



Idaho Department of Water Resources

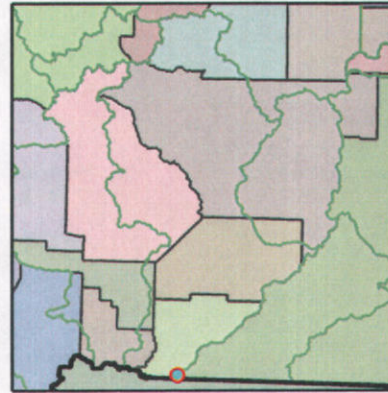
SRBA Recommendation:

63-32533

(Irrigation)

Legend

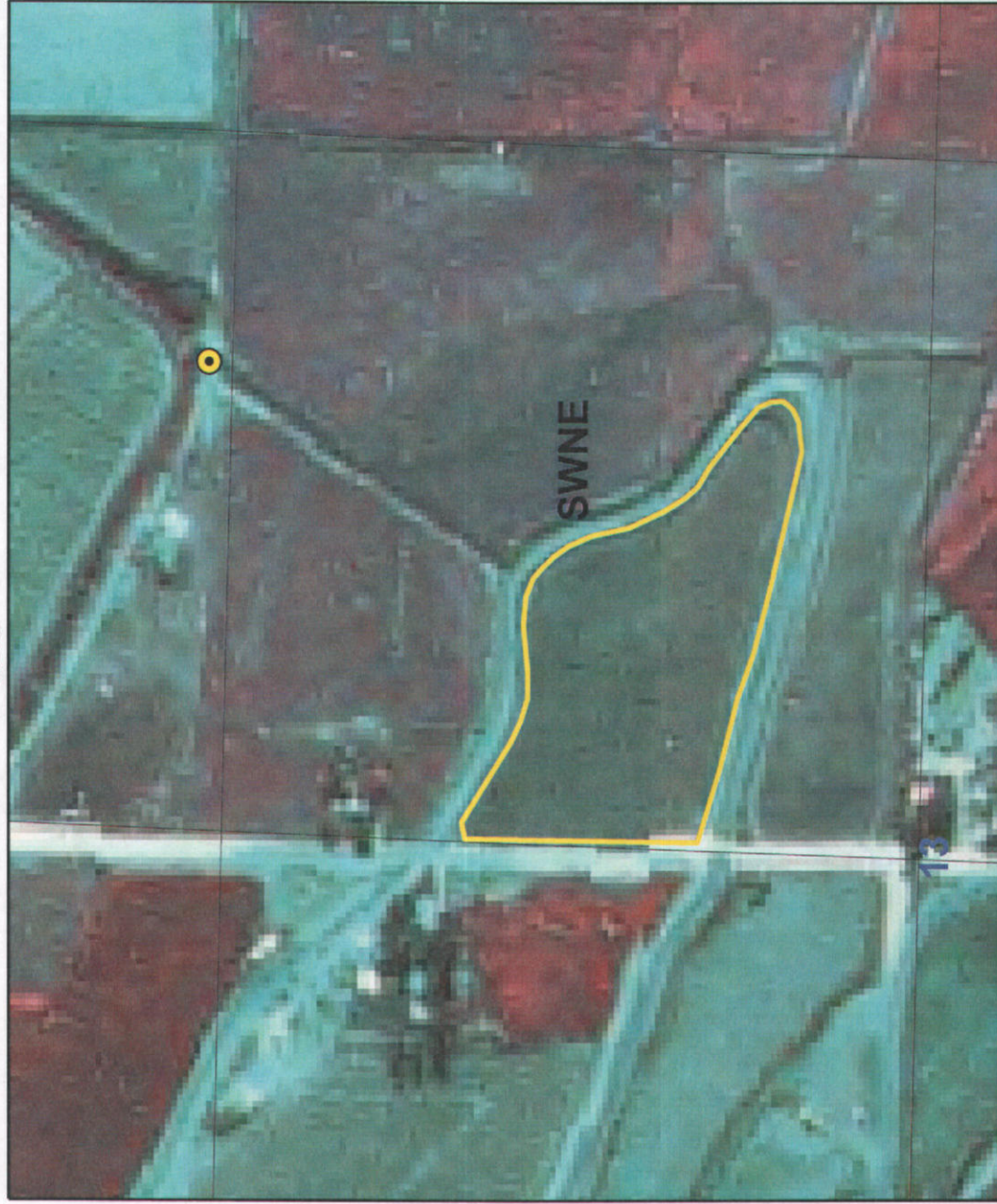
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Tuesday, October 31, 2006
1987/88 Aerial Photography

R06W



0 0.1 0.2 Miles



Idaho Department of Water Resources

SRBA Recommendation:

63-4035

(Irrigation)

Acres = 21.6

Legend

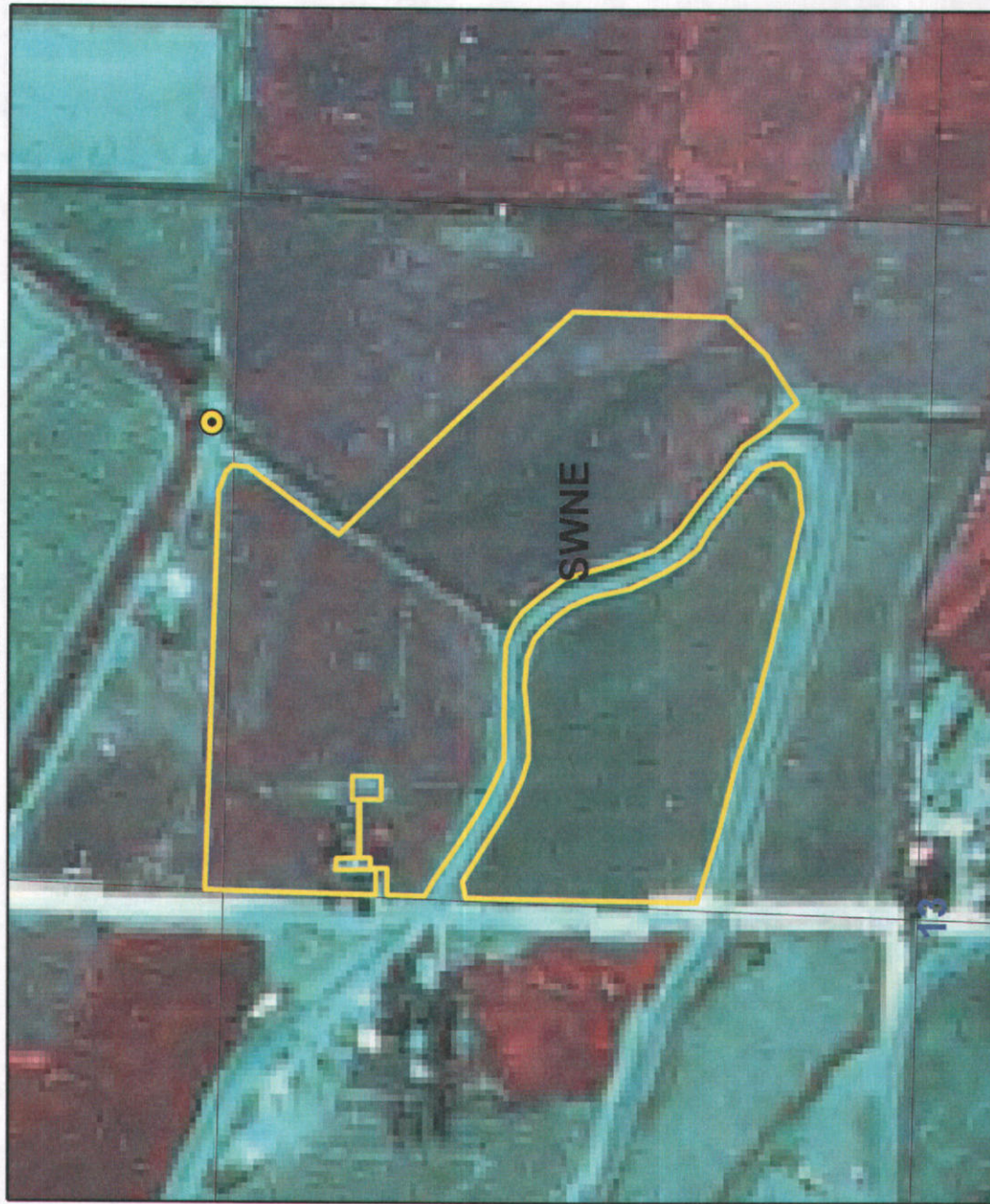
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by K. Walker
On Monday, October 16, 2006
1987/88 Aerial Photography

R06W



T04N



0 0.1 0.2 Miles

R6W S13

NENW

T4N R6W S13

NWNE
0.6 acres total

Hernandez owns
0.6 acres in this forty.

Hernandez owns
14 acres in this forty.

*Riverside
Water Entail
Here.*

Aten owns 6.7 acres
in this forty.

SENW

SWNE
20.7 acres total

NESW

NWSE

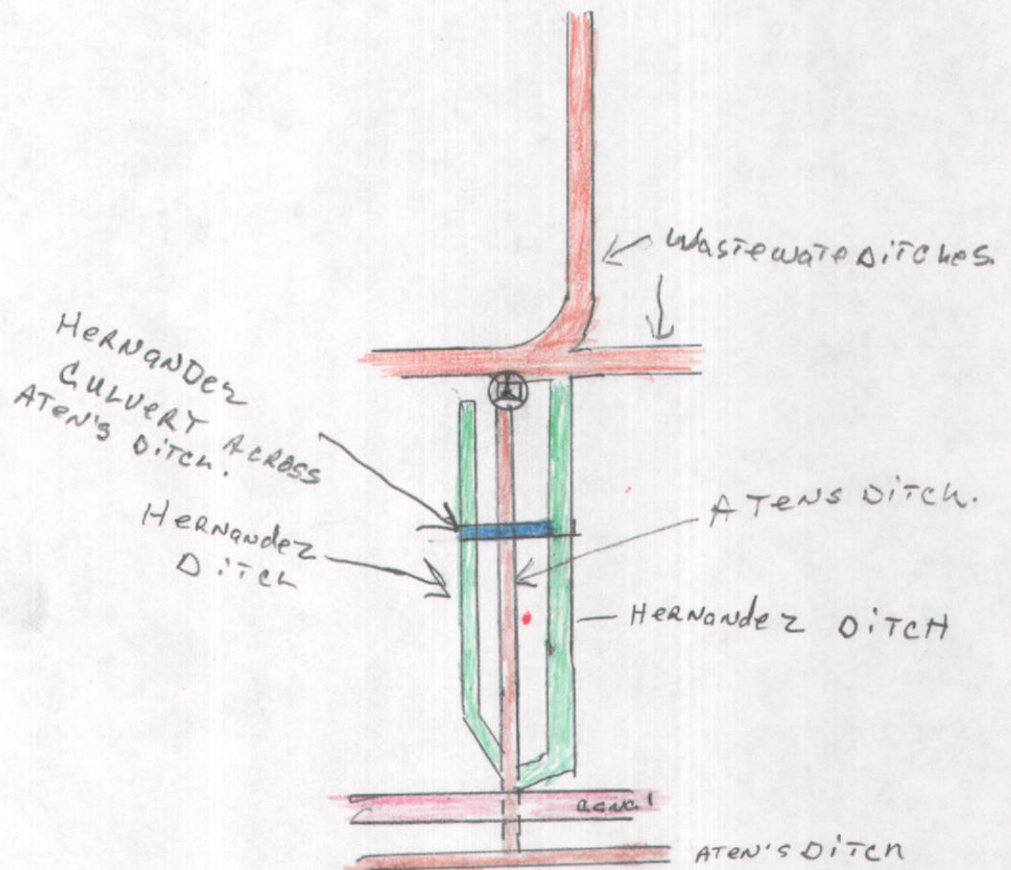
NESE

NENE

SENE

*used
Water
Entail
Here*

DIVERSION DIAGRAM FOR ADJUDICATION CLAIM 63-4035



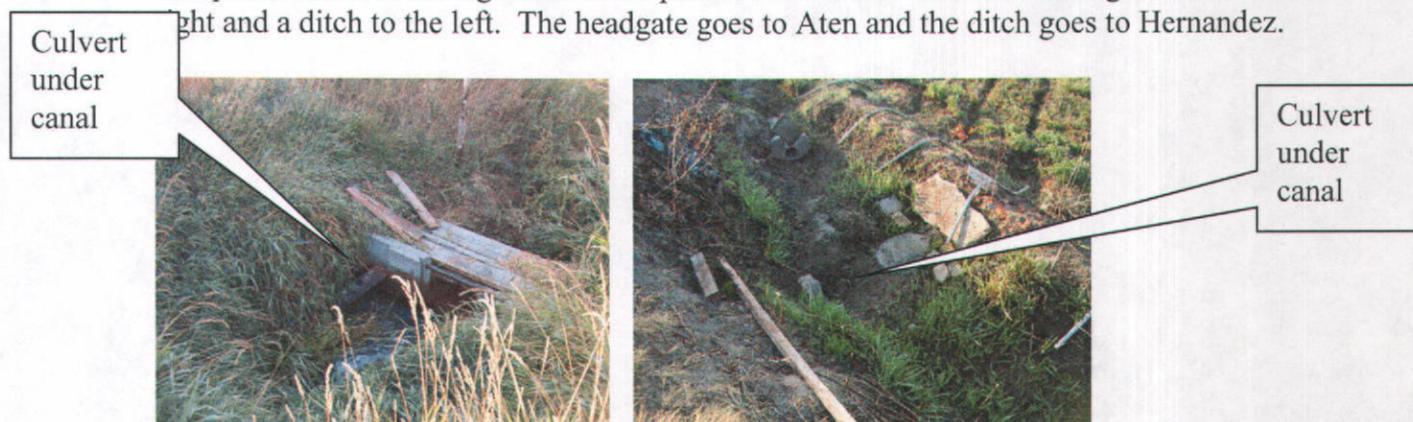
The water for this claim is diverted from a single point in the drain. There are actually two points of diversion, but they are located at the same point on the drain. The Aten diversion is through a headgate that travels south through an underground cement culvert under the Riverside Canal to his irrigation ditch. The Hernandez diversion is located at the same spot in the drain, but it flows through an open ditch without any headgate. The water also runs south, but it is diverted across Aten's ditch through a tin culvert into an another ditch. The Hernandez ditch continues south and irrigates a small field and then dumps back into Aten's ditch. The ditch on the west side of the Aten's ditch also dumps back into the Aten's ditch at the same point. Any water not used by Aten is diverted into the Riverside Canal.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/3/2006

FILE NUMBER 63-4035



The photo above to the right shows the point of diversion. There is a headgate to the right and a ditch to the left. The headgate goes to Aten and the ditch goes to Hernandez.



The photo above right shows the structure used to divert water under the canal. There is a culvert under the board in the ditch that leads to the culvert under the canal. I measured at this point, because both water users were not irrigating and all the water was being run into this ditch. The picture to the above left shows where the culvert under the canal discharges into Aten's ditch.



This photo shows where the Riverside water goes into Aten's ditch. I could not get to the point where Hernandez diverts his Wilder water.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/3/2006

FILE NUMBER 63-4035



The picture above is of Aten's place of use, and the picture below is of Hernandez's place of use.







T4N R6W S13

NENW

NWNE

NENE

SENW

SWNE

SENE

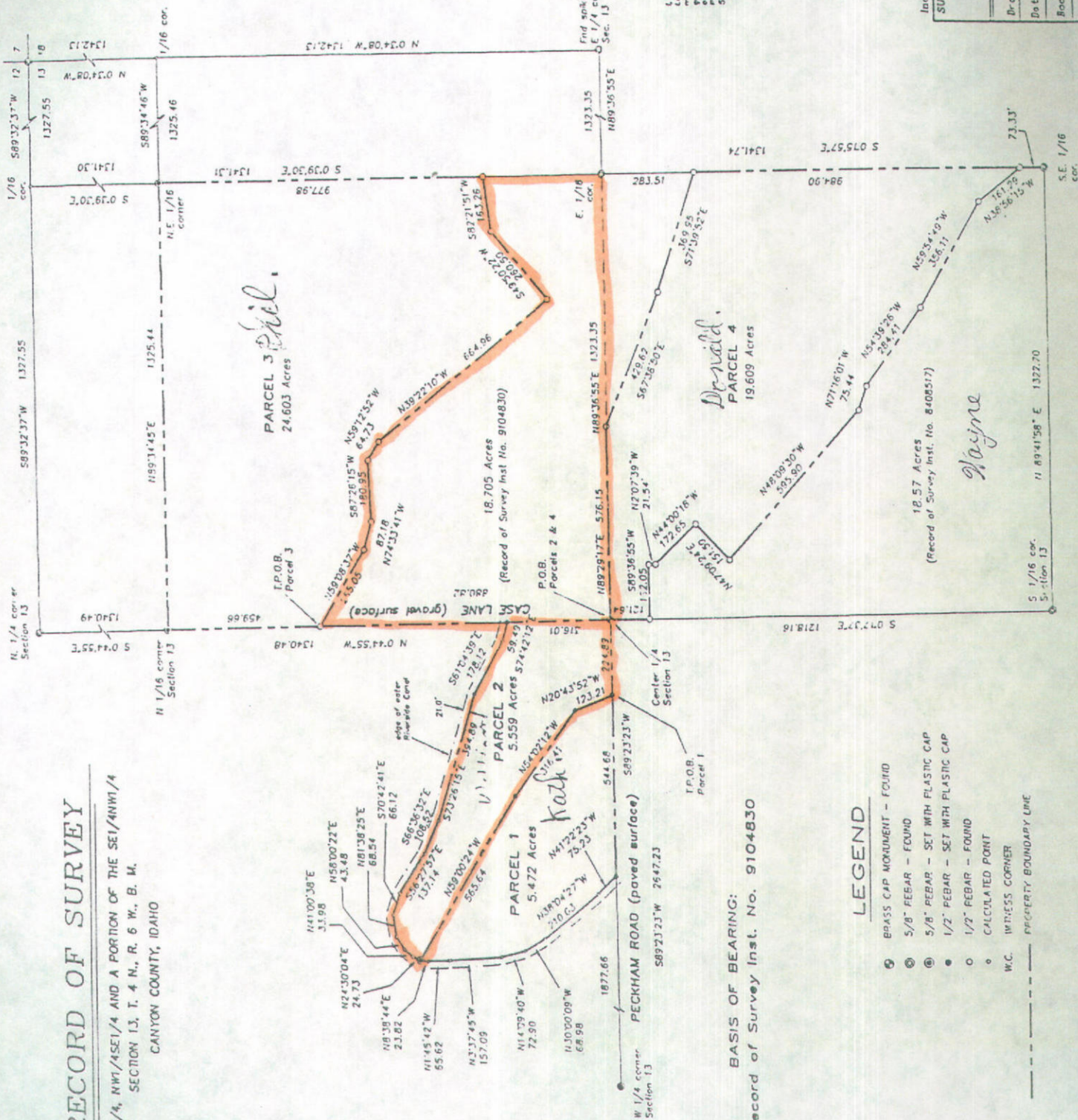
NESW

NWSE

NESE

RECORD OF SURVEY

SW1/4NE1/4, NW1/4SE1/4 AND A PORTION OF THE SE1/4NW1/4
SECTION 13, T. 4 N., R. 6 W., B. M.
CANYON COUNTY, IDAHO



BASIS OF BEARING:
Record of Survey Inst. No. 9104830

LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" REBAR - FOUND
- 5/8" REBAR - SET WITH PLASTIC CAP
- 1/2" REBAR - SET WITH PLASTIC CAP
- 1/2" REBAR - FOUND
- CALCULATED POINT
- W.C. WITNESS CORNER
- PROPERTY BOUNDARY LINE

CERTIFICATION

I, Greg L. Sauer, do hereby certify that I am a Registered Land Surveyor in the State of Idaho and that this map was prepared from an actual survey made on the ground by me, that this map is an accurate representation of said survey, and that it is in conformity with the provisions of said act, and that I am duly sworn to the same.

Index No. 464-13-4-0-0-00-00
SURVEY FOR

KATHERINE CARVER

Drawn by G.L.S.
Date: JUL 28, 1993
Book: 118-22
Job No. 911293

STANLEY, GERT & SONS, INC.
Surveyors
200 West Caldwell, ID
(208) 461-0823

RECORD OF SURVEY

SW1/4NE1/4, NW1/4SE1/4 AND A PORTION OF THE SE1/4NW1/4
SECTION 13, T. 4 N., R. 6 W., B. M.
CANYON COUNTY, IDAHO

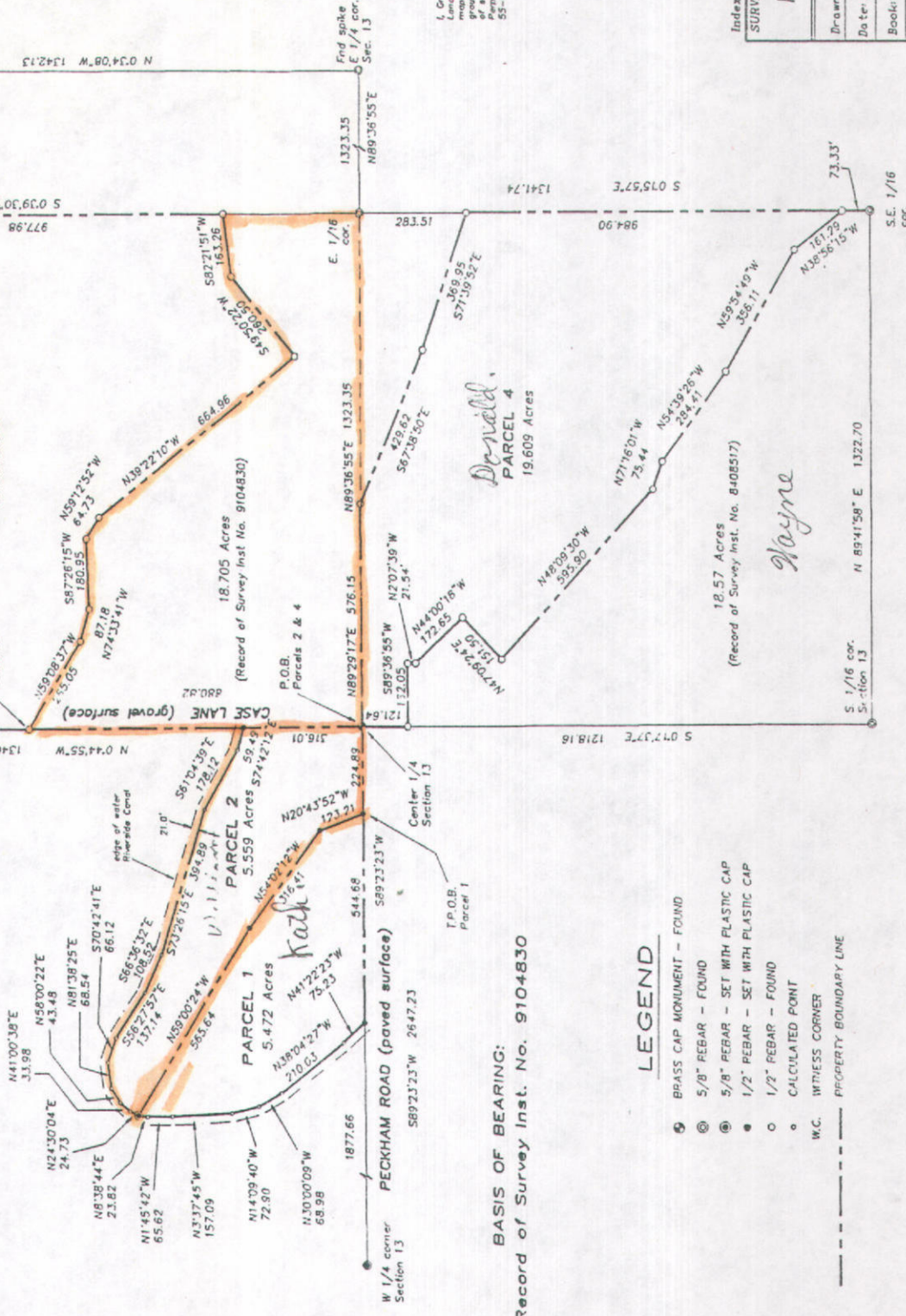
Phil
PARCEL 3
24.603 Acres

Donald
PARCEL 4
19.609 Acres

Kathy
PARCEL 1
5.472 Acres

PARCEL 2
5.559 Acres
(Record of Survey Inst. No. 9104830)

Wayne
PARCEL 5
18.57 Acres
(Record of Survey Inst. No. 8408517)



CERTIFICATION

I, Greg L. Shiner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground, and that it is a true and correct representation of said survey, and that it is in conformity with the Corner Registration and Filing Act, Idaho Code 35-1601 through 35-1612.

Index No. 464-13-4-0-0-00-00
SURVEY FOR

KATHERINE CARVER

Drawn by G.L.S.	 Shiner, Earl & Associates, Inc. 400 Blaine, Caldwell, ID (208) 461-0933
Date: JUNE 28, 1993	
Book: HB-72	
Job No. 941293	

LEGEND

- BRASS CAP MONUMENT - FOUND
- ⊙ 5/8" REBAR - FOUND
- ⊙ 5/8" REBAR - SET WITH PLASTIC CAP
- ⊙ 1/2" REBAR - SET WITH PLASTIC CAP
- 1/2" REBAR - FOUND
- CALCULATED POINT
- W.C. WITNESS CORNER
- PROPERTY BOUNDARY LINE

BASIS OF BEARING:
Record of Survey Inst. No. 9104830

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 63-32533
Date Received: 9/14/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

BILL ATEN Phone: (208)482-6963
21737 CASE LN
WILDER ID USA 83676

JOE ATEN Phone:
30588 PECKHAM RD
WILDER ID USA 83676

MATTHEW ATEN Phone: (208)250-3452
30588 PECKHAM RD
WILDER ID USA 83676

MARIA L MORALES Phone: (208)250-3452
30588 PECKHAM RD
WILDER ID USA 83676

2. Date of Priority: 11/04/1933

3. Source: CASE DRAIN DITCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	06W	13	SW NE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1	
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	06W	13	SW	NE	IRRIGATION	15
			SW	NE	STOCKWATER	
					Section Acres	15
					Total Acres	15

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:

2 P/D IN SWNE S13, T4N, R6W.

This right is a split from former right 63-4035 .

Claim 63-4035 split into 63-32533 and 63-32534 due to change in ownership of a portion of the original claim.

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.

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 63-4035
Date Received: 9/14/2006
Receipt No: W034680
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BILL ATEN Phone: (208)482-6963
21737 CASE LN
WILDER ID USA 83676

JOE ATEN Phone:
30588 PECKHAM RD
WILDER ID USA 83676

MATTHEW ATEN Phone: (208)250-3452
30588 PECKHAM RD
WILDER ID USA 83676

MARIA L MORALES Phone: (208)250-3452
30588 PECKHAM RD
WILDER ID USA 83676

2. Date of Priority: 11/04/1933

3. Source: CASE DRAIN DITCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04N	06W	13	SW	NE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	06W	13	SW	NE	IRRIGATION	30
			SW	NE	STOCKWATER	
					Section Acres	30
					Total Acres	30

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: Riverside Irrigation District

14. Remarks:

2 P/D IN SWNE S13, T4N, R6W.

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 63-4035
Date Received: 9/14/2006
Receipt No: W034680
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BILL ATEN Phone:
21737 CASE LN
WILDER ID USA 83676

208-282-6963 Home

JOE ATEN Phone:
30588 PECKHAM RD
WILDER ID USA 83676

208-250-3452 cell

MATTHEW ATEN Phone:
30588 PECKHAM RD
WILDER ID USA 83676

208 250 3452 cell

MARIA L MORALES Phone:
30588 PECKHAM RD
WILDER ID USA 83676

208-250-3452 cell

2. Date of Priority: 11/04/1933

3. Source: CASE DRAIN DITCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	06W	13	SW NE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	06W	13	SW	NE	IRRIGATION	30
			SW	NE	STOCKWATER	
					Section Acres	30
					Total Acres	30

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: *River side IRR. District,*

14. Remarks:

2 P/D IN SWNE S13, T4N, R6W.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: 16

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): Bill Aten Date: 9-14-06

Joe W Aten Date: 9-14-06

Maria L Morales Date: 9-14-06

Matthew Aten Date: 9-14-06

State of Idaho

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

of Sept 20 06

13th
Vicky Unolc

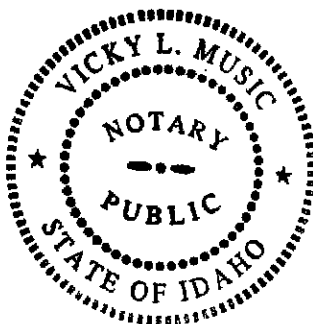
Notary Public

Boise ID

Residing at

My commission Expires

1-27-2012



RECEIVED

OCT 24 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 10 2006

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
63-4035					

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)

philip W. Aten

4. New Owner/Claimant(s)

Florencio Hernandez and Leonilo Herrera

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

New Mailing Address

21686 Case Ln

City, State and ZIP Code

Wilder Id 83676

New Telephone Number

() 482 74 15

5. Date you acquired the property

october 21-2002

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) Florencio Hernandez and
(include title if applicable) Leonilda Herrera

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 <u>[Signature]</u>	Date <u>10-10-06</u>	Fee <u>N/A</u>
Received by _____	Date _____	Receipt No. _____
Processed by <u>[Signature]</u> AJ	Date <u>10/30/06</u>	WR _____ Date _____

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 63-32533
(Insert water right number)

) Case No. 39576
)
)

STANDARD FORM 1
OBJECTION

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

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: Bill Aten
Address: 21737 Case Ln.
Wilder, ID 83676

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.

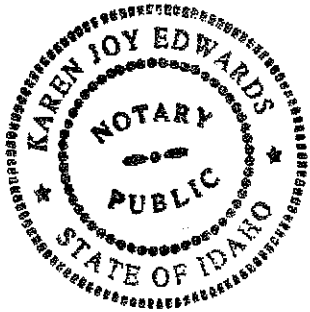
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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, 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:

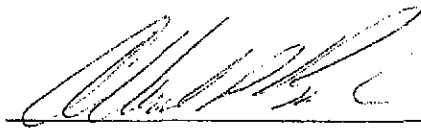
Name: Bill Aten
Address: 21737 Case Ln.
Wilder, ID 83676

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-32533
NAME AND ADDRESS: BILL ATEN
21737 CASE LN.
WILDER ID 83676
JOE ATEN
30588 PECKHAM RD
WILDER ID 83676
MATTHEW ATEN
30588 PECKHAM RD
WILDER ID 83676
MARIA L MORALES
30588 PECKHAM RD
WILDER ID 83676

RECEIVED

DEC 12 2006

SOURCE: CASE DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

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

PRIORITY DATE: 11/04/1933

POINT OF DIVERSION: T04N R06W S13 NWNE Within CANYON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.130 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in CANYON County
T04N R06W S13 SWNE 6.70
STOCKWATER in CANYON County
T04N R06W S13 SWNE

6.7 ACRES TOTAL

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

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

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

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

Use of this right is combined with water from Riverside Irrigation District.

This right is a split from former right 63-4035.

Stockwater use is for 100 range cattle.

RECEIVED

DEC 1 2 2013

DEPT. OF AGRICULTURE
NATURAL RESOURCES DIVISION

AH. Adjudication
208 287-6700

10/16/2006

NOTICE OF ERROR
REPLY

RECEIVED
NOV 02 2006

WATER RESOURCES
WESTERN REGION

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: 63-4035

BILL ATEN
21737 CASE LN
WILDER ID 83676
Telephone Number: (208)482-6963

JOE ATEN
30588 PECKHAM RD
WILDER ID 83676

MATTHEW ATEN
30588 PECKHAM RD
WILDER ID 83676
Telephone Number: (208)250-3452

MARIA L MORALES
30588 PECKHAM RD
WILDER ID 83676
Telephone Number: (208)250-3452

RECEIVED
NOV 03 2006

DEPARTMENT OF WATER RESOURCES

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: 10-25-06 SIGNATURE: Joe Aten, Matthew Aten, Maria Morales
Please print your name: Joe Aten - Matthew Aten, Maria Morales

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

✓kw

yes only
Full out

10/16/2006

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

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WILDER ID 83676
Telephone Number: (208)250-3452

RECEIVED

OCT 26 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):

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: 10-19-06 SIGNATURE: Bill Aten
Please print your name: BILL ATEN

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

334-2190

SCANNED

OCT 31 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

October 31, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BILL ATEN, JOE ATEN, MATTHEW ATEN AND MARIA L MORALES
30588 PECKHAM RD
WILDER ID 83676

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 63-32533

Dear Claimants:

We have processed a change in ownership for a portion of Claim 63-4035. Please note that we have issued a new water right number for your remaining portion. Enclosed is a copy of the preliminary recommendation and layout showing the lands that remain under this recommendation, for your files.

If your mailing address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water rights. If you have any questions concerning this letter or your water right, please do not hesitate to contact me at (208) 287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

10/31/2006

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

RIGHT NUMBER: 63-32533

NAME AND ADDRESS: BILL ATEN
21737 CASE LN
WILDER ID 83676

JOE ATEN
30588 PECKHAM RD
WILDER ID 83676

MATTHEW ATEN
30588 PECKHAM RD
WILDER ID 83676

MARIA L MORALES
30588 PECKHAM RD
WILDER ID 83676

SOURCE: CASE DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.160 CFS

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

PRIORITY DATE: 11/04/1933

POINT OF DIVERSION:

T04N R06W S13 NWNE 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	0.130 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R06W S13 SWNE 6.70

STOCKWATER Within CANYON County

T04N R06W S13 SWNE

6.7 ACRES TOTAL

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

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

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

Use of this right is combined with water from Riverside Irrigation District.

This right is a split from former right 63-4035.

Stockwater use is for 100 range cattle.



Idaho Department of Water Resources

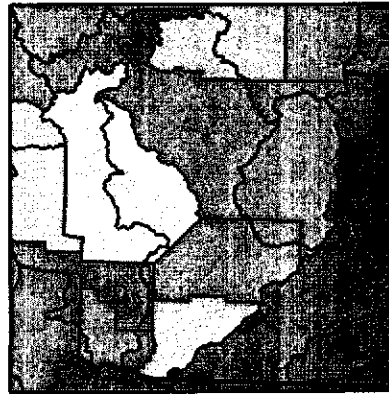
SRBA Recommendation:

63-32533

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

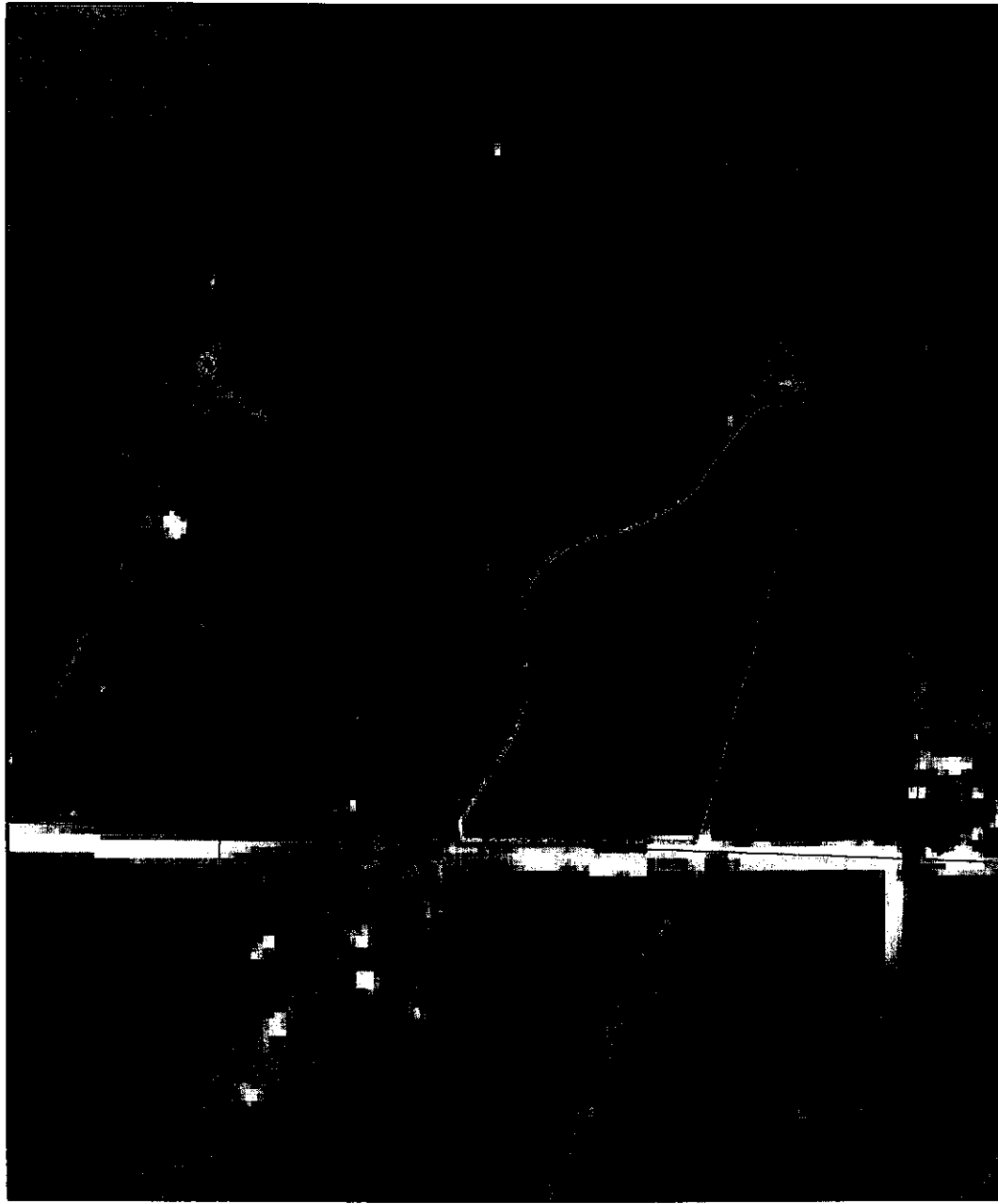


Canyon County
IDWR Basin 63

Prepared by K. Walker
On Tuesday, October 31, 2006
1987/88 Aerial Photography

R06W

T04N



0 0.1 0.2 Miles

10/16/2006

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

RIGHT NUMBER: 63-4035

NAME AND ADDRESS: BILL ATEN
21737 CASE LN

WILDER ID 83676

JOE ATEN
30588 PECKHAM RD
WILDER ID 83676

MATTHEW ATEN
30588 PECKHAM RD
WILDER ID 83676

MARIA L MORALES
30588 PECKHAM RD
WILDER ID 83676

SOURCE: CASE DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.460 CFS

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

PRIORITY DATE: 11/04/1933

POINT OF DIVERSION:

T04N R06W S13 NWNE Within CANYON County

2 points of diversion located in T04N, R06W, S13, NWNE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.430 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R06W S13	NWNE	0.60	T04N R06W S13	SWNE	21.00
---------------	------	------	---------------	------	-------

STOCKWATER Within CANYON County

T04N R06W S13	NWNE	T04N R06W S13	SWNE
---------------	------	---------------	------

21.6 ACRES TOTAL

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

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

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

Use of this right is combined with water from Riverside Irrigation District.

Stockwater use is for 100 range cattle.

Use of this right is combined with water from Wilder Irrigation District.



Idaho Department of Water Resources

SRBA Recommendation:

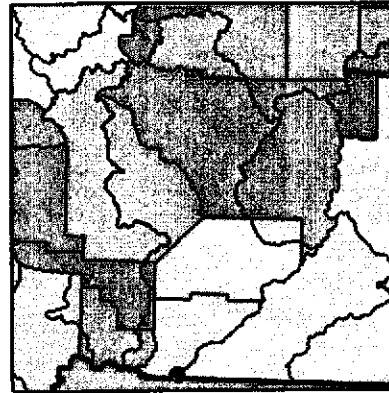
63-4035

(Irrigation)

Acre = 21.6

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

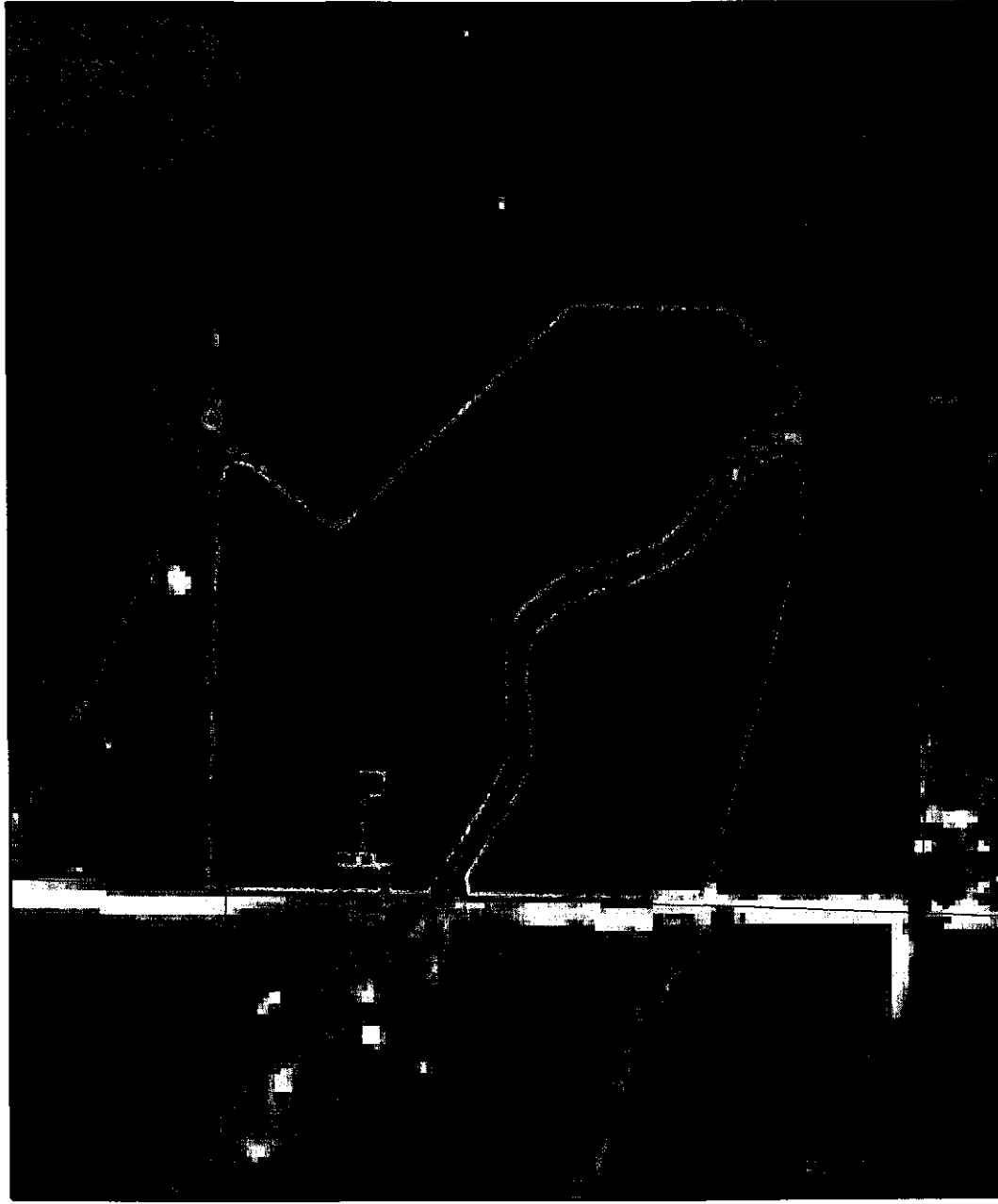


Canyon County
IDWR Basin 63

Prepared by K. Walker
On Monday, October 16, 2006
1987/88 Aerial Photography

R06W

T04N



0.2 Miles

0.1

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4035

WATER RIGHT NUMBER: 63-4035

Owner Type Name and Address

Original Owner WALTER R ATEN
RT 2
WILDER, ID 83676

Current Owner BILL ATEN
21737 CASE LN

WILDER, ID 83676
(208)482-6963

Current Owner JOE ATEN
30588 PECKHAM RD
WILDER, ID 83676

Current Owner MATTHEW ATEN
30588 PECKHAM RD
WILDER, ID 83676
(208)250-3452

Current Owner MARIA L MORALES
30588 PECKHAM RD
WILDER, ID 83676
(208)250-3452

Priority Date: 11/04/1933

Basis: Beneficial Use

Status: Active

SourceCASE DRAIN ~~BUTCH~~Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

04/01 to 11/01

01/01 to 12/31

Diversion Rate

2.000 CFS

0.030 CFS

Annual Volume

N/A - surface water

Total Diversion: ~~0.230 CFS~~

2.03

Location of Point(s) of DiversionCASE DRAIN ~~BUTCH~~

CANYON County

Sec. 13, Twp 04N, Rge 06W, B.M.

Place of Use

IRRIGATION

Twp Rge Sec

04N 06W 13

NE

NE | NW | SW | SE

0.6 30.0

20.7

21

NW

NE | NW | SW | SE

SW

NE | NW | SW | SE

SE

NE | NW | SW | SE

Totals

30.0

21.6

Total Acres: 30

STOCKWATER

topos X2, X3
Review by kw
10/16/06

Rec. Standard
Section for area
3/1 - 1/15

cannot use "Arenal
Drain" as trib.
use river

SW 1/4 NE 1/4

NWNE (per
examiner
& GIS)

105

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4035

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	06W	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X	X														

Conditions of Approval:

1. 2 P/D IN SWNE S13, T4N, R6W. *yes -*

Remarks:Comments:Dates and Other Information:

Claim Received Date: 9/14/2006
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: OR
 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
---------	--------------------	----------	--------------------	----------	--------

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4035

WATER RIGHT NUMBER: 63-4035

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER R ATEN RT 2 WILDER, ID 83676

Priority Date: 11/04/1933
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
CASE DRAIN DITCH	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

CASE DRAIN DITCH	SW1/4NE1/4	Sec. 13, Twp 04N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	13			30.0														30.0

Total Acres: 30

Conditions of Approval:

- 2 P/D IN SWNE S13, T4N, R6W.

Remarks:Comments:Dates and Other Information:

MEMORANDUM

TO: ADJUDICATION FILES 63-4035

FROM: DANIEL A. NELSON

DATE: 10/3/06

SUBJECT: FIELD EXAM

On 10/3/2006 I visited the property of for the above claim. During this visit, I found that the property has been split, and the northern portion has been sold to a Mr. Hernandez. Mr. Aten still owns the lands south of the Riverside Canal. Please see the letter I sent to the new owner with the change of ownership form. Therefore, there are actually two properties on this claim. They both use a common diversion location, but there are actually two diversions at the same location. The point of diversion for both uses is in the NWNE S13. Please see diagram of the diversion. The drain is listed as the Case Drain Tributary to the Snake River, but it should be tributary to the Arena Drain.

The diversion for Aten feeds a ditch system that irrigates a 6.7-acre field in the SWNE. This ditch goes under the canal to the Aten's irrigation ditch. The diversion for Hernandez comes out of the drain and goes south to a culvert. At the culvert the water can be left in the ditch to irrigate the bottom of the field on the east side of the ditch or it can be diverted through the culvert to irrigate all the lands on the west side of Aten's ditch. Any water not used is diverted back into Aten's ditch. Any water not used by Aten is bypassed into the Riverside canal. Neither Aten nor Hernandez was irrigating with this water, so I measured the point where the water enters the canal or is diverted to Aten's property. This allowed me to measure all the water being diverted. Either party can use all the water this ditch can carry, so this measurement will work for both parties if the right is split before it is decreed.

I measured a flow of 3.27 cfs so there is more than enough water available to irrigate this ground. I found that Mr. Aten irrigates 6.7 acres in the SWNE and Mr. Henandez irrigates 14 acres in the SWNE and 0.6 acres in the NWNE. We can allow the full 0.02 cfs or inch per acre for this ground and the full volume of 4.5 afa. I would suggest the claim be recommend as follows:

If the right isn't split before decreed –

0.43 cfs / 95.9 afa for irrigation from 3/1 to 11/15

For 21.3 acres – 20.7 acres in the SWNE and 0.6 acres in the NWNE

Point of diversion is located in the NWNE on the Case Drain Tributary to the Arena Drain

Wilder and Riverside water is used on these lands.

Page 2
63-4035

If the right is split before decreed –

Aten portion:

0.13 cfs / 30.2 afa for irrigation from 3/1 to 11/15
For 6.7 acres – acres in the SWNE

Point of diversion is located in the NWNE on the Case Drain Tributary to the Arena Drain

Riverside Irrigation District water used on this portion.

Hernandez portion:

0.29 cfs / 65.7 afa for irrigation from 3/1 to 11/15
For 14.6 acres – 14 acres in the SWNE and 0.6 acres in the NWNE

Point of diversion is located in the NWNE on the Case Drain Tributary to the Arena Drain

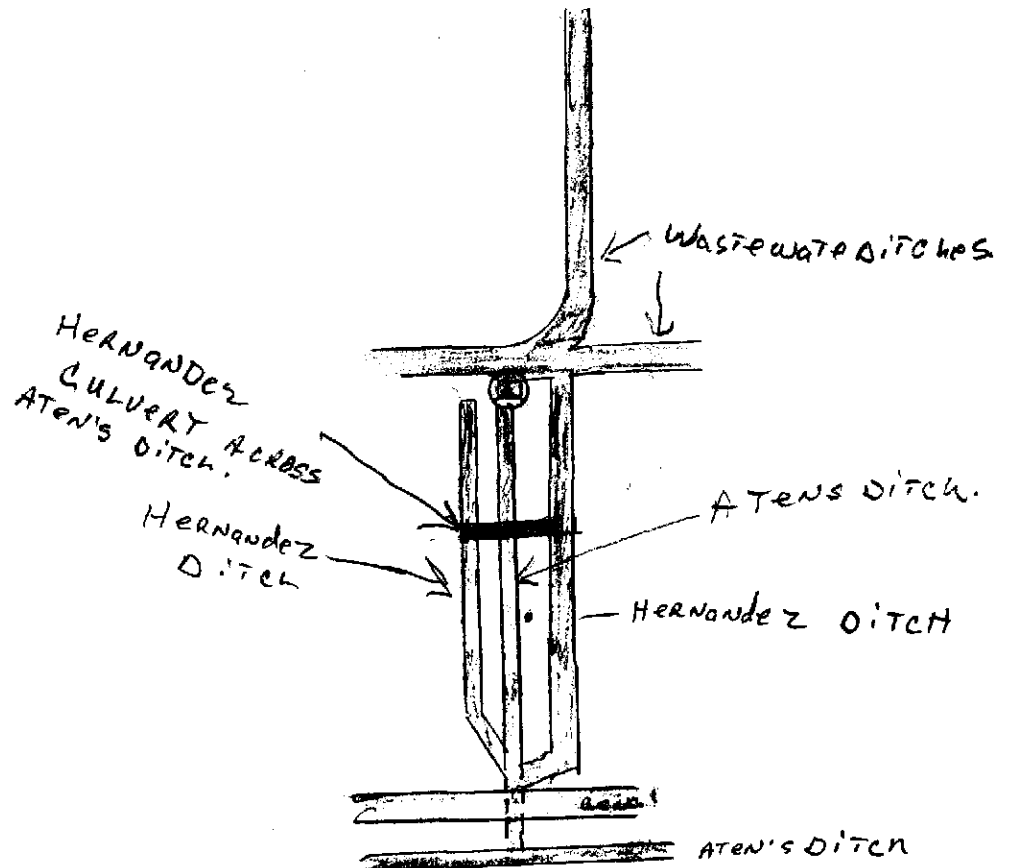
Wilder Irrigation District water used on this portion.

Hernandez owns
14 acres in this forty.

Aten owns 6.7 acres
in this forty.

Hernandez owns
0.6 acres in this forty.

DIVERSION DIAGRAM FOR ADJUDICATION CLAIM 63-4035



The water for this claim is diverted from a single point in the drain. There are actually two points of diversion, but they are located at the same point on the drain. The Aten diversion is through a headgate that travels south through an underground cement culvert under the Riverside Canal to his irrigation ditch. The Hernandez diversion is located at the same spot in the drain, but it flows through an open ditch without any headgate. The water also runs south, but it is diverted across Aten's ditch through a tin culvert into an another ditch. The Hernandez ditch continues south and irrigates a small field and then dumps back into Aten's ditch. The ditch on the west side of the Aten's ditch also dumps back into the Aten's ditch at the same point. Any water not used by Aten is diverted into the Riverside Canal.

Aquacalc 5000 (tm) by JBS Instruments
 Firmware Version AQCUG7b (c)1993,'94,'95,'96,'97, 1999

GAGE ID#, 0
 DATE, 10/03/06
 TRANSECT, 1
 USER ID#, 0
 STAFF HEIGHT, 0.00
 GAGE HEIGHT, 0.00
 METER ID#, 0
 AQUACALC ID#, 0
 METER TYPE, Pygmy ST1
 METER CONST. C1, 0.9770
 METER CONST. C2, 0.0280
 METER CONST. C3, 0.9770
 METER CONST. C4, 0.0280
 METER CONST. C5, 1.0000
 MEAS. SYSTEM, S.A.E. (English)
 TOTAL STATIONS, 7
 TOTAL WIDTH, 2.60
 TOTAL AREA, 1.05
 TOTAL DISCHARGE, 3.2767
 MEAN VELOCITY, 3.09

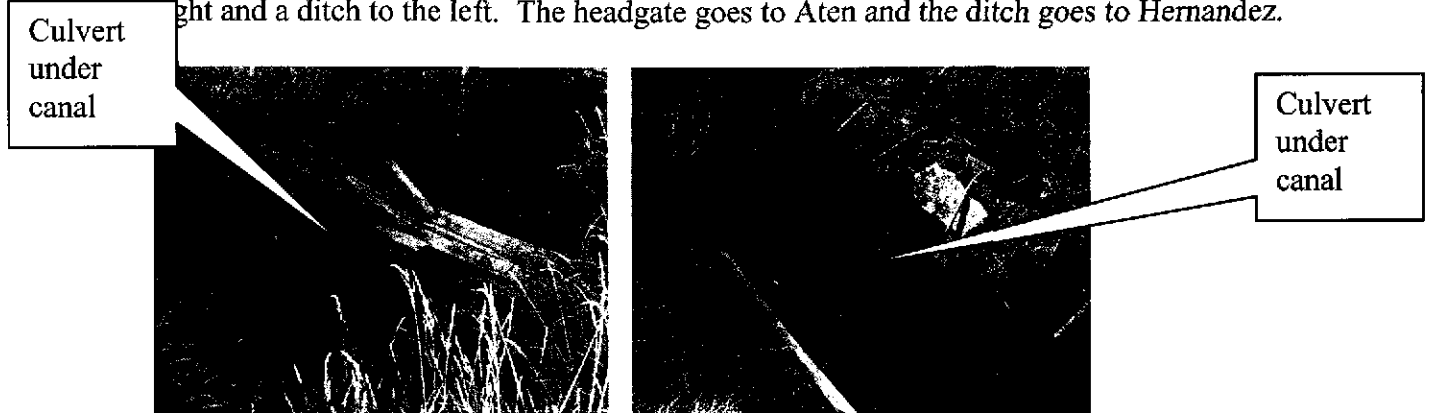
ST. Q)	,DIST	,DEPTH	,REVS	,TIME	,COS:VF	,LOC	,CLOCK	,VEL	,AREA	,FLOW(
1, 00,	1.8,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2, 22,	2.0,	0.20,	65,	40.3,	1.00,	.6,	10:20,	1.604,	0.070,	0.11
3, 55,	2.5,	0.50,	159,	40.1,	1.00,	.6,	10:21,	3.902,	0.250,	0.97
4, 70,	3.0,	0.60,	149,	40.1,	1.00,	.6,	10:23,	3.658,	0.300,	1.09
5, 09,	3.5,	0.60,	118,	40.1,	1.00,	.6,	10:24,	2.903,	0.300,	0.87
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7, 00,	4.4,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/3/2006

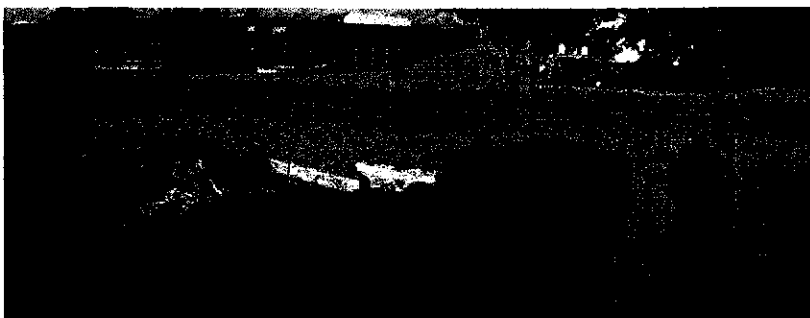
FILE NUMBER 63-4035



The photo above to the right shows the point of diversion. There is a headgate to the right and a ditch to the left. The headgate goes to Aten and the ditch goes to Hernandez.



The photo above right shows the structure used to divert water under the canal. There is a culvert under the board in the ditch that leads to the culvert under the canal. I measured at this point, because both water users were not irrigating and all the water was being run into this ditch. The picture to the above left shows where the culvert under the canal discharges into Aten's ditch.



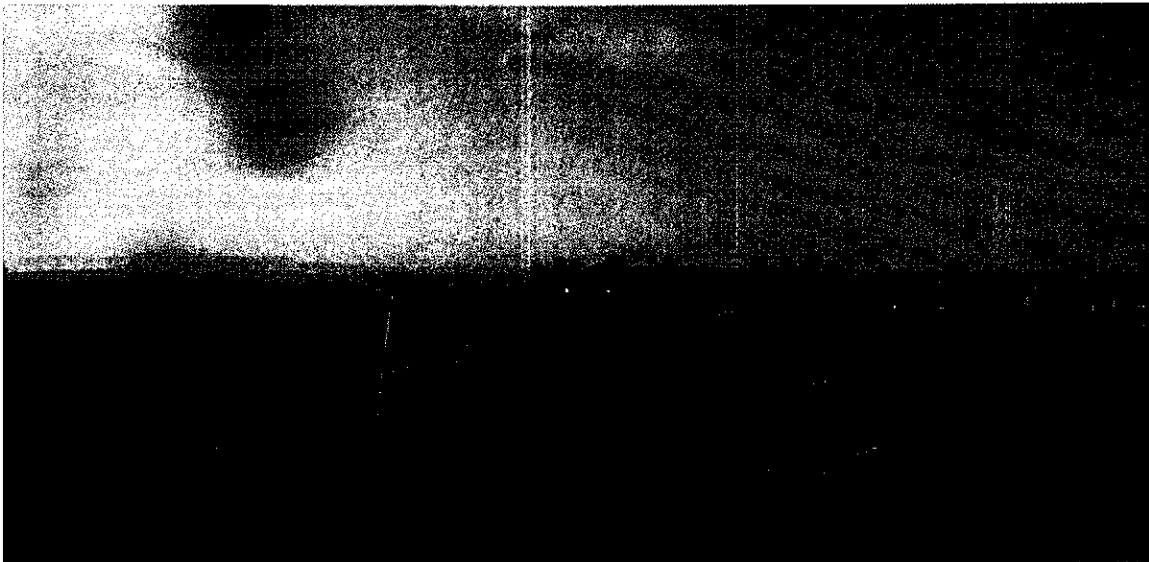
This photo shows where the Riverside water goes into Aten's ditch. I could not get to the point where Hernandez diverts his Wilder water.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/3/2006

FILE NUMBER 63-4035



The picture above is of Aten's place of use, and the picture below is of Hernandez's place of use.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 3, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FLORENCIO HERNANDEZ
21686 CASE LANE
WILDER ID 83676

***RE: CHANGE OF OWNERSHIP FORM FOR
WATER RIGHT 63-4035***

Dear Mr. and Ms. Hernandez:

On 10/3/2006, Mr. Aten and I spoke with Ms. Hernandez about changing the ownership of the water you use from the drain into your name. I did not have any change of ownership forms with me during my visit, so I am sending them to you now. Please complete the form and enclose a copy of your warranty deed and the map I gave you.

Kay Walker will be the person recommending this claim, but I would be willing to help you in any way that I can. Please complete the form and include the necessary documents and send it to the above address.

If you have any questions or concerns please contact me at 334-2190 or Kay Walker the agent recommending this right at 287-4953.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

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
N/O			Pump		

2.) Lift (distance from pump to water) _____

3.) How was lift determined (well log, measurement, owner)? _____

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

5.) Was a measurement made? _____ If no can a measurement be made at a latter time? _____

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

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

FURROW IRRIGATION / FLOOD
Siphon Tubes.

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

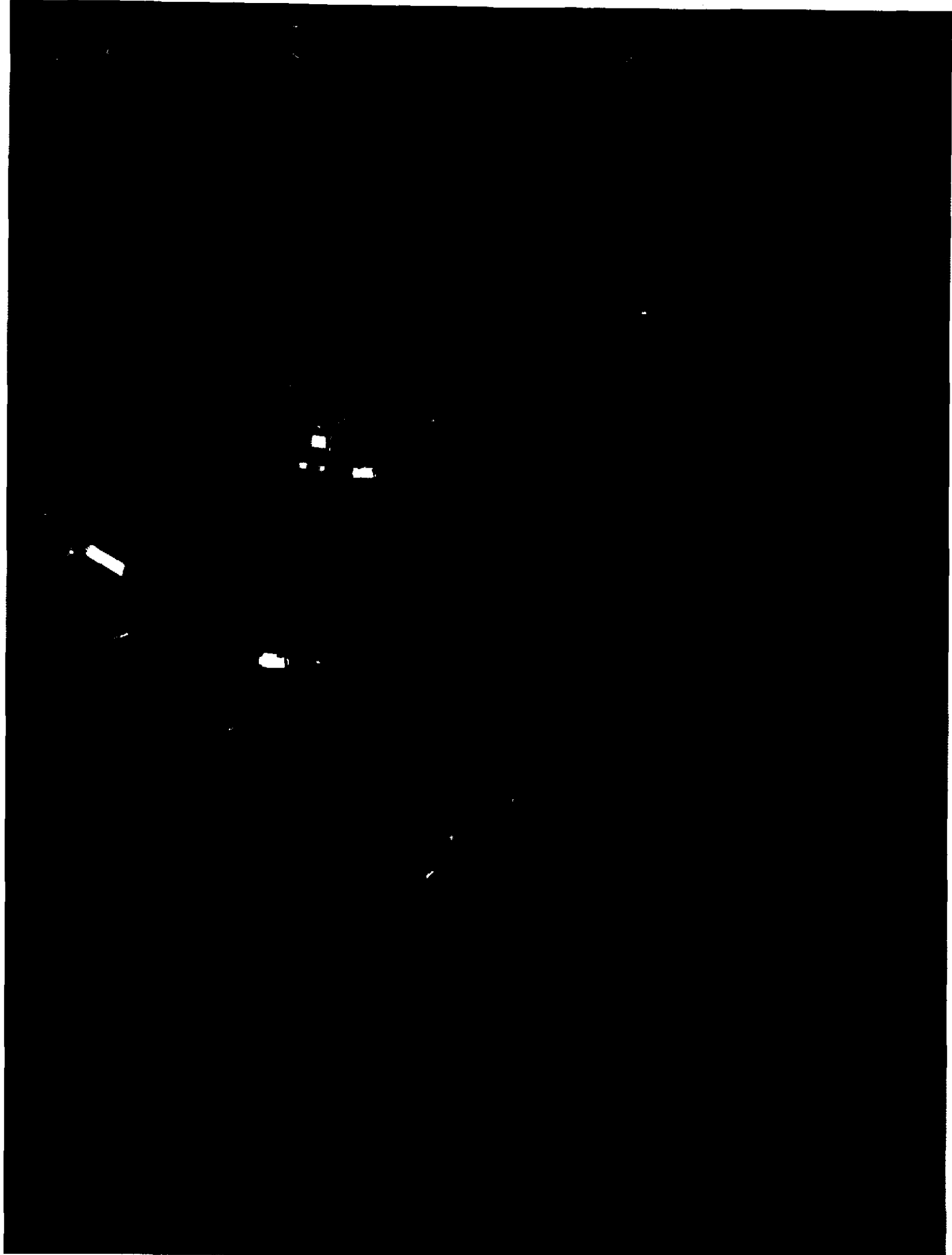
13.) Please show where and how water from other sources are diverted into the irrigation system.

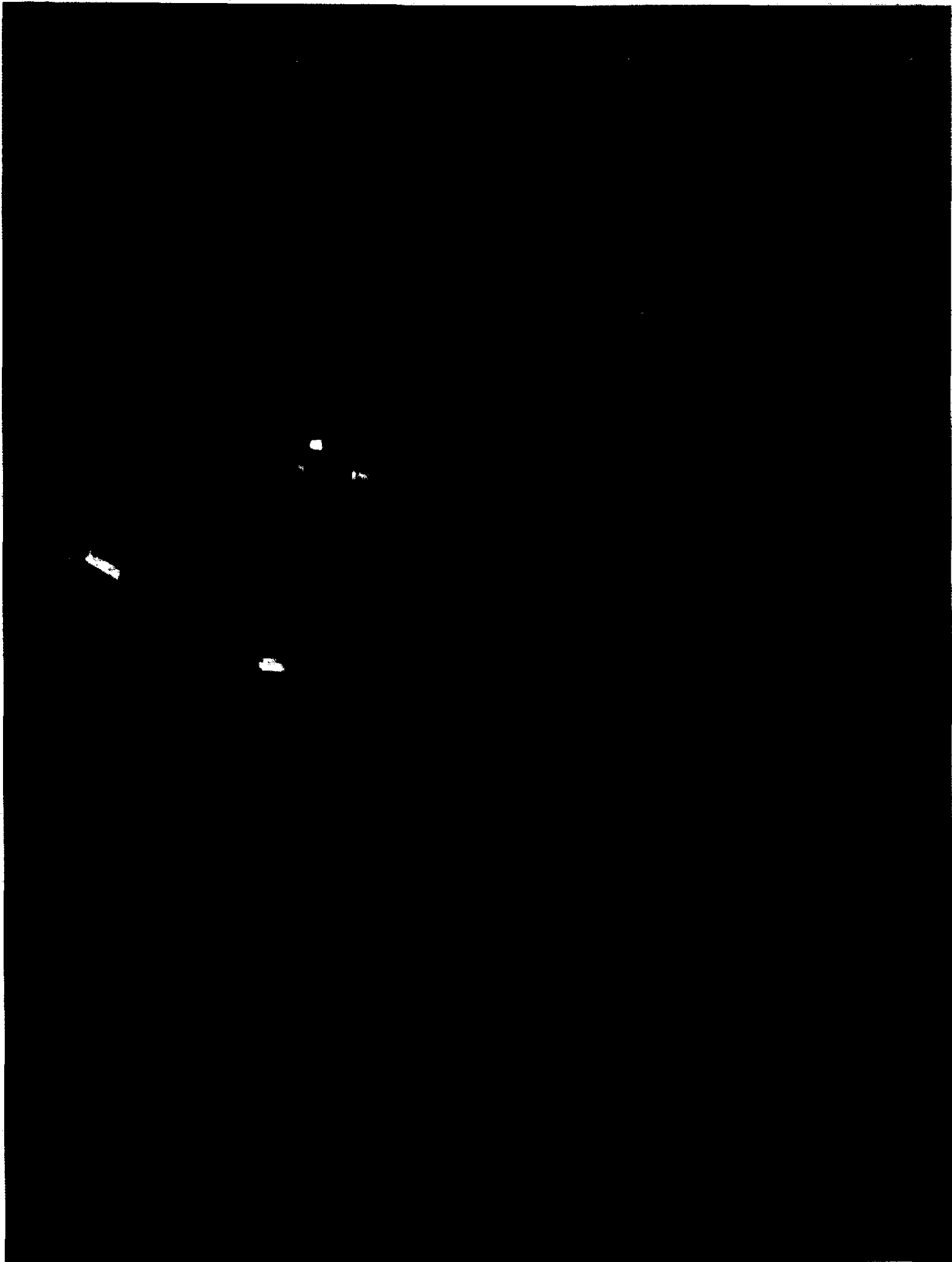
FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

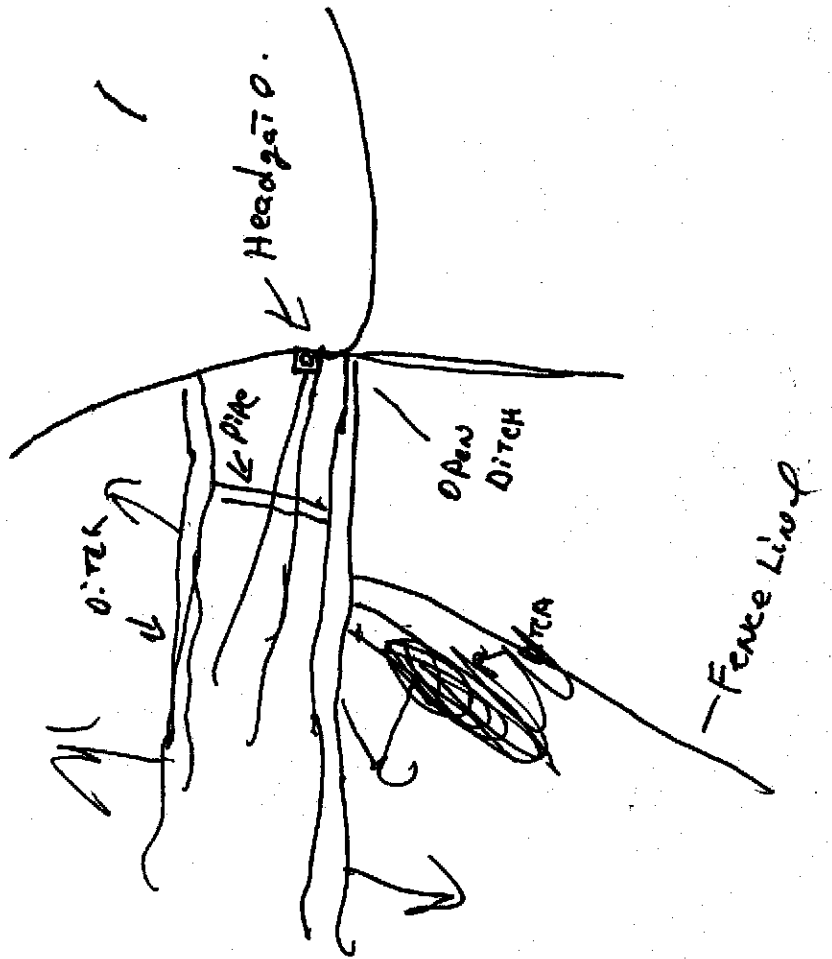
THE WATER FOR THIS PROPERTY
IS DIVERTED THROUGH A
HEADGATE FOR ATEN AND
AN OPEN DITCH FOR HERNANDEZ.
ATEN'S WATER FLOWS ~~AND~~ INTO
A TILE UNDER CANAL. ALL
WASTE WATER FLOWS INTO
CANAL.

DATE EXAM CONDUCTED _____

FIELD EXAMINER _____









State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

October 13, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

FLORENCIO HERNANDEZ AND LEONILO HERRERA
21686 CASE LN
WILDER ID 83676

RE: Notice of Change in Water Right Ownership for Claim 63-4035

Dear Claimants:

In a more detailed review of the change in ownership form that you submitted, I see that you had not signed the form on the back where a signature is required. In light of this, I am returning the form to you so you can sign it where indicated.

Also, as I requested on the telephone the other day, I need to have a copy of the "Exhibit A" that your warranty deed mentions. The exhibit is the page where the legal description of your property is located. We must have that page so we know you are the owners of the property before we can complete the ownership change. *need*

Please sign the change in ownership form and return it, with a copy of the "Exhibit A" from your warranty deed in the enclosed pre-paid envelope. If you have any questions in regard to this matter, please do not hesitate to call me at (208)287-4953.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

NENW

NWNE

NENE

SENW

SWNE

SWNE

NESW

NWSE

NESE

Identification No. 63-4035 *P*

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

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

1. Name of claimant WALTER R. ATEN
post office address Rte 2 Wilder, IDAHO

2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 13 Township 4N *
Range 6W B.M. located on Case Drain Ditch
(name of source)

tributary to RIVERSIDE CANAL in CANYON County.

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

a. Date of priority claimed:

NOVEMBER 4, 1933 amount: 2.0 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Nov. 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of CONCRETE
length is 32 in. feet; height is 30 in. feet;
34 in. feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
NONE

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

* see additional point of diversion in remarks

63 4035

*Snake River
per dept.
follow up*

_____; if so, give dates and explain _____

- ing date and dimensions if possible NONE

- is reservoir on or off stream _____ explain _____

location of reservoir by 40-acre subdivisions_____

describe _____

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

[illegible]

Total number of acres to be irrigated 30

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

VOLUME

- b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
The other users and their respective
interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered _____
7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. _____
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

① additional point of diversion SW 1/4 NE 1/4, Sec 13, T4N, R6W B.M.

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 affiants knowledge.

Walter R. Allen
Claimant

Sworn to before me this 28th day of March, 1969.

C. Stephens Allred
Notary Public

Residing at Boss, Idaho

My commission expires May 1, 1972

For Department Use Only

Filed by <u>est</u> Date <u>5/18/69</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>est</u> Date <u>3/20/69</u>	_____	_____	_____
Fee received by <u>est</u> Date <u>4-1-69</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>est</u> <u>4-9-69</u>	_____	_____	_____
Published in <u>Idaho Tribune</u> Dates <u>4/10-11/19-69</u>	_____	_____	_____

63-4036

SW1/4NE1/4, NW1/4SE1/4 AND A PORTION OF THE SE1/4NW1/4
SECTION 13, T. 4 N., R. 5 W., B. M.
CANYON COUNTY, IDAHO

SWT/4NE1/4, NW1/4SE1/4 AND A PORTION OF THE
SECTION 13, T. 4 N., R. 5 W., B. M.

PARCEL 3 *Phil.*
24.603 Acres

PARCEL 3
24.603 Acres

18.705 Acres
of Survey Inst No. 9104830)

BASIS OF BEARING:

Record of Survey Inst. No. 9104830

CERTIFICATION

1. Doug L. Swiner, an hereby testifies that I am a professional Land Surveyor, licensed by the State of Idaho, and that this report has been prepared from an actual survey made on the ground by me, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Registration and Filing Act, Idaho Code 35-1601 through 35-1612.

Index No. 464-13-4-0-0-00-00
SURVEY FOR

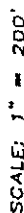
KATHERINE CARVER

Drawn by G.L.S.

LEGEND

- ① BRASS CAP MONUMENT - FOUND
 ② 5/8" PEBAR - FOUND
 ③ 5/8" PEBAR - SET WITH PLASTIC CAP
 ④ 1/2" PEBAR - SET WITH PLASTIC CAP
 ⑤ 1/2" PEBAR - FOUND
 ⑥ CALCULATED POINT
 W.C. WITNESS CORNER
 _____ PROPERTY BOUNDARY LINE

SW1/4NE1/4, NW1/4SE1/4 AND A PORTION OF THE SE1/4NW1/4
SECTION 13, T. 4 N., R. 6 W., B. M.
CANYON COUNTY, IDAHO



I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground by me, and that this map is an accurate representation of said survey, and that it is in conformity with the Corner Preliminary and Filing Act, Idaho Code 35-1801 through 35-1812.

BASIS OF BEARING:
Record of Survey Inst. No. 9104830

① BRASS CAP MONUMENT - FOUND
 ② 5/8" REBAR - FOUND
 ③ 5/8" REBAR - SET WITH PLASTIC CAP
 ④ 1/2" REBAR - SET WITH PLASTIC CAP
 ○ 1/2" REBAR - FOUND
 ○ CALCULATED POINT
 M.C. WITNESS CORNER

Index No. 464-1344-0-0-00-00

SURVEY FOR

KATHERINE CARVER



Drawn by G.L.S.

ate: JUNE 28, 1993

1004: HB-72

Lab No. JM1293

SKINNER & ASSOCIATES INC.

1002 BLAINE ST., SUITE A
CALDWELL, IDAHO 83605
TELEPHONE (208) 454-0933

January 24, 1991

Description for
Bill Aten

This parcel is a portion of the SW1/4NE1/4 and of the NW1/4SE1/4 of Section 13, Township 4 North, Range 6 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the southwest corner of said SW1/4NE1/4;

Thence North 0°44'55" West along the westerly boundary of said SW1/4NE1/4 a distance of 880.82 feet;

Thence South 59°08'37" East a distance of 265.05 feet;

Thence South 74°33'41" East a distance of 87.18 feet;

Thence North 87°26'15" East a distance of 180.95 feet;

Thence South 59°12'52" East a distance of 64.73 feet;

Thence South 39°22'10" East a distance of 664.96 feet;

Thence North 49°50'22" East a distance of 260.50 feet;

Thence North 82°21'51" East a distance of 163.26 feet to a point on the easterly boundary of said SW1/4NE1/4;

Thence South 0°39'30" East along the easterly boundary of said SW1/4NE1/4 a distance of 363.33 feet to the southeast corner of said SW1/4NE1/4;

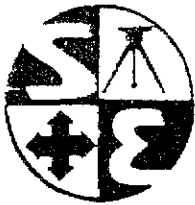
Thence South 0°15'57" East along the easterly boundary of said NW1/4SE1/4 a distance of 283.51 feet;

Thence North 71°39'52" West a distance of 369.95 feet;

Thence North 67°38'45" West a distance of 429.61 feet;

Thence South 89°29'17" West a distance of 576.15 feet to the POINT OF BEGINNING.

This parcel contains 18.705 acres and is subject to a county road right-of-way along the westerly boundary.



Skinner, Earl &
Associates, Inc.

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

June 28, 1993

Description for
Katherine Carver

Parcel 2

This parcel is a portion of the SE1/4NW1/4 of Section 13, Township 4 North, Range 6 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the southeast corner of said SE1/4NW1/4;

Thence South 89°23'23" West along the south boundary of said SE1/4NW1/4 a distance of 224.89 feet;

Thence North 20°43'52" West a distance of 123.21 feet;

Thence North 54°02'12" West a distance of 316.41 feet;

Thence North 59°00'24" West a distance of 565.64 feet to a point which lies on a line 21.0 feet easterly from the east edge of water of the Riverside Canal;

Thence traversing said 21.0 foot offset line as follows:

North 24°30'04" East a distance of 24.73 feet;

North 41°00'38" East a distance of 33.98 feet;

North 58°00'22" East a distance of 43.48 feet;

North 81°38'25" East a distance of 68.54 feet;

South 70°42'41" East a distance of 66.12 feet;

South 56°27'57" East a distance of 137.14 feet;

South 66°36'32" East a distance of 108.52 feet;

South 73°26'15" East a distance of 394.89 feet;

South 61°04'39" East a distance of 178.12 feet;

South 74°42'12" East a distance of 59.49 feet to a point on the east boundary of said SE1/4NW1/4;

Thence South 0°44'55" East along said east boundary a distance of 316.01 feet to the POINT OF BEGINNING.

This parcel contains 5.559 acres and is subject to a county road right-of-way along the east boundary.

Drainage Tax Receipt

RIVERSIDE IRRIGATION DISTRICT

ACCOUNT NO. 10LEVY 19 90N^o 2447

RECEIVED OF:

PARMA, IDAHO

Dec. 13, 1990

Kathryn Carver

21464 Case Lane

Wilder, ID 83676

the full amount of taxes, levied for the fiscal year 1990, by the **RIVERSIDE IRRIGATION DISTRICT**, as shown below, on the following described lands:

LOT OR SUBDIVISION	BLOCK OR SECTION	ADDITION OR		ACRES	MAINTENANCE		TOTAL	
		Twp. N.	R.W.B.M.					
That part of SW $\frac{1}{4}$ NE $\frac{1}{4}$ in District	13	4	6	5.18	@ \$2.00		\$ 10.	36
That part of NW $\frac{1}{4}$ SE $\frac{1}{4}$ in District	13	4	6	11.75	"		23.	50
TOTALS				16.93			\$ 33.	86

AFTER DELINQUENCY

Amount Delinquent	\$
Penalty	\$
Interest	\$
Total Tax and Penalties	\$

Amount of First Payment

\$ 33.86

Amount of Second Payment

\$

Valene L. Abhatti

Treasurer, Riverside Irrigation District.

By _____, Deputy.

RIVERSIDE IRRIGATION DISTRICT

Nº 646

By _____, Deputy

Ardena L. Abbott
Treasurer Riverside Irrigation District.

My father "Walter Ray Aten" put a tile under the riverside ditch to get drainage water out of what is known a "Case drain". The water from "Case drain" has been used to irrigate the 6 acre field from 1933 to this date.

Bill Aten.
Sept. 14, 06

RECEIVED
SEP 14 2006
WATER RESOURCES
WESTERN REGION

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

APR 1 1969

Department of Reclamation

State of Idaho
County of Canyon

John D. Johnson being first duly sworn,
deposes and says: I have known Mr. Olsen since
1910 and has been using the water from
the Davis ditch since to 1932 I John D. Johnson
is 82 years old

John D. Johnson
(Signature)

Subscribed and sworn to before me this 31 day of March, 1969.

Shida D. Macdonald
(Notary Public)

Residing at Pampa, Idaho
My Commission Expires 7-9-71

63 4036

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

APR 1 1969

Department of Reclamation

State of Idaho
County of Canyon

Per O. Johanson

being first duly sworn,

deposes and says:

I Per Johanson - Age 78. Born May 7,
born 1890. I have known Mrs. Walter Ates since
1938. Mrs. Ates has been running waterwheel
came to Idaho from down state

Per O. Johanson
(Signature)

Subscribed and sworn to before me this 31 day of March, 1969

Hilda D. Maccloud
(Notary Public)

Residing at Parma, Idaho
My Commission Expires 7-9-71

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

APR 1 1969

Department of Reclamation

State of Idaho
County of Canyon

Name & Address Ernest Paul being first duly sworn,
deposes and says: Age, Why they know of your water
use, the amount that they you use; When
they think you first started using it. Anything
else that they may know about your water use.

I Ernest Paul age 59 Born Feb 13 1910
I've known Mr Walter Allen since 1918
Being a neighbor. Also know Mr Allen's father
ran water out of Cass drainage ditch prior
to 1932 and have use continuously since.

Ernest Paul
(signature)

Subscribed and sworn to before me this 31 day of March 1969.

Linda D. Lockland
(Notary Public)

Residing at Parma, Idaho
My commission expires 7-9-71

IN THE MATTER OF:

RECEIVED

APR 1 1969

Department of Reclamation

State of Idaho
County of Canyon

Dudley Marston

being first duly sworn,

deposes and says:

I hereby state that I
Dudley Marston have known
Mr. Atern every since he
Homesteaded his home in 1910.
Also know that he has used
the water from the drain ditch
since 1932 and has been using
water every year since.

Dudley Marston
Parma, Idaho
R#3 BX 168.

Dudley Marston
(signature)

Subscribed and sworn to before me this 31 day of March 1969.

Linda D. Luceland
(Notary Public)

Residing at Parma, Idaho

My commission expires 7-9-71