

12/10/2006

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

RIGHT NUMBER: 63-32534  
NAME AND ADDRESS: FLORENCIO HERNANDEZ  
21686 CASE LN  
WILDER ID 83676

LEONILA HERRERA  
21686 CASE LN  
WILDER ID 83676

RECEIVED  
DEC 12 2006  
DEPARTMENT OF  
WATER RESOURCES

SOURCE: CASE DRAIN TRIBUTARY: SNAKE RIVER  
QUANTITY: 0.290 CFS

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

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          | 0.290 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T04N R06W S13 | NWNE | 0.60 | T04N R06W S13 | SWNE | 14.00 |
|---------------|------|------|---------------|------|-------|

14.6 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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



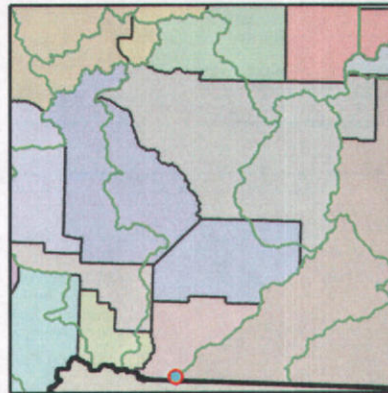
# Idaho Department of Water Resources

SRBA Recommendation:

**63-32534**  
(Irrigation)

## Legend

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



Canyon County  
IDWR Basin 63



0 0.1 0.2 Miles

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



# Idaho Department of Water Resources

SRBA Recommendation:

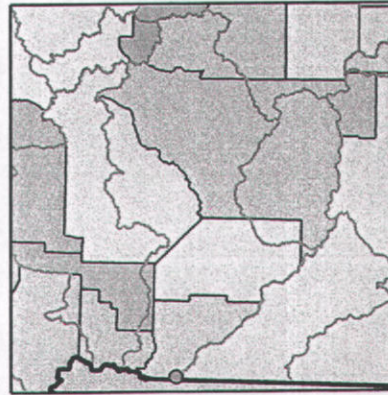
**63-4035**

(Irrigation)

*Acre = 21.6*

## Legend

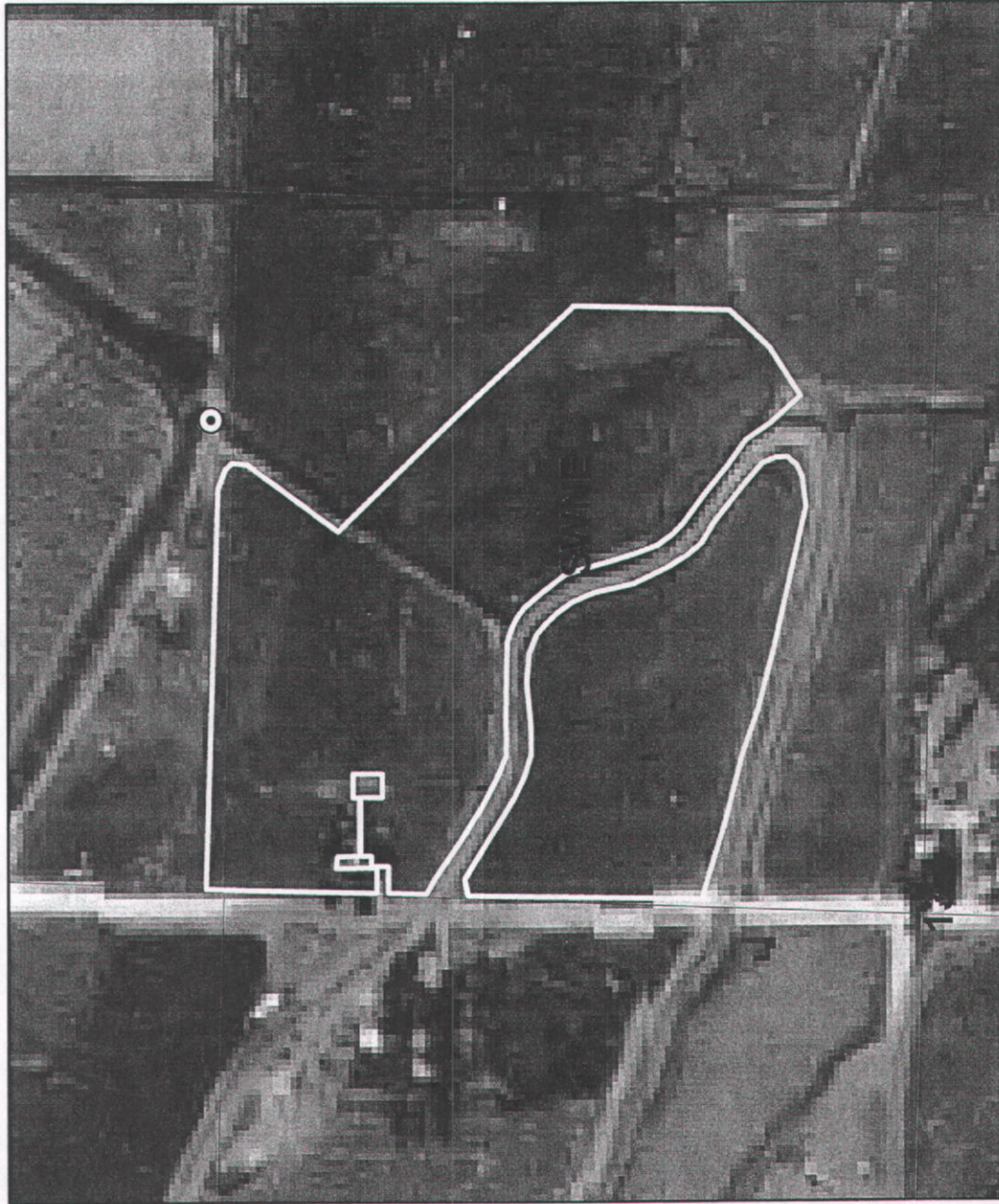
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County  
IDWR Basin 63

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

R06W



T04N

0 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.

Aten owns 6.7 acres  
in this forty.

SENW

SWNE

20.7 acres total

NENE

SENE

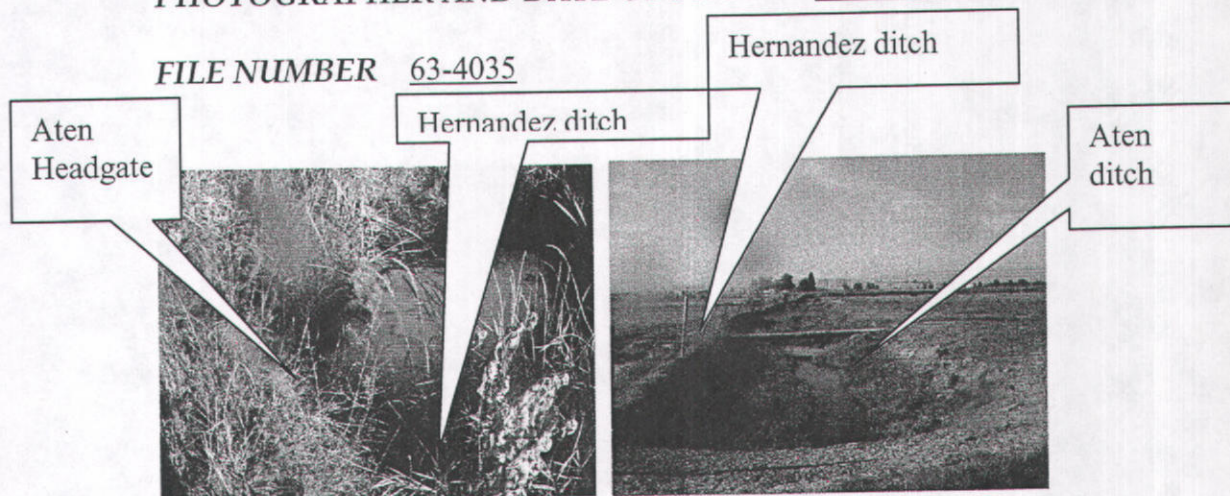
NESW

NWSE

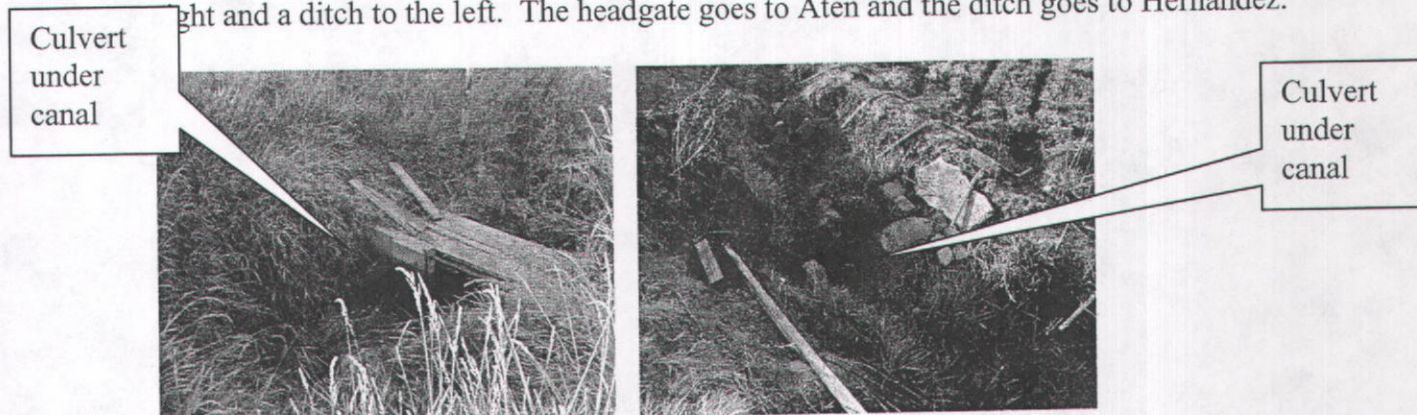
NESE

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

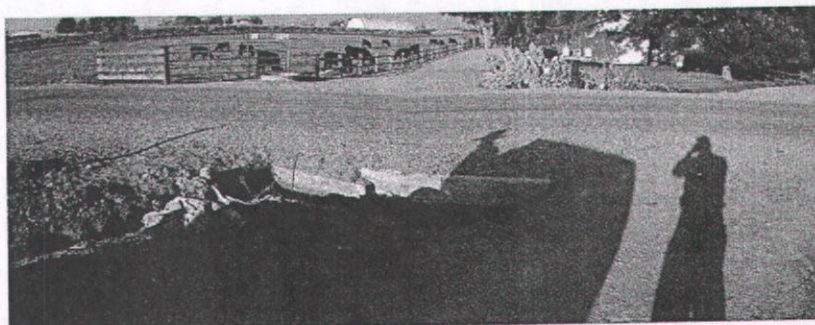
FILE NUMBER 63-4035



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.



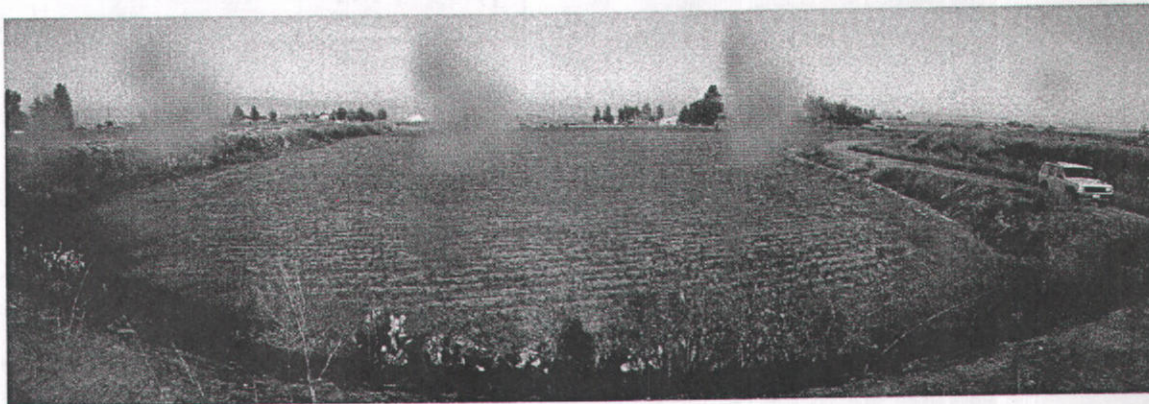
The photo above right shows the structure used to divert water under the canal. There is a culvert under the board in the ditch that leads to the culvert under the canal. I measured at this point, because both water users were not irrigating and all the water was being run into this ditch. The picture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

This is an aerial photograph of a 3x3 grid of land parcels. The grid is defined by white lines. The top row contains three parcels, the middle row contains three parcels, and the bottom row contains three parcels. The parcels are labeled with text: 'T4N R6W S13' in the top-left parcel, 'NENW' in the middle-left parcel, 'NWNE' in the middle-middle parcel, 'NENE' in the middle-right parcel, 'SENW' in the bottom-left parcel, 'SWNE' in the bottom-middle parcel, 'SENE' in the bottom-right parcel, 'NESW' in the bottom-left parcel, 'NWSE' in the bottom-middle parcel, and 'NESE' in the bottom-right parcel. The parcels show various features such as roads, fields, and buildings. There are two white circular marks at the top of the image, one in the top-left parcel and one in the top-middle parcel.

NENW

NWNE

NENE

SENW

SWNE

SENE

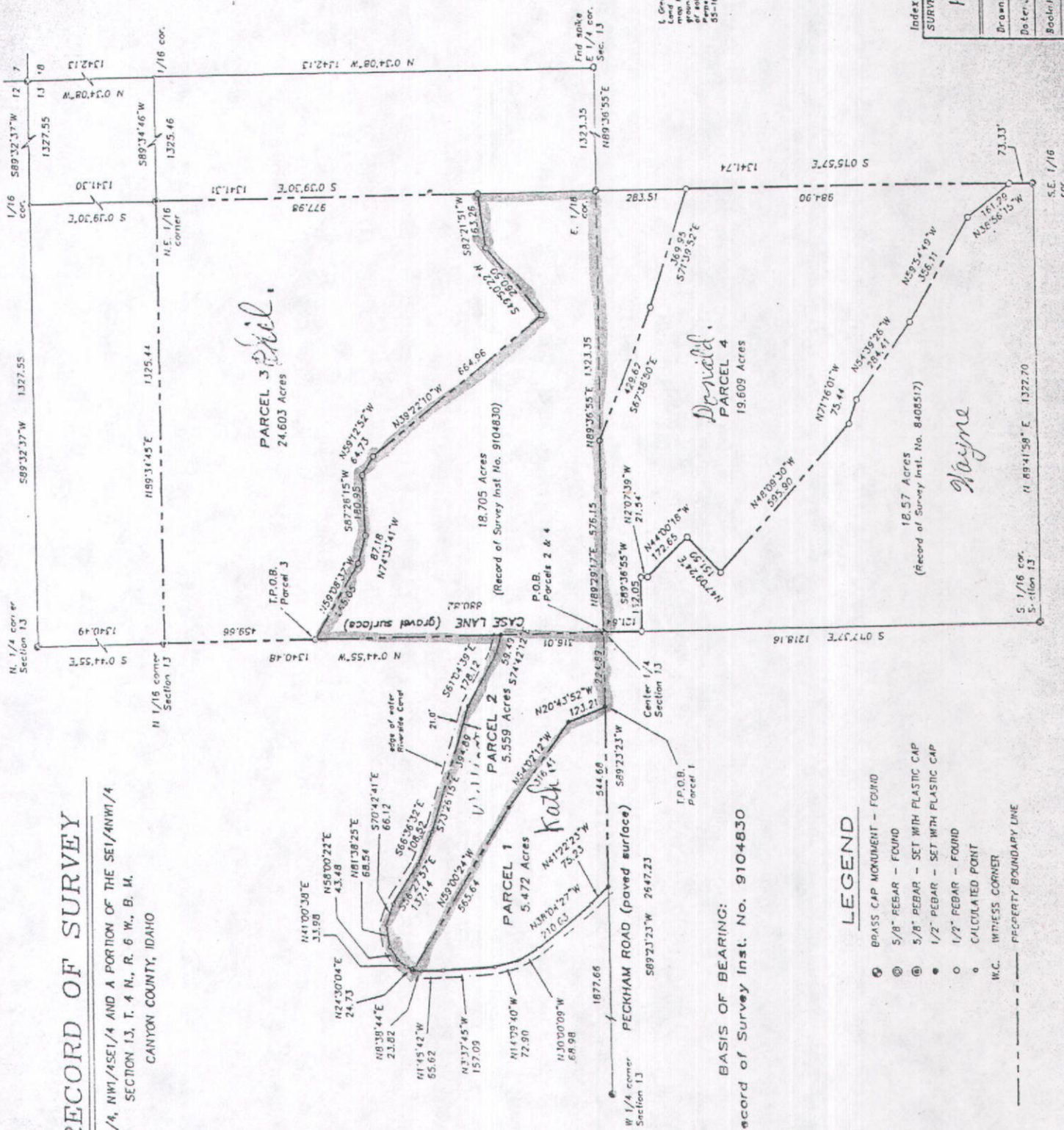
NESW

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. 11,  
CANYON COUNTY, IDAHO



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

## LEGEND

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

## CERTIFICATION

I, Greg L. Scherer, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map was prepared by me or under my direct supervision and that I am a duly qualified and competent person to perform the duties of a Professional Land Surveyor, and that this map is in conformity with the Corner Registration and Filing Act, Idaho Code 55-1601 through 55-1612.

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

KATHERINE CARVER

Drawn by G.L.S.  
Date: JUNE 28, 1995  
Book: HB-72  
Job No. 111253

**Shaner, Carl & Associates, Inc.**  
Professional Surveyors  
1000 Main Street  
Caldwell, ID 83406  
(208) 461-0930

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



SCALE: 1" = 200'

CERTIFICATION

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, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Repetition and Fung Act, Idaho Code 55-1801 through 55-1812.

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  
 K.C. WITHNESS CORNER  
 PROPERTY BOUNDARY LINE

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

### SURVEY FOR

KATHERINE CARVER



Drawn by G.L.S.  
Date: JUNE 28, 19  
Book: HB-72  
Job No. JM1293

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 63-32534  
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)

FLORENCIO HERNANDEZ  
21686 CASE LN  
WILDER ID USA 83676

Phone: (208) 482-7415

LEONILA HERRERA  
21686 CASE LN  
WILDER ID USA 83676

Phone: (208) 482-7415

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      |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 04N           | 06W   | 13      | SW         | NE  | IRRIGATION | 15    |
| 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 original claim. kw 10/30/06

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 IAR. 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

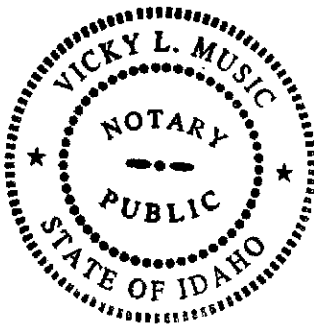
of Sept 20 06

Vicky L Music  
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.

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-4035               |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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**.

- Name and Address of Former Owner/Claimant(s) philip W. Aten
- 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
- 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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

7. Signature of New Owner(s) or Claimant(s) 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 _____ |

PC46542

FH LH

## WARRANTY DEED

FOR VALUE RECEIVED Philip W. Aten, a married man, as his sole and separate property

the Grantors, do hereby grant, bargain, sell and convey unto Florencio Hernandez and Leonila Herrera, husband and wife

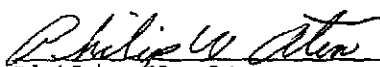
the Grantees, whose address is 4303 E. Power Line, Nampa, ID 83607

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2002 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 21, 2002

  
Philip W. Aten

STATE OF IDAHO

COUNTY OF CANYON

On this 21st day of October in the year 2002, before me, a Notary Public, personally appeared Philip W. Aten known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public  
Residing at Caldwell  
My commission expires 2/3/04

PIONEER TITLE COMPANY  
OF CANYON COUNTY

100 10TH AVE SOUTH  
NAMPA, IDAHO 83651

610 SOUTH KIMBALL  
CALDWELL, ID 83605

PC 46542

RECEIVED

OCT 16 2006

DEPARTMENT OF  
WATER RESOURCES

Exhibit "A"

A portion of the Southwest Quarter of the Northeast Quarter 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 Southwest Quarter of the Northeast Quarter; thence

North 0° 44' 55" West along the West boundary of said Southwest Quarter of the Northeast Quarter a distance of 880.82 feet to the TRUE POINT OF BEGINNING; thence continuing

North 0° 44' 55" West along said West boundary a distance of 459.66 feet to the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence

North 89° 34' 45" East along the North boundary of said Southwest Quarter of the Northeast Quarter a distance of 1,325.44 feet to the Northeast corner of said Southwest Quarter of the Northeast Quarter; thence

South 0° 39' 30" East along the East boundary of said Southwest Quarter of the Northeast Quarter a distance of 977.98 feet; thence

South 82° 21' 51" West a distance of 163.26 feet; thence

South 49° 50' 22" West a distance of 260.50 feet; thence

North 39° 22' 10" West a distance of 664.96 feet; thence

North 59° 12' 52" West a distance of 64.73 feet; thence

South 87° 26' 15" West a distance of 180.95 feet; thence

North 74° 33' 41" West a distance of 87.18 feet; thence

North 59° 08' 37" West a distance of 265.05 feet to the TRUE POINT OF BEGINNING.

RECEIVED

OCT 12 2006

WATER RESOURCES  
WESTERN REGION

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

In Re SRBA )

A. Subcase 63-32534

(Insert water right number)

Case No. 39576 )  
\_\_\_\_\_ )

STANDARD FORM 1

OBJECTION

RECEIVED

Please fill in the following information:

JUN 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: Florencio Hernandez and Leonila Herrera

Address: 21686 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.

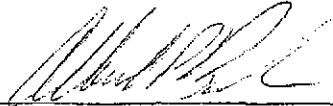
F. VERIFICATION (must be completed)

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.

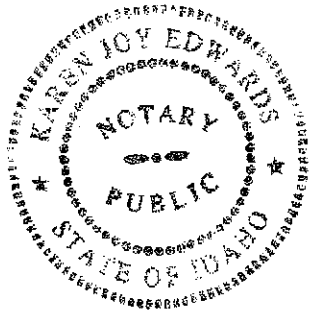
(Signature of person filing objection)



(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



## 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:

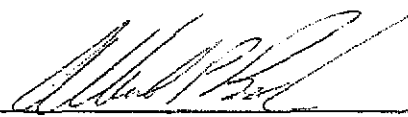
Name: Florencio Hernandez and Leonila Herrera  
Address: 21686 Case Ln.  
Wilder, ID 83676

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: 63-32534  
NAME AND ADDRESS: FLORENCIO HERNANDEZ  
21686 CASE LN  
WILDER ID 83676

LEONILA HERRERA  
21686 CASE LN  
WILDER ID 83676

RECEIVED

DEC 11 2006

WATER RESOURCES

SOURCE: CASE DRAIN TRIBUTARY: SNAKE RIVER  
QUANTITY: 0.290 CFS

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

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          | 0.290 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T04N R06W S13 | NWNE | 0.60 | T04N R06W S13 | SWNE | 14.00 |
|---------------|------|------|---------------|------|-------|

14.6 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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



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](http://www.idwr.idaho.gov)

October 31, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

FLORENCIO HERNANDEZ &/OR LEONILA HERRERA  
21686 CASE LN  
WILDER ID 83676

RE: Snake River Basin Adjudication (SRBA)  
Notice of Claim to a Water Right No. 63-32534

Dear Claimants:

We have processed the change in ownership for your portion of Claim 63-4035. Please note that we have issued a new water right number for your portion. Enclosed is a copy of the preliminary recommendation and layout showing the lands that are 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: 63-32534

NAME AND ADDRESS: FLORENCIO HERNANDEZ  
21686 CASE LN  
WILDER ID 83676

LEONILA HERRERA  
21686 CASE LN  
WILDER ID 83676

SOURCE: CASE DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.290 CFS

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

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          | 0.290 CFS       |

PLACE OF USE: IRRIGATION Within CANYON County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T04N R06W S13 | NWNE | 0.60 | T04N R06W S13 | SWNE | 14.00 |
|---------------|------|------|---------------|------|-------|

14.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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



# Idaho Department of Water Resources

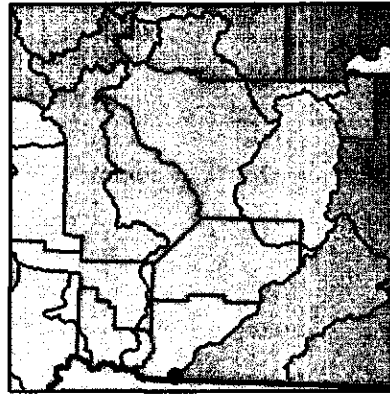
SRBA Recommendation:

**63-32534**

(Irrigation)

## Legend

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



Canyon County  
IDWR Basin 63

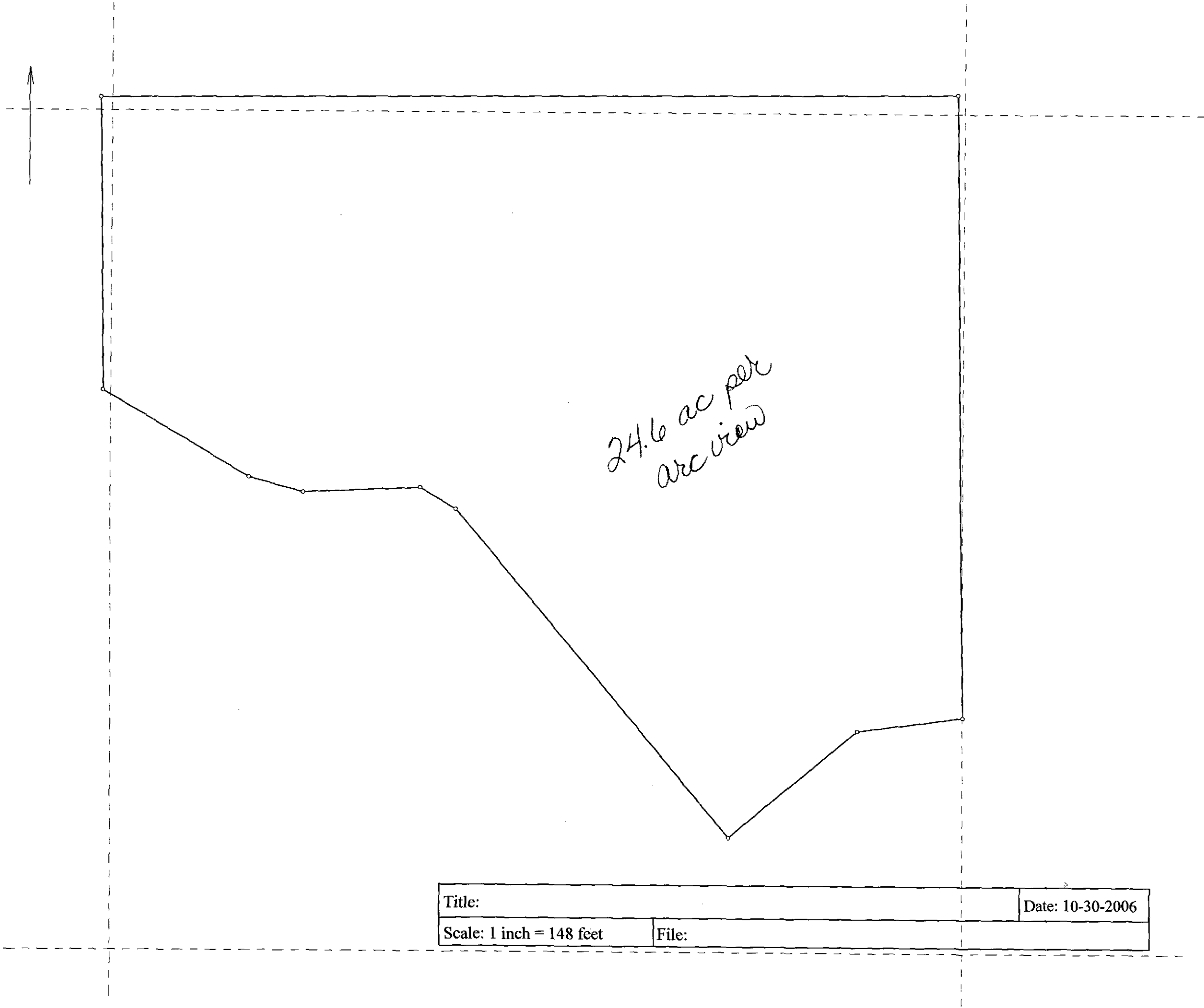
Prepared by K. Walker  
On Tuesday, October 31, 2006  
1987/88 Aerial Photography

R06W

T04N



0 0.1 0.2 Miles



|                          |       |                  |
|--------------------------|-------|------------------|
| Title:                   |       | Date: 10-30-2006 |
| Scale: 1 inch = 148 feet | File: |                  |

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:

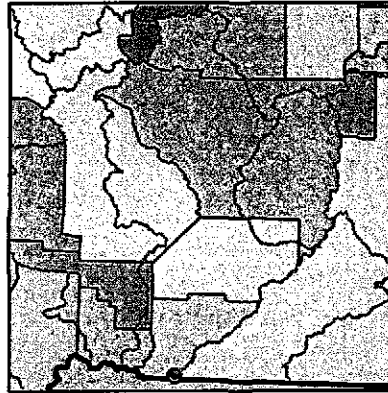
**63-4035**

(Irrigation)

*Acres = 21.6*

## Legend

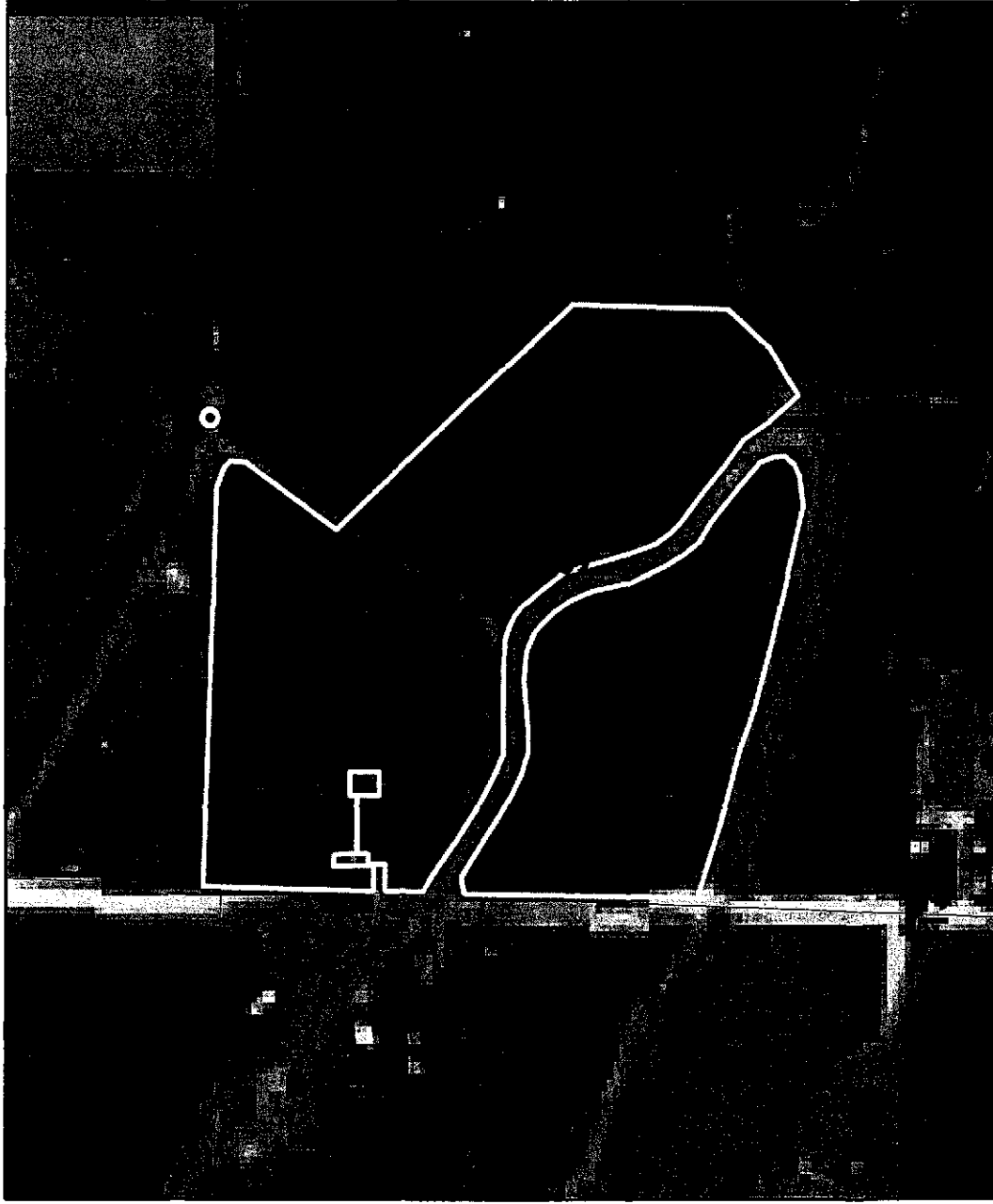
- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



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

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4035

WATER RIGHT NUMBER: 63-4035

| <u>Owner Type</u> | <u>Name and Address</u>                                                  |
|-------------------|--------------------------------------------------------------------------|
| Original Owner    | WALTER R ATEN<br>RT 2<br>WILDER, ID 83676                                |
| Current Owner     | BILL ATEN<br>21737 CASE LN<br><br>WILDER, ID 83676<br>(208)482-6963      |
| Current Owner     | JOE ATEN<br>30588 PECKHAM RD<br>WILDER, ID 83676                         |
| Current Owner     | MATTHEW ATEN<br>30588 PECKHAM RD<br>WILDER, ID 83676<br>(208)250-3452    |
| Current Owner     | MARIA L MORALES<br>30588 PECKHAM RD<br>WILDER, ID 83676<br>(208)250-3452 |

Priority Date: 11/04/1933

Basis: Beneficial Use

Status: Active

Source

CASE DRAIN DITCH

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 Diversion

CASE DRAIN DITCH

CANYON County

SW 1/4 NE 1/4

Sec. 13

Twp 04N

Rge 06W

B.M.

NWNE (per examiner &amp; GIS)

Place of Use

IRRIGATION

Twp Rge Sec

04N 06W 13

NE

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

Totals

30.0

21.6

Total Acres: 30

STOCKWATER

topos X2, X3  
Review by kw  
10/16/06Proc. Standard  
Section 3/1 - 11/15cannot use "Arenal  
Drain" as trib.  
use river

E05

## 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:

- 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<br>RT 2<br>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:

1. 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.

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.

R6W S13

NENW

NENE

NWNE  
0.6 acres total

Hernandez owns  
0.6 acres in this forty.

T4N R6W S13

Hernandez owns  
14 acres in this forty.

Aten owns 6.7 acres  
in this forty.

SENE

SENW

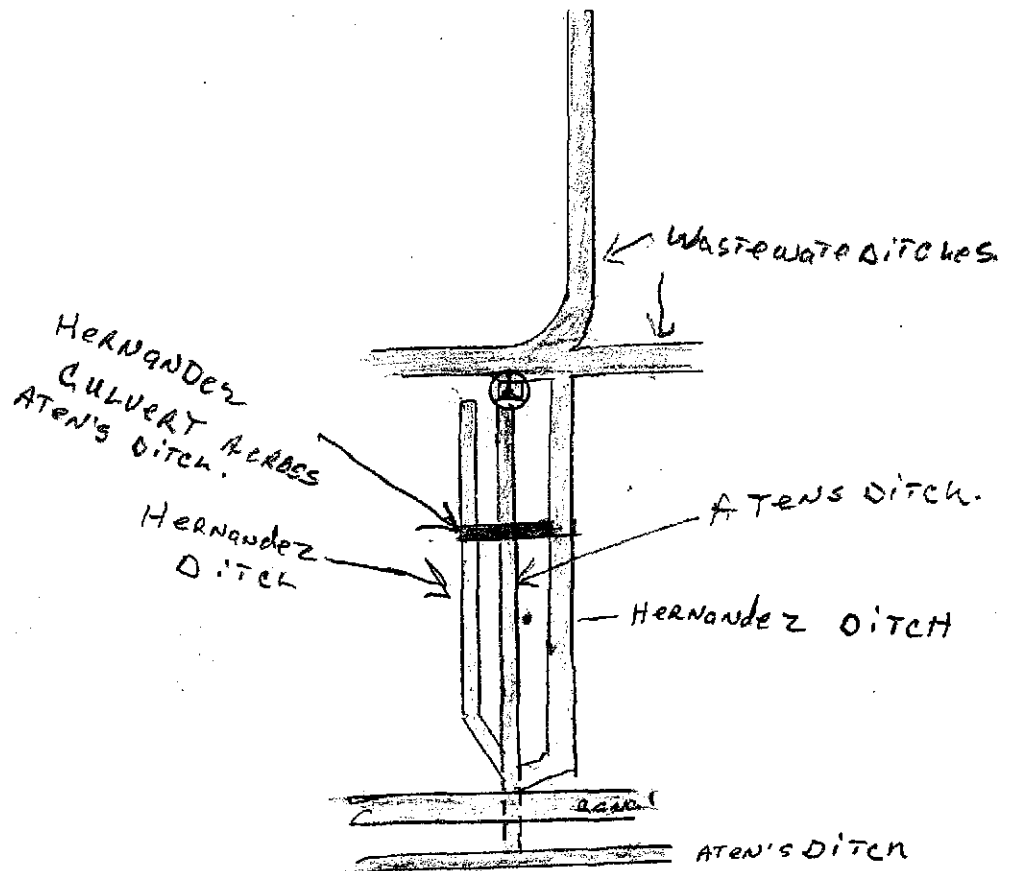
SWNE  
20.7 acres total

NESW

NWSE

NESE

## DIVERSION DIAGRAM FOR ADJUDICATION CLAIM 63-4035



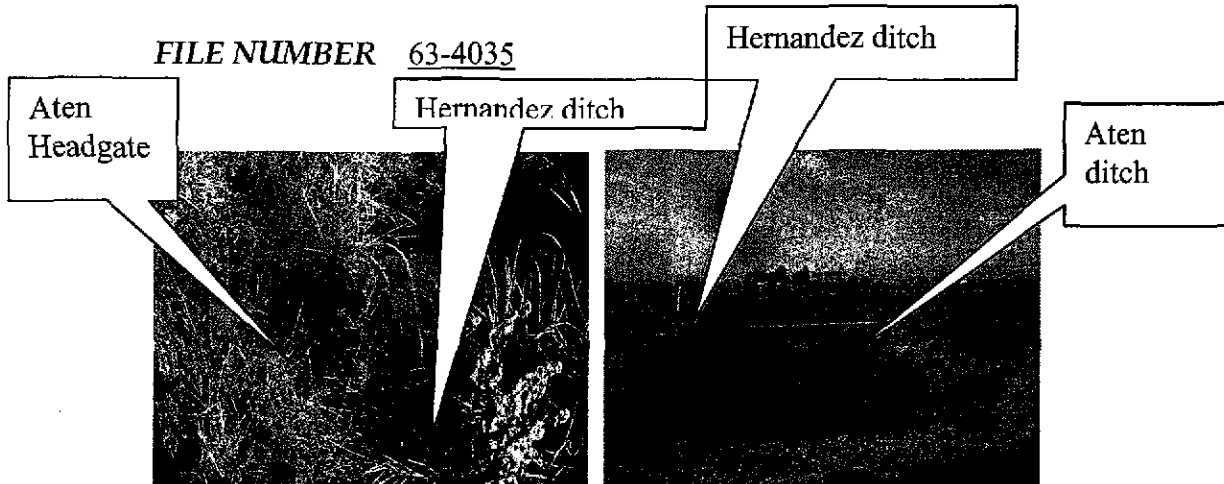
The water for this claim is diverted from a single point in the drain. There are actually two points of diversion, but they are located at the same point on the drain. The Aten diversion is through a headgate that travels south through an underground cement culvert under the Riverside Canal to his irrigation 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.

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

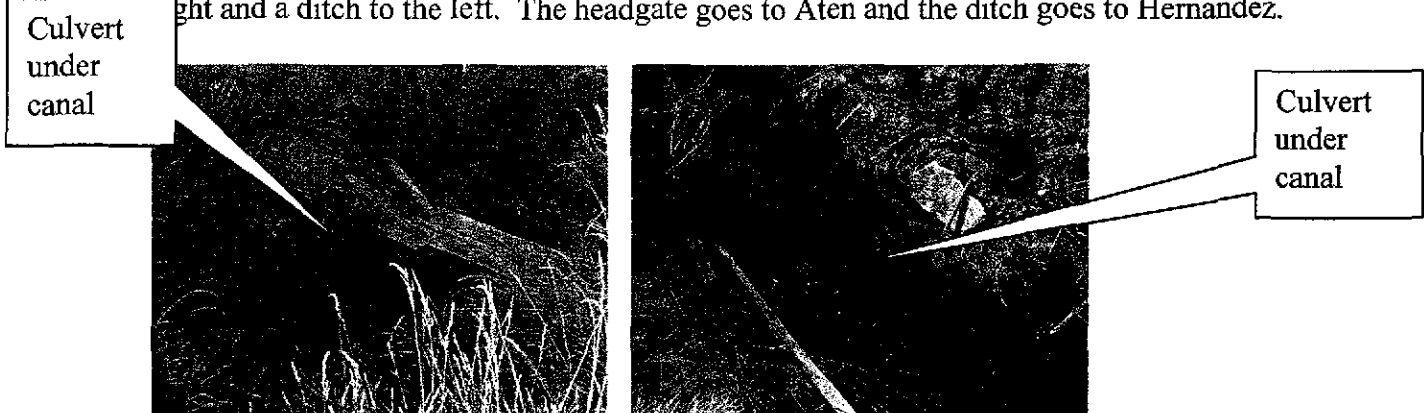
| ST.<br>Q) | ,DIST | ,DEPTH | ,REVS | ,TIME | ,COS:VF | ,LOC | ,CLOCK | ,VEL   | ,AREA  | ,FLOW( |
|-----------|-------|--------|-------|-------|---------|------|--------|--------|--------|--------|
| 1,<br>00, | 1.8,  | 0.00,  | 0,    | 0.0,  | 1.00,   | .6,  | 0:00,  | 0.000, | 0.000, | 0.00   |
| 2,<br>22, | 2.0,  | 0.20,  | 65,   | 40.3, | 1.00,   | .6,  | 10:20, | 1.604, | 0.070, | 0.11   |
| 3,<br>55, | 2.5,  | 0.50,  | 159,  | 40.1, | 1.00,   | .6,  | 10:21, | 3.902, | 0.250, | 0.97   |
| 4,<br>70, | 3.0,  | 0.60,  | 149,  | 40.1, | 1.00,   | .6,  | 10:23, | 3.658, | 0.300, | 1.09   |
| 5,<br>09, | 3.5,  | 0.60,  | 118,  | 40.1, | 1.00,   | .6,  | 10:24, | 2.903, | 0.300, | 0.87   |
| 6,<br>11, | 4.0,  | 0.30,  | 133,  | 40.0, | 1.00,   | .8,  | 10:26, | 3.277, | 0.135, | 0.22   |
| 7,<br>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.



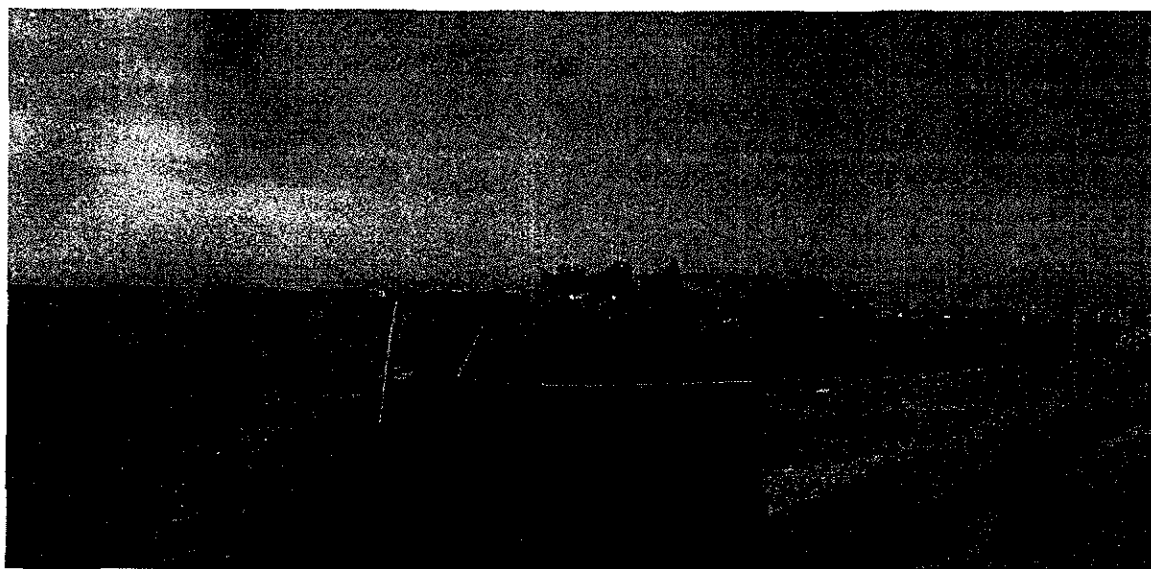
This photo shows where the Riverside water goes into Aten's ditch. I could not get to the point where Hernandez diverts his Wilder water.

*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

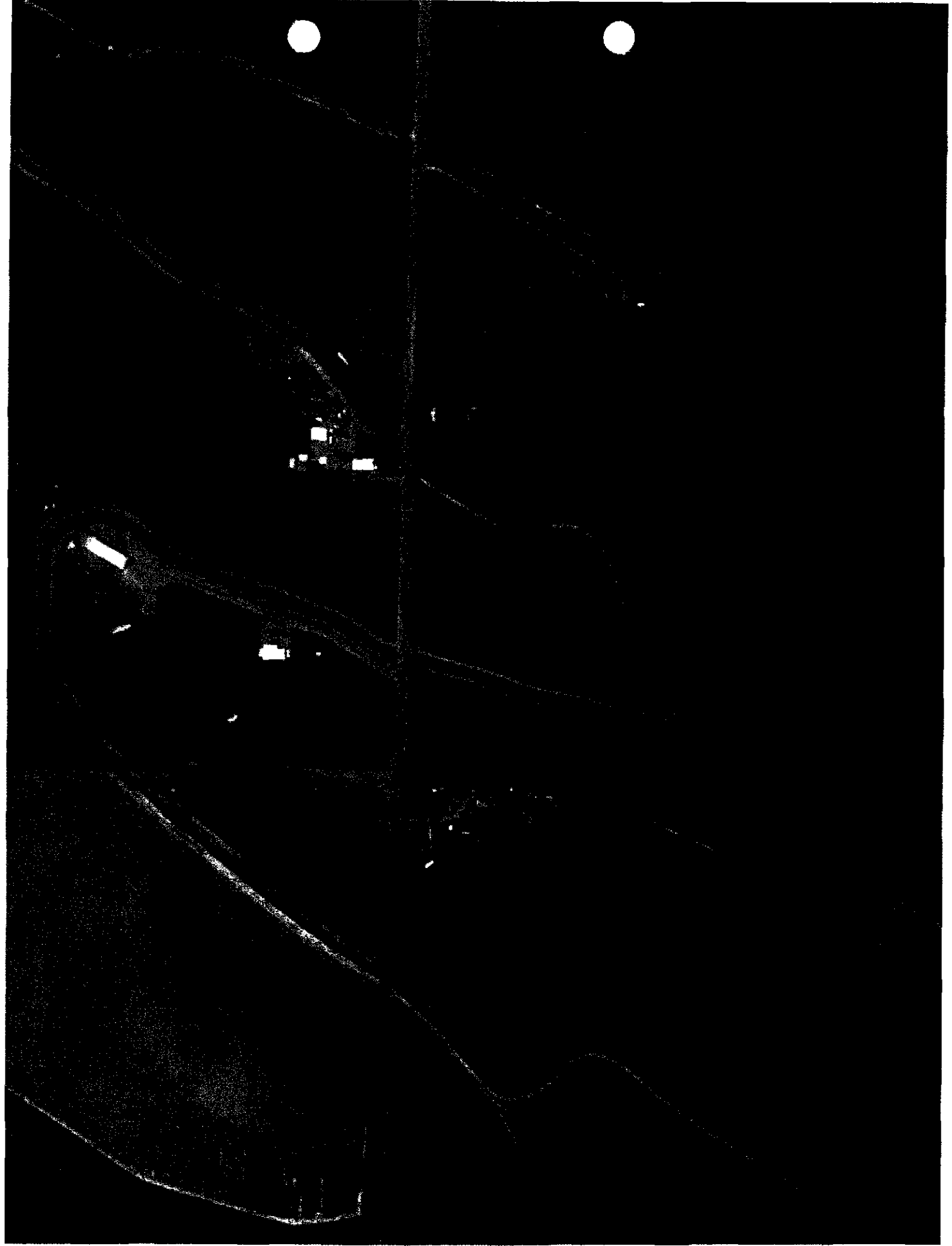
13.) Please show where and how water from other sources are diverted into the irrigation system.

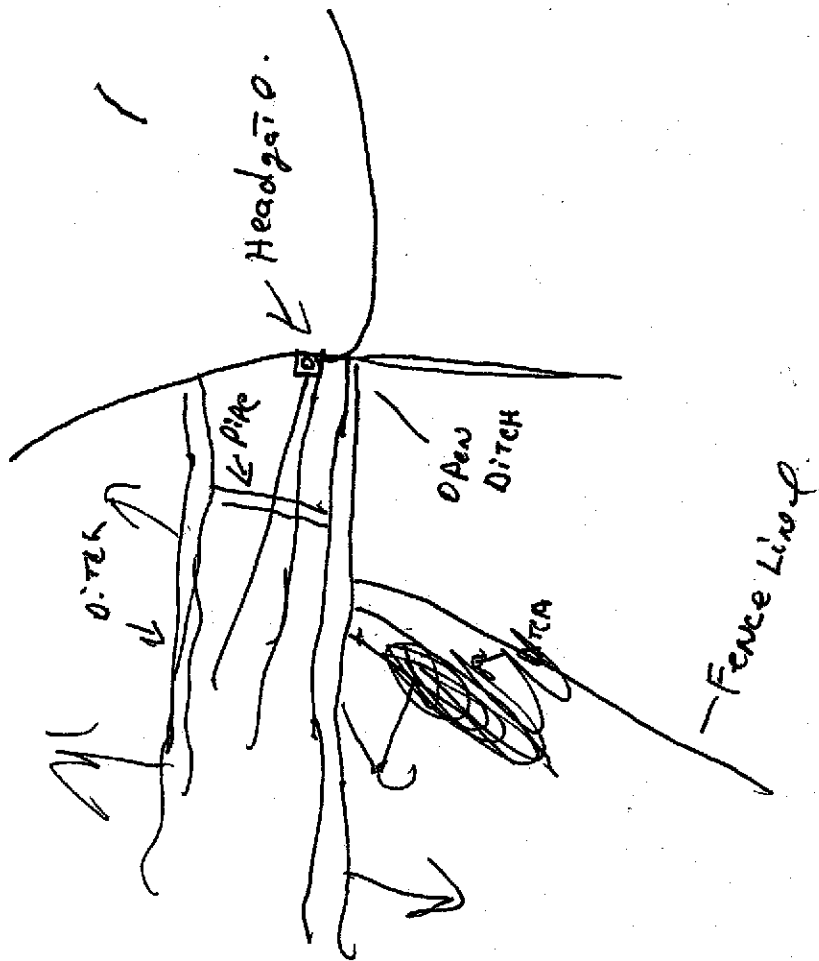
FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

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](http://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

RECEIVED

OCT 10 2006

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

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<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>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. Ater

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

Wildier Id 83676

New Telephone Number

( ) 982-7415

5. Date you acquired the property

October 21-2002

10-11-06

Called Ms. Herrera &  
requested "Exhibit A" so  
could complete owner change.  
Also told her to expect a  
refund of the \$25.00 fee  
submitted. kw

PC46542

FH LH

## WARRANTY DEED

FOR VALUE RECEIVED Philip W. Aten, a married man, as his sole and separate property

the Grantors, do hereby grant, bargain, sell and convey unto Florencio Hernandez and Leonila Herrera, husband and wife

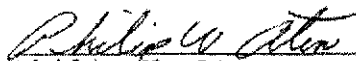
the Grantees, whose address is 4303 E. Power Line, Nampa, ID 83607

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2002 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: October 21, 2002

  
Philip W. Aten

STATE OF IDAHO

COUNTY OF CANYON

On this 21st day of October in the year 2002, before me, a Notary Public, personally appeared Philip W. Aten known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public  
Residing at Caldwell  
My commission expires 2/3/04

PIONEER TITLE COMPANY  
OF CANYON COUNTY

100 10TH AVE SOUTH  
NAMPA, IDAHO 83651

610 SOUTH KIMBALL  
CALDWELL, ID 83605

LEONILA R. HERRERA  
FLORENCIO HERNANDEZ  
21686 CASE LN. 208-482-7415  
WILDER, ID 83676-5053

3043

92-379/1241 3152  
0081038754

No Fee

6

Date

Pay to the  
Order of

Department of ~~Idaho~~ required for  
~~twenty five~~ ownership change.

\$ 25<sup>00</sup>

Dollars



Security  
Features  
Detailed on  
Back



Wells Fargo Bank, N.A.  
Idaho  
wellsfargo.com

For

Water Right 63-4035

Leonila Herrera

⑆124103799⑆ 0081038754⑈ 03043

T4N R6W S13

NENW

NWNE

NENE

SENW

SWNE

SENE

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 30 in. feet;  
width at bottom is 30 in. 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 feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

None

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  
② 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.

Sworn to before me this 28<sup>th</sup> day of March, 1943

by of Barbara, 1969  
C. Stephen Alford  
 Notary Public  
 Residing at Besse, Idaho

My commission expires May 1, 1972

**For Department Use Only**

by CSA Date 3/18/69

**Exception filed by:**

awarded to  
claimant by:

Date \_\_\_\_\_

Prelim. check by CAF Date 3/28/62

Fee received by ii Date 4-1-69 Fee \$ 10<sup>00</sup>

Approved for publication by to 4-9-69

Published in Y. Soc. D. Dates 4/10+  
4/17-19

~~63-4036~~

# 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

SCALE: 1" = 200'

## CERTIFICATION

I, Greg L. Spitzer, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map was prepared by me or under my direct supervision and that it is in conformity with the Commission and ruling Act, Idaho Code 55-1601 through 55-1605.

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

SURVEY FOR

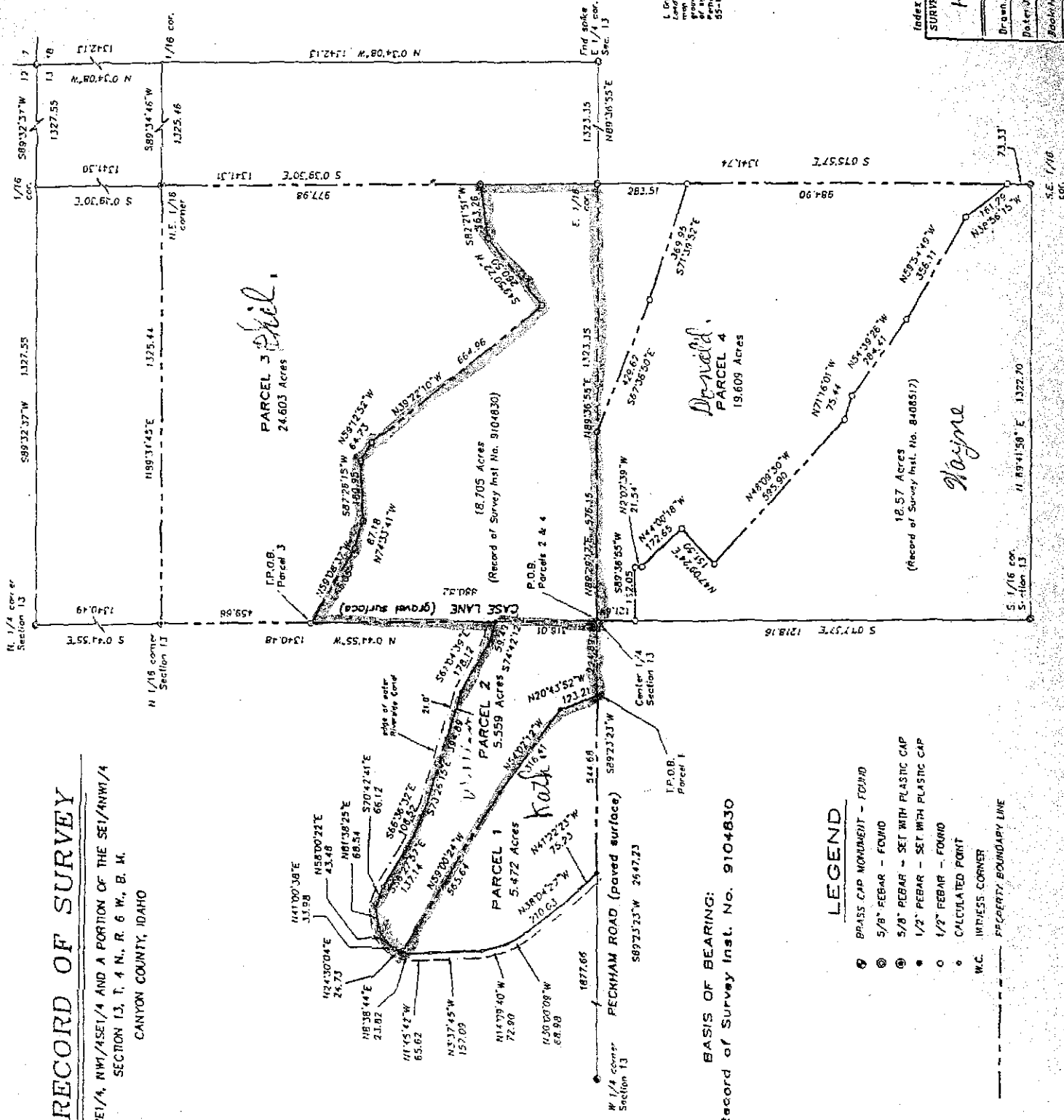
KATHERINE CARVER

Drawn by G.L.S.

Date: JUNE 28, 1993

Book: 118-22

Job No. 111203



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

## LEGEND

- (S) BRASS CAP MONUMENT - FOUND
- (C) 5/8" PEBAR - FOUND
- (P) 5/8" PEBAR - SET WITH PLASTIC CAP
- (O) 1/2" PEBAR - SET WITH PLASTIC CAP
- (X) 1/2" PEBAR - FOUND
- (•) 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

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

SCALE: 1" = 200'

I, Greg L. Sumner, 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, that this map is an accurate representation of said survey, and that it is in conformity with the Corner, Penetration and Flying Act, Idaho Code 53-1601 through 53-1612.

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

KATHERINE CARVER

---

**PROPERTY BOUNDARY**

**PROPERTY BOUNDARY LINE**

----- PROPERTY BOUNDARY LINE

———— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

————— PROPERTY BOUNDARY LINE

————— PROPERTY BOUNDARY LINE

----- PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

— PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

PROPERTY BOUNDARY LINE

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;

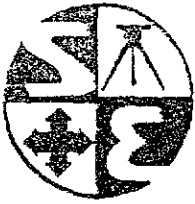
Thence South 0°15'57" East along the easterly boundary of said NW1/4SE1/4 a distance of 283.51 feet;

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<sup>90</sup>

No 2447

RECEIVED OF:

PARMA, IDAHO

Dec. 13, 19<sup>90</sup>

Kathryn Carver

21464 Case Lane

Wilder, ID 83676

the full amount of taxes, levied for the fiscal year 19<sup>90</sup>, 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 ..... \$ .....

Arlene L. Abbott

Treasurer, Riverside Irrigation District.

By \_\_\_\_\_, Deputy.



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

RECEIVED  
SEP 14 2006  
WATER RESOURCES  
WESTERN REGION

IN THE MATTER OF:

RECEIVED

AFFIDAVIT

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 Little since 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.

Linda D. Lachland  
(Notary Public)

Residing at Parma 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 Peters since  
1938. Mrs. Peters 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

Wanda D. Lockland  
(Notary Public)

Residing at

Pampa, 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.

Ernest Paul Age 59 Born Feb 13 1910  
One known Mr Walter Allen since 1918  
Being a neighbor. Also know Mr Allen's father  
ran Water Out of Case Drainage Ditch prior  
To 1932 and been use continuously since.

Ernest Paul  
(signature)

Subscribed and sworn to before me this 21 day of March 1969.

Wanda D. Laddland  
(Notary Public)

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

IN THE MATTER OF:

State of Idaho  
County of Canyon

APPROVED

RECEIVED

APR 1 1969

Department of Reclamation

Dudley Marston

being first duly sworn,

deposes and says:

I hereby state that I  
Dudley Marston have known  
Mr. Ager 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