ident. Number 63-32348
Date Received: 5/1/2006
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NANCY E PELOQUIN Phone: (208)722-5949
25976 MARKET RD
PARMA ID USA 83660

LEO PELOQUIN Phone: (208)722-5949
25976 MARKET RD
PARMA ID USA 83660

2. Date of Priority: 03/30/1948

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	11	SW SW	CANYON	

5. Description of diverting works:

Pump, gated pipe

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.12	
STOCKWATER	01/01	12/31	0.01	

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

8. Total consumptive use:

9. Non-irrigation uses: Up to 10 mixed stock

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	11	SW	SW	STOCKWATER IRRIGATION	4
			SW	SW		
					Section Acres	4
					Total Acres	4

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: 63-28565 for domestic use

14. Remarks: Originally filed change in ownership for portion of claim 63-4938.
See claim file memo for additional information.

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: _____

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): Leo Pulgarin Date: 8/05/2006

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

MEMO

DATE: 7/19/2006

FROM: Lori Graves

TO: Claim Files 63-32348, 63-32349

RE: Changes in Ownership, Claim 63-4938

The W1/2SW S11 was originally owned by the Reynolds Family. Statutory claim 63-4938 was filed by Lyman Reynolds and SRBA claim 63-4938 was filed by the Reynolds Family Trust for irrigation of 40 acres in the NWSW only. Owners of property in the SWSW, Peloquin and Inesk, filed for portions of claim 63-4938 because their properties were originally owned and irrigated by Lyman Reynolds.

Claim 63-4938 was then split, creating 63-32348 for Peloquin and 63-32349 for Inesk. The remainder of the right became 63-32347. After review, it was determined that Peloquin and Inesk could not claim portions of 63-4938 because their properties were not located in the NWSW as listed on the original claim, however, in the process, they had provided enough supporting documentation to have their own beneficial use rights for irrigation. As a result, beneficial use claims 63-32348 and 63-32349 reflect private systems not linked to 63-4938 and remainder right 63-32347 was deleted from the system by Dave Grindle.

The NWSW acres listed on claim 63-4938 are currently owned by Jon Weilmunster and Bobby Hicks per county tax records. Evidence of beneficial use, priority and change in ownership will be requested from these parties.

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>ALB-4938</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)

REYNOLDS FAMILY TRUST
887 STRIKE WAY KUWA ID 83634

4. New Owner/Claimant(s)

LEO +/or NANCY PELOQUIN

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

New Mailing Address

25976 MARKET RD

City, State and ZIP Code

PARMA ID 83660

New Telephone Number

208 722-5949

- 5. Date you acquired the property

4/15/1976

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 <u>A63-4938</u>		
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	<u>.09 cfs / 20.7 ac</u>	<u>4.58 ac - NWSW S11</u>
Stock		<u>TSN RSW</u>
Domestic		
Other		
Total	<u>4.58 ac Portion</u>	

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) Lisa P. [Signature]
(include title if applicable)

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by eg AJ Date 7-7-06 WR _____ Date _____

WARRANTY DEED

For Value Received DONALD W. PRYOR and DAPHNE A. PRYOR, husband and wife,
of Parma, Canyon County, Idaho

the grantors, do hereby grant, bargain, sell and convey unto

LEO PELOQUIN and HANCY E. PELOQUIN, husband and wife, of Route # 1, Parma,
Canyon County, Idaho

the grantees, the following described premises, to-wit:

N11401540.08 E226566.83

Beginning at the Southwest corner of the
Southwest Quarter of the Southwest Quarter
(SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, T 5 N, R 5 W BM,
Canyon County, Idaho; running thence North
325 feet; thence East 670 feet; thence South
175 feet; thence West 120 feet; thence South
150 feet; thence West 550 feet to the point
and place of beginning;

Together with all water, water rights, ditches
and rights-of-way for ditches appertaining thereto.

REQUEST
BY
CANYON ABST & TITLE CO
J. CO

RECORDED
BY
CANYON ABST & TITLE CO
J. CO

706 SEP 8 PM 3 17

RECORDED

8622370

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: 15th April, 1976.

Donald W. Pryor

Daphne A. Pryor

STATE OF IDAHO, COUNTY OF Canyon

On this 15th day of April, 1976.

before me, a notary public in and for said State, personally
appeared Donald W. Pryor and Daphne A. Pryor

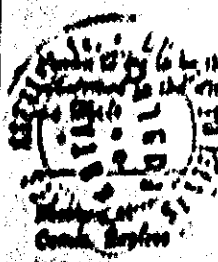
STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____
Mail to: _____



the person s who so name s and
they executed the same.

Notary Public
Parma, Idaho

INSTRUMENT No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Leo and Nancy Peloquin
25976 Market Rd
Parma, ID 83660

Re: Original Notice of Claim to a Water Right No. 63-4938
Renumbered Notice of Claim to a Water Right No. 63-32348

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg
Enclosure

63-4938

Reynold's Family Trust

40 acres

.80cfs (irrigation)

.030cfs (stockwater)

$$.80 \div 40 = .02 \times 31.8 = .636$$

$$.02 \times 4.6 = .092$$

$$.02 \times 3.6 = .072$$

63-32347

Reynolds

31.8 acres

.636cfs

63-32348

Peloquin

4.6 acres

.092cfs

63-32349

Inesk

3.6 acres

.072cfs

05N05W

11

PELOQUIN, LEO & NANCY
4.6 ACRES

INESK, ANTHONY & SHAWNA
3.6 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lyman S. Reynolds

(Name of Claimant)

Rt. 1, Box #1025, Parma, ID 83660

Telephone No. 722-6970

(Mailing Address)

{Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 30, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Drain (Waste from Farmer's Co-op Canal), tributary to Boise River

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

		(Both dates inclusive)	
(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>.80 Cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity <u>.03 Cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) .83 Cfs TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SW ¼, Sec. 11 Twp. 05N Rge. 05W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Sump, Motor, Pump, and Pipeline.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

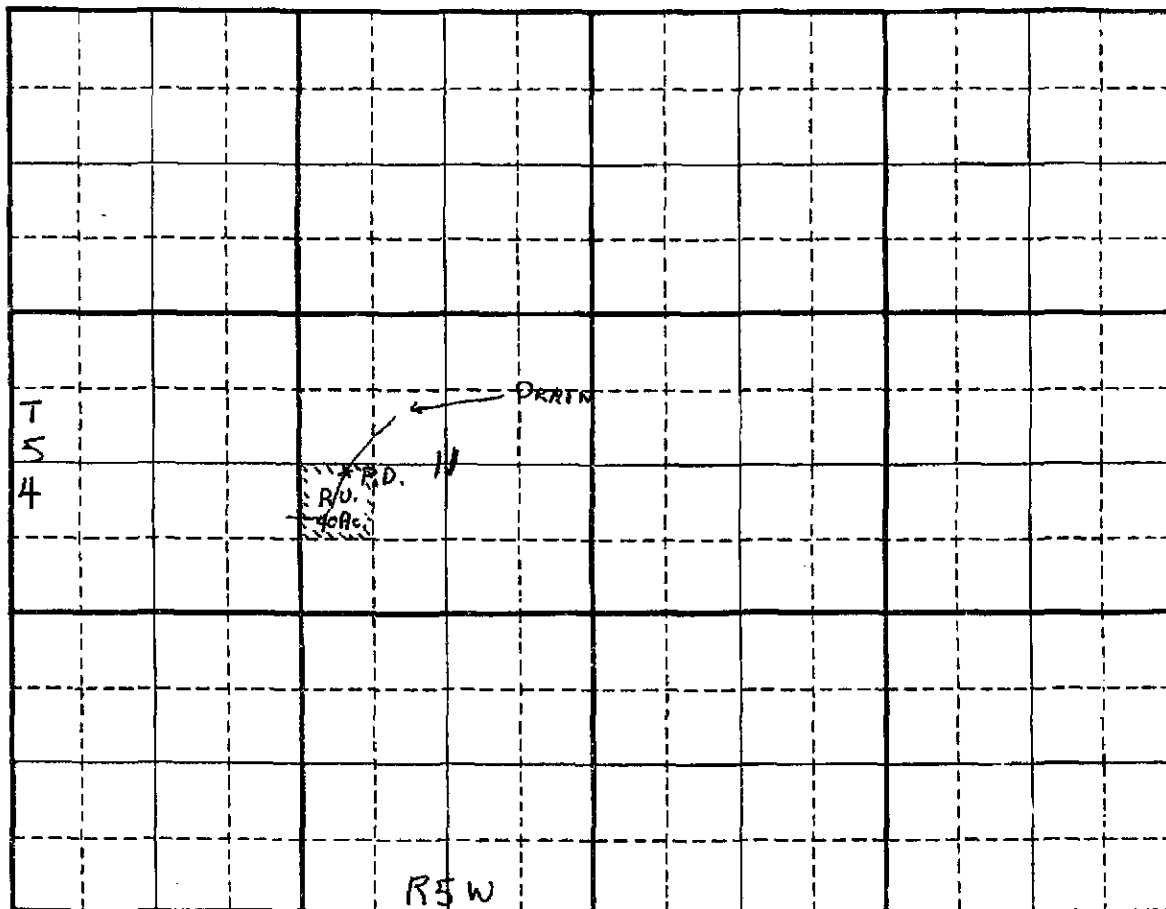
No. of acres 40

If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for up to 100 head mixed Dairy and Range Cattle.

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks At the time of the first application to beneficial use, water was for supplemental irrigation on 26 acres and new irrigation on 4 acres. See canceled Permit # 20350 for pertinent background information. Subsequently use became as hereon described. Waste may be better described as being from Farmer's Cooperative Sebree Canal.



Scale: 2 Inches equal 1 mile.

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

State of Idaho)
County of ADA) ss.

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

Sworn to before me this 15 day of DECEMBER

Sydney S. Reynolds
(Claimant)
Notary Public
Residing at BOISE

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by LLS Date 12/15/82 Exception Filed by: _____ Date _____
Prelim. check by LLS Date 12/21/82
\$30.00 fee received by LLS Date 12/15/82 #23071
Published in Boise Tribune
Dates 12/30 & 1/6/83

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 63-32348

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM-1
OBJECTION

RECEIVED

Please fill in the following information:

JUL 19 2007
DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

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: Leo and Nancy Peloquin

Address: 25976 Market Rd.

Parma, ID 83660

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder 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 Wilder 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 Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)

County of Ada)ss.

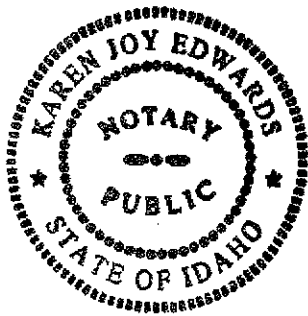
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Leo and Nancy Peloquin

Address: 25976 Market Rd.

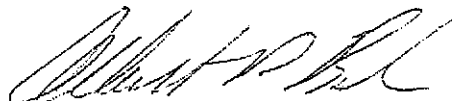
Parma, ID 83660

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

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: 63-32348

LEO PELOQUIN
25976 MARKET RD
PARMA ID 83660
Telephone Number: (208)722-5949

NANCY E PELOQUIN
25976 MARKET RD
PARMA ID 83660
Telephone Number: (208)722-5949

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10-30-2006 SIGNATURE: Leo Pelouquin
Please print your name: LEO PELOQUIN

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

12/10/2006

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

RIGHT NUMBER: 63-32348

NAME AND ADDRESS: LEO PELOQUIN
25976 MARKET RD
PARMA ID 83660

NANCY E PELOQUIN
25976 MARKET RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.120 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/30/1948

POINT OF
DIVERSION: T05N R05W S11 SWSW 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	0.010 CFS
IRRIGATION	03/01 11/15	0.110 CFS

PLACE OF USE: IRRIGATION in CANYON County
T05N R05W S11 SWSW 3.70
STOCKWATER in CANYON County
T05N R05W S11 SWSW

3.7 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Stockwater use is for 10 horses and cattle.



Idaho Department of Water Resources

63-32348

05N 05W Section 11



-  POU
-  POD
-  Sections
Quarter/Quarter

Total Irrigated
Acres: 3.7

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 07-20-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32348 V1

WATER RIGHT NUMBER: 63-32348 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEO PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949
Current Owner	NANCY E PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949

Priority Date: 03/30/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	
IRRIGATION	03/01 to 11/15	0.110 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4SW1/4	Sec. 11, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	11											X						

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	11											3.7						3.7

Total Acres: 3.7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32348 V1

Conditions of Approval:

1. X02 Stockwater use is for 10 horses and cattle.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. 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.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. Igraves 7/20/2006 Priority Date
Comment: See affidavit and attachments in file for evidence of priority.
2. Igraves 7/20/2006 System Capacity
Comment: A theoretical calculation was possible based on information provided by the claimants per office visit 5/1/06.
3. Igraves 7/20/2006 Filing History
Comment: Claimants originally tried to file on a portion of 63-4938. See file memo dated 7/19/06 for more information. Additional fees were not solicited due to filing history (per Jan Shurte 7/19/06). Also worth noting is that claimant withdrew overlapping claim 63-28564 without a refund in fees.
4. Igraves 7/20/2006 Overlaps
Comment: The p/u is within Farmers Co-op Ditch Co. service area, however, claimants stated that they do not have shares with the company. Claimants also have decree 63-28565 for domestic and stock use from ground water.
5. Igraves 7/20/2006 Parcel No.
Comment: Irrigation is within Parcel No. R3886600000.

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:
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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32348

WATER RIGHT NUMBER: 63-32348

Owner Type Name and Address
 Current Owner NANCY E PELOQUIN
 25976 MARKET RD
 PARMA, ID 83660
 (208)722-5949
 Current Owner LEO PELOQUIN
 25976 MARKET RD
 PARMA, ID 83660
 (208)722-5949

Priority Date: 03/30/1948
 Basis: Beneficial Use
 Status: Active

Source Tributary
 UNNAMED DRAIN BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	
IRRIGATION	03/01 to 11/15	0.120 CFS	
<u>Total Diversion:</u>		0.130 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN SW1/4SW1/4 Sec. 11, Twp 05N, Rge 05W, B.M.
 CANYON County

Place of Use

STOCKWATER
 Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals
 05N 05W 11 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

IRRIGATION
 Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals
 05N 05W 11 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

Total Acres: 4

Dates and Other Information:

Claim Received Date: 5/1/2006
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 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

per 1987 photo

add: X02 - up to 10 horses
 + cattle per
 claimant 7/19/06

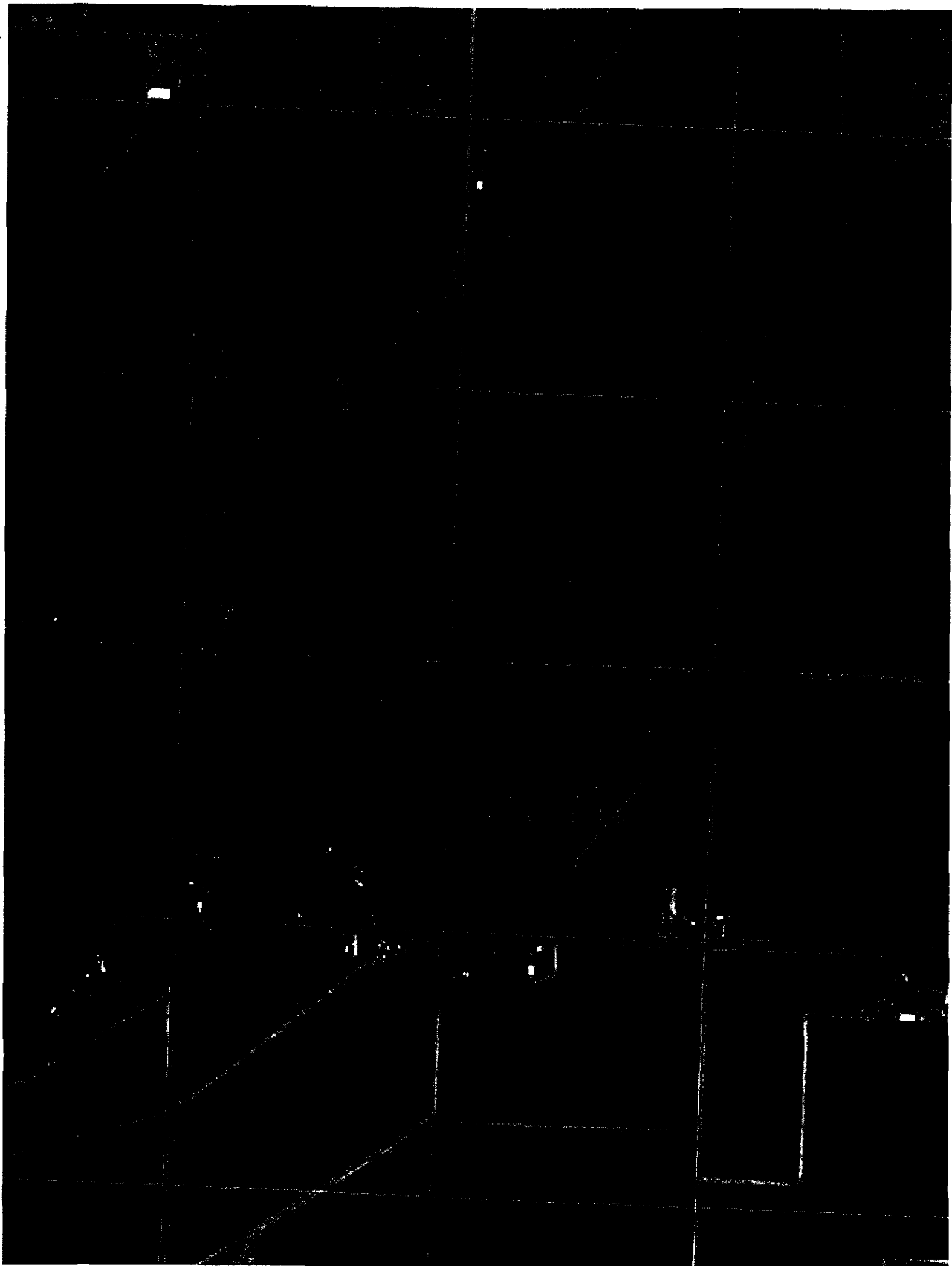
Per office visit by Leo
Pelogian 5/1/2002:

Pump - 5 HP Jacuzzi
20' hft
Open discharge
into gated pipe

THEO:

$$\frac{5 \text{ HP} \times .7 \times 8.8}{20' + (10 \text{ PSI} \times 2.31)} = .71 \text{ cfs}$$

↑
acts for friction



IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
ALB-4938)
)
)
)

AFFIDAVIT

State of Idaho)
County of CANYON)

deposes and says: THIS PROPERTY WAS PURCHASED BY
MR. REYNOLDS IN 1946 PER THE ATTACHED WARRANTY
DEED. THE DIVERSION SYSTEM FOR THIS CLAIM
WAS/IS ALSO USED FOR DIVERSION OF FARMERS
CO-OP WATER THAT IS DIVERTED FOR IRRIGATION
IN THE SW 1/4 SH STARTING CLEAR BACK TO
THE 1920'S AS REFERENCED ON THE ATTACHED
ABSTRACT OF TITLE PAGE. PER THE ATTACHED
EVIDENCE, THE 1948 PRIORITY DATE LISTED ON
CLAIM ALB-4938 IS A REASONABLE DATE. PLEASE NOTE
THE DRAIN CONTAINS NATURAL FLOW WHEN DISTRICT
WATER IS NOT BEING USED. IRRIGATION WATER IS
REFERENCED FOR THE SW 1/4 SH THROUGHOUT THE
ABSTRACT. PLEASE LET ME KNOW IF MORE INFORMATION
IS NECESSARY

Leo P. Pappas 5-8-2006
(Signature)

S. C. Cates and wife, Mary E.
Cates,

-TO-

Lyman Reynolds and wife,
Gertrude E. Reynolds

WARRANTY DEED.

No. 1

Dated, May 16, 1946
Recorded, May 22, 1946. 9.08 A.M.
Book 165 Deeds, Page 343
Consideration, \$5000.00
\$5.50 I.R.S. Cancelled
Document No. 311204

Signed: S. C. Cates, Mary E. Cates

Acknowledged, Canyon County, Idaho, May 16, 1946 by S.C. Cates and wife, Mary E. Cates, before Ernest Anderson, Notary Public for the State of Idaho, Residing at Parma, Idaho. (SEAL)

PROPERTY:

The $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ and the $W\frac{1}{2}$ of the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ all of Section 11 Twp. 5 N.R. 5 W.B.M. containing 30 acres, more or less.

Subject to the taxes for the year 1946 and all subsequent years.

in Section 11, Twp. 5 N.R. 5 W.B.M. containing 25 acres more or less together with 10 undivided shares of stock in the Farmers' Co-operative Ditch Company said County and State; On June 24, 1926 Eugene E. Hamilton was indebted to the estate of Catherine C. Hamilton deceased, in the sum of \$623.94 which indebtedness was a part of the personal estate of the said deceased and by virtue of the Mutual Settlement Deeds heretofore mentioned became the property of Elmer R. Hamilton and to secure such amount to Elmer R. Hamilton, Eugene E. Hamilton and wife, Mabel Hamilton, made and executed their note to Elmer R. Hamilton for \$623.94 and secured the same by making and executing to him a mortgage for that amount on the last above described real estate; said mortgage being dated June 24, 1926; Said deeds and mortgage were all duly executed by the respective grantors therein and duly acknowledged; Said deeds and the mortgage and note are presented to this Court and the administrator asks for an order of this Court approving said instruments and for an order directing him as such administrator to file said deeds and mortgage for record in the recorder's office of said Canyon County as a part of the settlement and voluntary partition of said estate;

On June 24, 1926, Elmer R. Hamilton and wife, Lenor V. Hamilton, Eugene E. Hamilton and Mabel Hamilton his wife, and Cora Mae Colson a widow, as grantors, respectively, executed warranty deeds to Clara C. Shirtz as grantee, each grantor thereby conveying his or her undivided $\frac{1}{4}$ interest to the said grantee, for a mutual consideration in the W 30 acres of the said 80 acre tract of land more particularly described as the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ all in Sec. 11 Twp. 5 N.R. 5 W.B.M. said County and State containing 30 acres more or less together with their interest in 10 undivided shares of stock in the Farmers' Co-operative Ditch Company; On June 24, 1926, Clara C. Shirtz was indebted to the estate of Catherine C. Hamilton, deceased, in the sum of \$712.48 which indebtedness was a part of the personal estate of the said deceased and by virtue of the Mutual Settlement Deeds heretofore mentioned became the property of Elmer R. Hamilton; to secure such amount to Elmer R. Hamilton, Clara C. Shirtz and her husband, Harris E. Shirtz, made and executed their note to Elmer R. Hamilton for that amount to wit: \$712.48 and secured the same to him by making and executing to him a mortgage for that amount upon the last above described real estate which said mortgage was dated June 24, 1926;

The said deeds and mortgage were all duly executed by the respective grantors therein and duly acknowledged; said deeds and mortgage and note are presented to this Court with this petition and the administrator asks for an order of this Court approving said instruments and for an order directing him as such administrator to file said deeds and mortgage for record in the recorder's office of Canyon County, Idaho, as a part of the settlement and voluntary partition of the said estate;

On June 24, 1926 Elmer R. Hamilton and wife, Lenor V. Hamilton, Eugene E. Hamilton and wife, Mabel Hamilton and Clara C. Shirtz and husband Harris E. Shirtz as grantors respectively made and executed warranty deeds to Cora Mae Colson, as grantee for a mutual consideration, each

