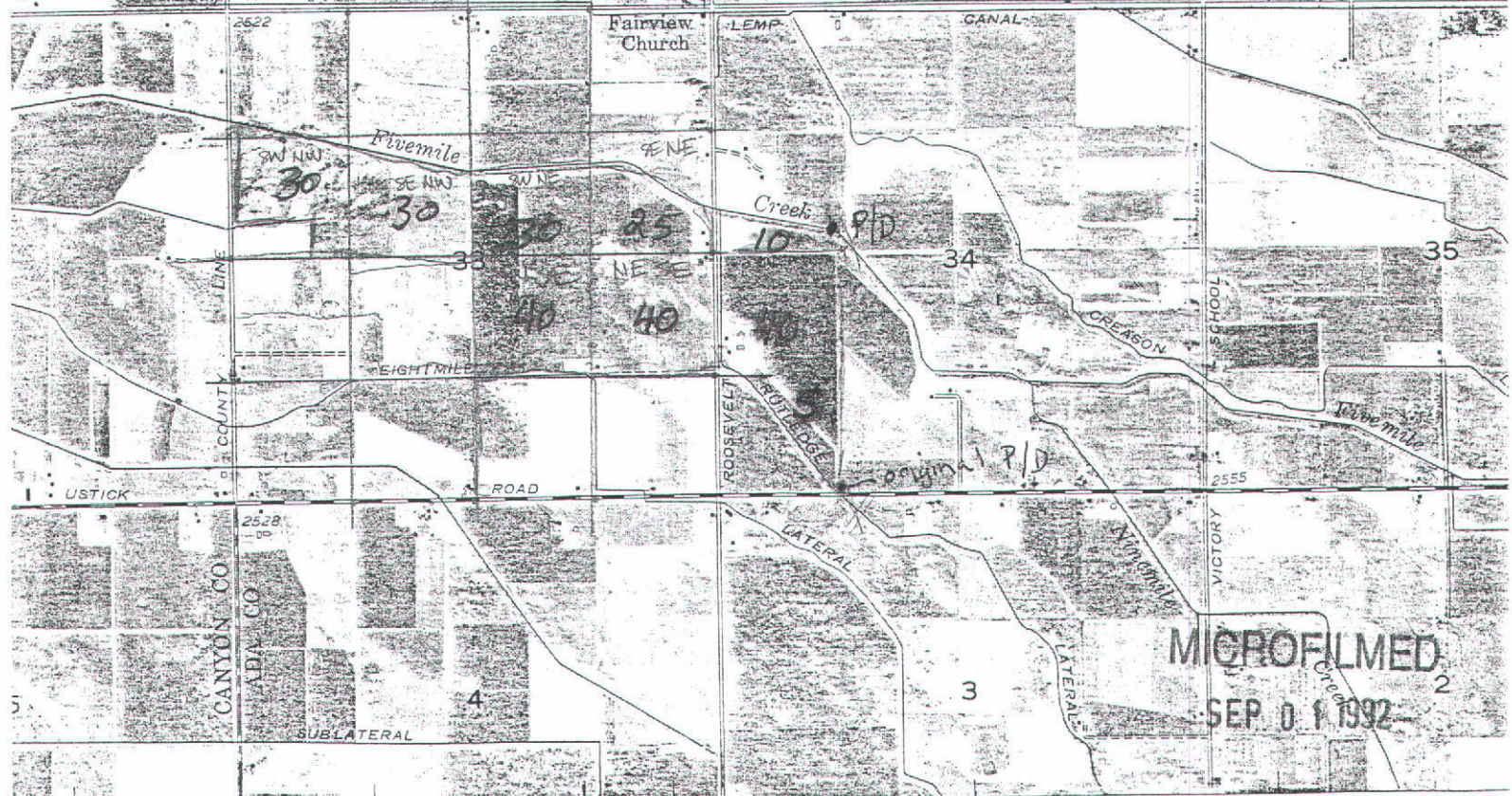
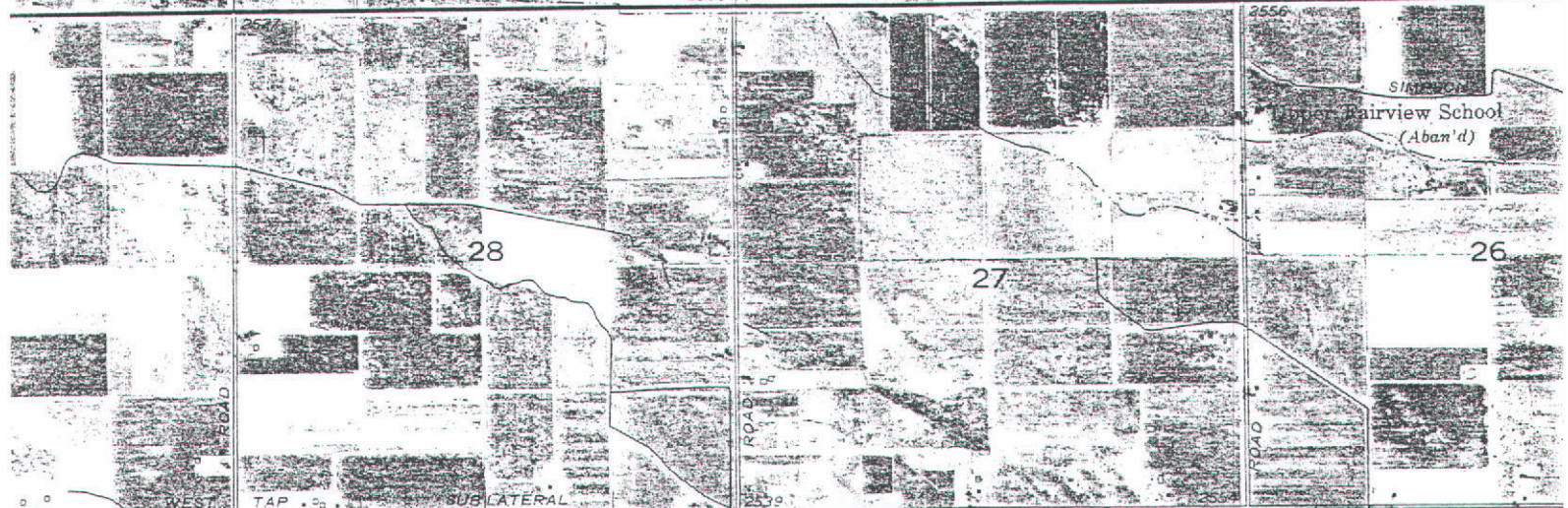
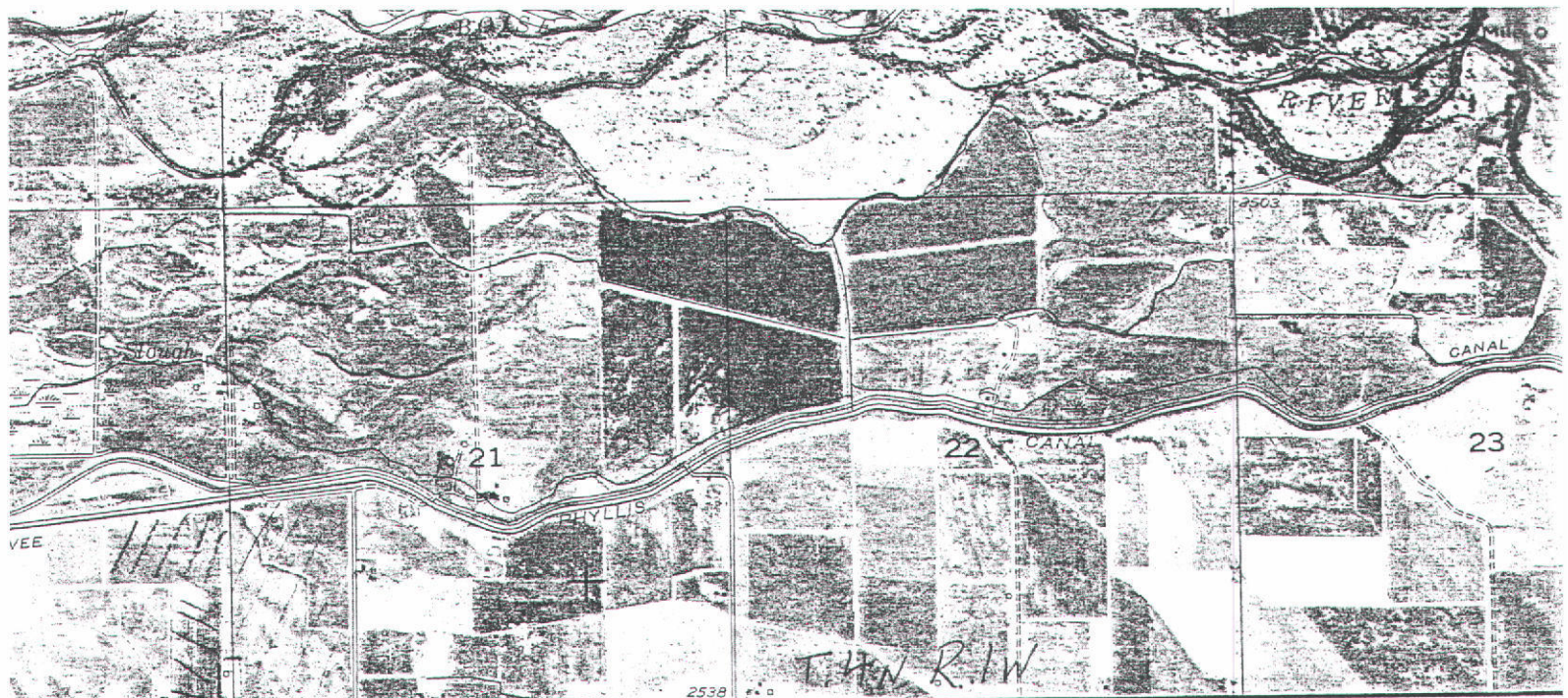
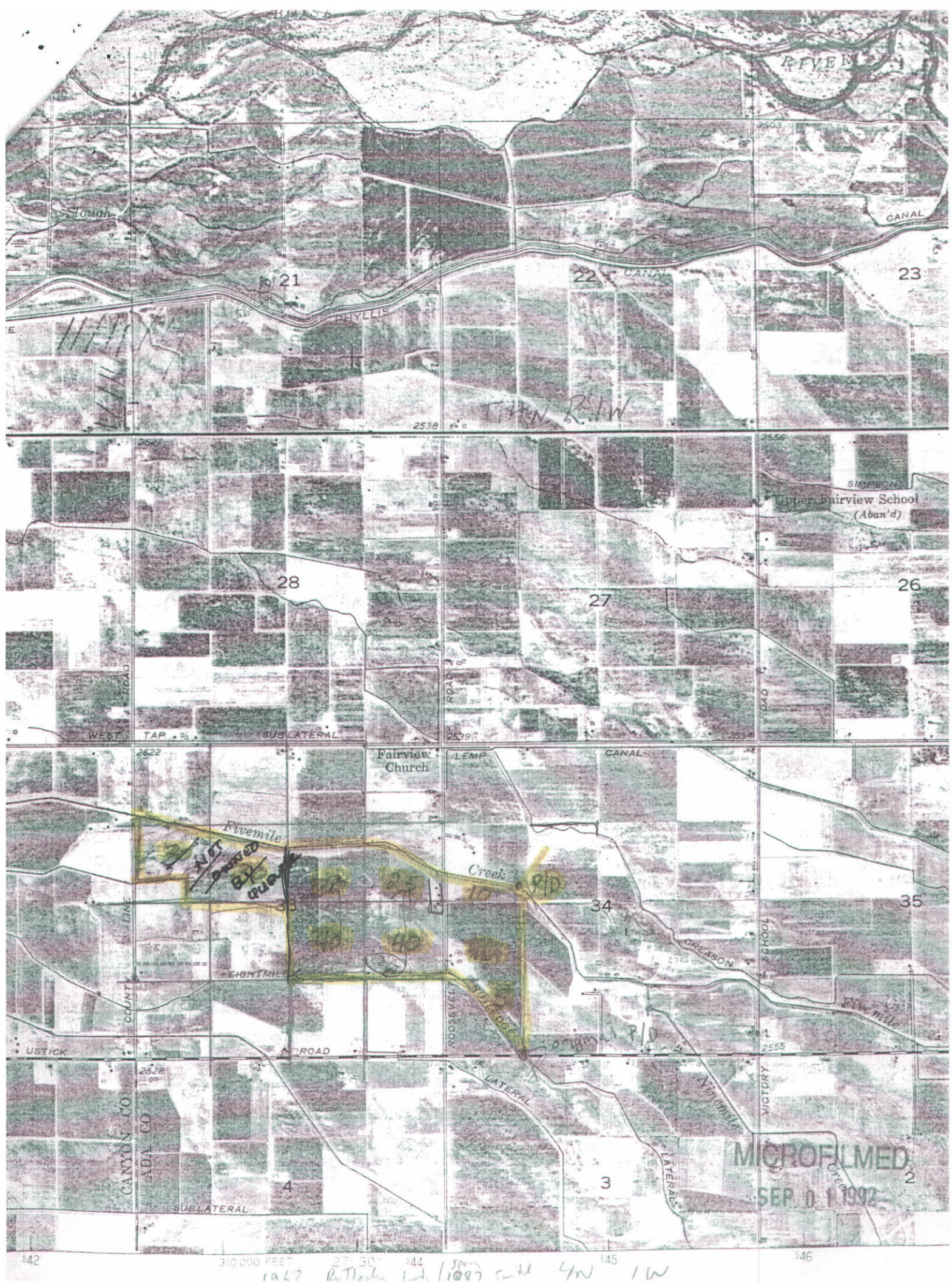






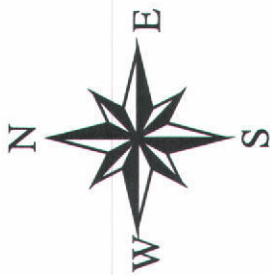
Idaho Department of Water Resources



Claim No: 63-19036
Prepared By: Kimberly Brown
Date: December 8, 2006

-  Place of Use
-  Section Lines
-  1/4 1/4
-  Point of Diversion

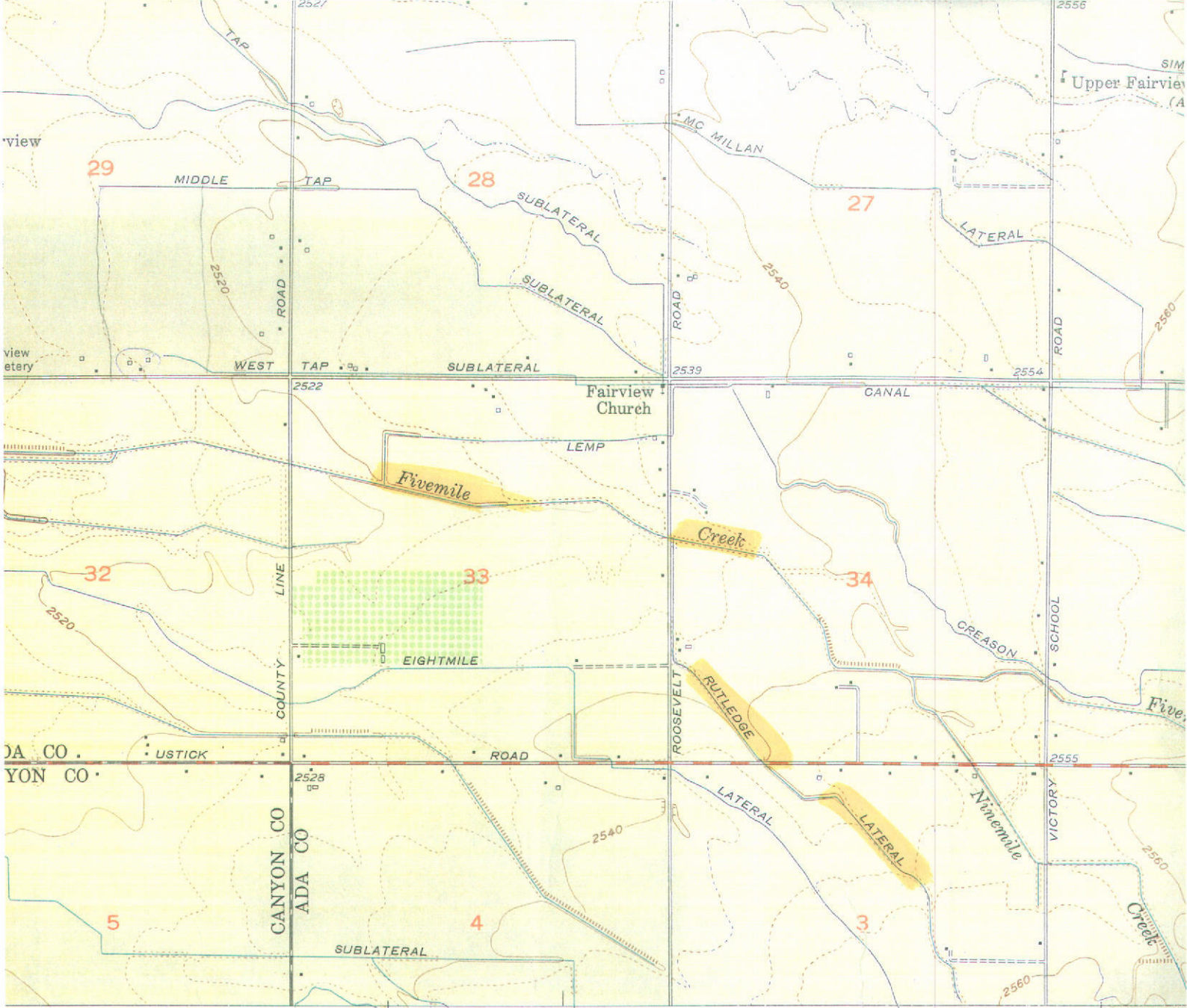
Acres Irrigated = 250



300 0 300600 Feet

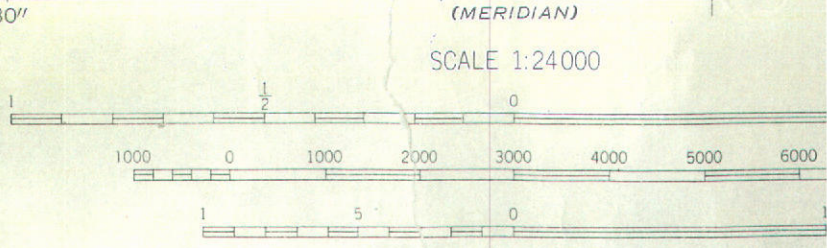
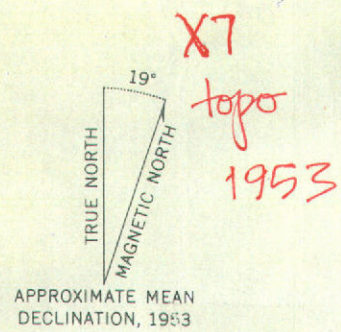


2003 NAPP



U.S. 30
MI.
Map by the Geological Survey

Map by multiplex methods and by
aerial photographs taken 1951
with American datum
coordinate system, west zone
to indicate locations



SCALE 1:24000
CONTOUR INTERVAL 20 FEET
DASHED LINES REPRESENT 5 FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, FEDERAL CENTER, DENVER, COLORADO CO
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON

Rutledge
Lateral (live water)
v. Rutledge
Drain

Tues 11:30 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Eugene & Ardyce Quenzer/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-19036	NBS/Becky/Kimberly Brown	source - waste/seepage water issue. Contends water right should be disallowed.	<u>Basin - B.U.</u> <u>Source - Firemile Creek</u> <u>P.O. - 4/05/1963</u>

Tues 11:45 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Creason Lateral Assn/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-24098	NBS/Becky/Jan Shurte	source - waste/seepage water issue. Contends water right should be disallowed.	
Creason Lateral Assn/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-30424	NBS/Becky/Jan Shurte	source - waste/seepage water issue. Contends water right should be disallowed.	

Idaho Department of Water Resources

T04N, R01W, S33 & S34

Claim No: 63-19036

Prepared By: Kimberly Brown

Date: July 20, 2005



Place of Use



Section Lines

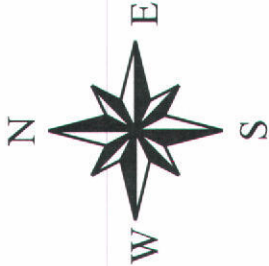


1/4 1/4



Point of Diversion

Acres Irrigated = 250.0



300 0 300600 Feet



1987 NAPP

Idaho Department of Water Resources

T04N, R01W, S33 & S34

Claim No: 63-19036

Prepared By: Kimberly Brown

Date: December 29, 2004



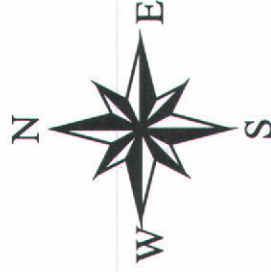
Place of Use

Section Lines

1/4 1/4

Point of Diversion

Acres Irrigated = 224.0



1987 NAPP

0.2 0 0.2 0.4 Miles



1987

S34

S33

NESW

NWSW

120 AC

SESE

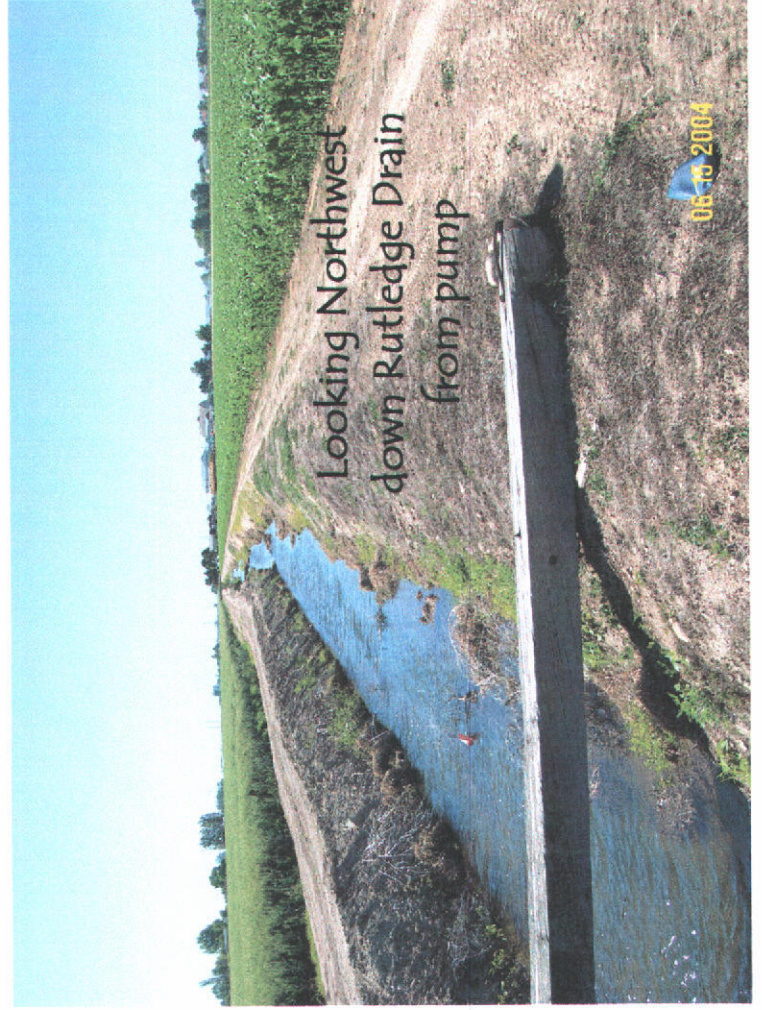
5 MILE DRAIN

5 MILE DRAIN

USTICK RD

BLACKCAT RD

50 AC
10 AC
20 AC
NANPAH
NESPION
WATER
THIS
FIELD
Pump



63-19036

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 63-19036
Date Received: 9/26/1989
Receipt No: W006048
Received By:

AMENDED

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

1. Name of Claimant(s)

EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID USA 83642

Phone: (208)888-2442

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID USA 83642

Phone: (208)888-2442

2. Date of Priority: 04/15/1963

3. Source: RUTLEDGE DRAIN

Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	34	SE SW SW	ADA	

5. Description of diverting works:

25 HP PUMP IN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	5	

7. Total Quantity Appropriated is:
5 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	01W	33	SW	NE	IRRIGATION	30
			SE	NE	IRRIGATION	25
			NW	SE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			SW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	30
Section Acres						195
04N	01W	34	SW	NW	IRRIGATION	10
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	5
Section Acres						55
Total Acres						250

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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.

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

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

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Eugene Quinzer Date: 12-8-06
Ardyce L. Quinzer Date: 12-8-06

State of Idaho)

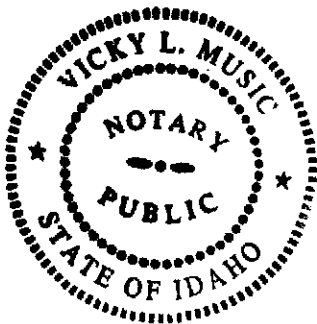
County of Ada) SS. _____

Subscribed and sworn (or affirmed) before me this 8th
of DEC 2006

Vicky L. Music
Notary Public

Residing at Boise, ID

My commission Expires 1-27-2012



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-19036
Date Received: 9/26/1989
Receipt No: W006048
Received By: RJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE QUENZER 208-888-2442
Address: 3680 N. BLACK CAT ROAD
MERIDIAN, ID 83642

AND/OR

Name: ARDYCE QUENZER 208-888-2442
Address: 3680 N. BLACK CAT ROAD
MERIDIAN, ID 83642

2. Date of Priority: APR 15, 1963

3. Source: FIVEMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	34	SE	SW	NW		ADA

5. Description of diverting works:
25 HP PUMP IN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	33	SW		NE		IRR	30.0
			SE		NE		IRR	25.0
			SW		NW		IRR	30.0
			SE		NW		IRR	30.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	195.0
		34	SW		NW		IRR	10.0
			NW		SW		IRR	40.0
			SW		SW		IRR	5.0
							Section Acres	55.0
							Total Acres	250.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SETTLERS, NAMPA-MERIDIAN I.D. NOTE: THE ORIGINAL P/D WAS IN THE
SE SW SW OF S. 34. RUTLEDGE LATERAL TRIBUTARY TO FIVEMILE CREEK.

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: _____

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): Eugene Inenzer Date: 9-26-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of September 19 89

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-19036
Date Received: 9/26/1989
Receipt No: W006048
Received By: RJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE QUENZER 208-888-2442
Address: 3680 N. BLACK CAT ROAD
MERIDIAN, ID 83642

AND/OR

Name: ARDYCE QUENZER 208-888-2442
Address: 3680 N. BLACK CAT ROAD
MERIDIAN, ID 83642

2. Date of Priority: APR 15, 1963

3. Source: FIVEMILE CREEK Trib. to: FIFTEENMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	34	SE	SW	NW		ADA

5. Description of diverting works:
25 HP PUMP IN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	33	SW	NE		IRR	30.0
			SE	NE		IRR	25.0
			SW	NW		IRR	30.0
			SE	NW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	195.0
		34	SW	NW		IRR	10.0
			NW	SW		IRR	40.0
			SW	SW		IRR	5.0
						Section Acres	55.0
						Total Acres	250.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SETTLERS, NAMPA-MERIDIAN I.D. NOTE: THE ORIGINAL P/D WAS IN THE
SE SW SW OF S. 34. RUTLEDGE LATERAL TRIBUTARY TO FIVEMILE CREEK.

15. Basis of Claim: BENEFICIAL USE

60

Pump

JACUZZI Bros

210FH8 C WOB 777

VERTICAL MOUNT

CENTRIFUGAL

ABOUT 4' SUCTION W/ FOOT VALVE

MOTOR = GE

10HP

SN UWS824257

SF 1.15 = 11.5HP @ MAX

220V

28.2 AMP

1175 RPM

5/8" / AC (.625" / AC)

10" MAINLINE TO DITCH ≈ 250'

PVC

A0002476

2302423
1384436

$$\frac{10HP \cdot \frac{57}{55} \cdot (11.5) \cdot (.65) \cdot (3960)}{10} = \frac{1452 = 3.23 \text{ GFS}}{2960} = 448.83$$

1/22

.625" = 5.6 GPM / AC

$$\frac{197 \text{ AC} \times 5.6}{448.83} = 2.47 \text{ GFS}$$

NAMPA =
MERIDIAN ID
ALLOWS

10 POWER METER

89664981

K_A = 28.8

DEMAND

8.98

10.8

04N

01W

34

03

58
80
120
258

50
10
20
120
200

120
18
10
20
158

120
58
170

LIFT = 10

RECEIVED

Date Received 7-26-89 RW

OCT 27 1989

State of Idaho

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

OCT 2 1989

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

approved

Name of Claimant Eugene Quenzer 408 888-2442
Phone Number

Mailing Address 3680 N. Black Cat Rd. Meridian Id. 83642
City State Zip

County(s) where place of use is located Ada 9/8/89
Date claim originally due

Identify water right(s) for which extension is requested A 63-19036

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

CLAIMANT HAD BEEN HELPED BY ELDON, THEN ELDON LEFT
E / RON HAD HELPED WITH KANIER CLAIMS THEN RE-
SCHEDULED AGAIN ASAP SO THIS CLAIM WAS THE REMAINDER
THAT WAS LEFT TO DO AND WASN'T ABLE TO RESCHEDULE
UNTIL THIS DATE Rdh

Claimant requests an extension to 10-26-89, 19 89

Eugene Quenzer 9-26-89, 19 89
Signature Date of request

OWNER
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to October 26, 19 89

Signed this 25 day of October, 19 89

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW MICROFILMED

SEP 01 1992

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

INITIALS COURT- SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2007 FEB 21 PM 12 38

Water Right 63-19036

NAME AND ADDRESS:

ARDYCE L QUENZER
EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN, ID 83642

SOURCE:

RUTLEDGE DRAIN TRIBUTARY: FIVEMILE CREEK

QUANTITY:

4.50 CFS

PRIORITY DATE:

04/15/1963

POINT OF DIVERSION:

T04N R01W S34 SESWSW Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
4.50 CFS

PLACE OF USE:

Irrigation

Within Ada County

T04N R01W S33

SWNE 25.0

SENE 20.0

SWNW 28.0

SENW 29.0

NESE 37.0

NWSE 37.0

S34

SWNW 8.0

NWSW 33.0

SWSW 33.0

250.0 Acres Total

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

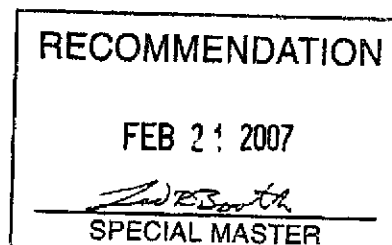
This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

FEB 23 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 21 PM 12 38

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-19036

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the Nampa and Meridian Irrigation District (NMID), by and through its attorney Bryce Farris, filed an objection to the *Director's Report*, asserting that the source of the water right claim is wastewater from the NMID system. Upon the filing of an *Amended Notice of Claim* by the claimant, IDWR filed an *Amended Director's Report* on December 19, 2006. No objections to the *Amended Director's Report* have been filed, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-19036 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated February 21, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

2007 FEB 21 PM 12 38
TWIN FALLS CO., IDAHO
FILED

2007 FEB 21 PM 12 38

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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

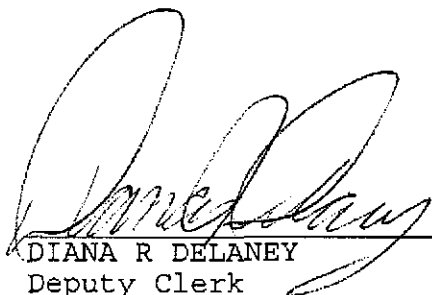
Water Right(s): 63-19036

On February 21, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 21, 2007.


DIANA R DELANEY
Deputy Clerk

CLERK OF DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED _____

2007 FEB 21 PM 12 38

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-19036

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 21, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

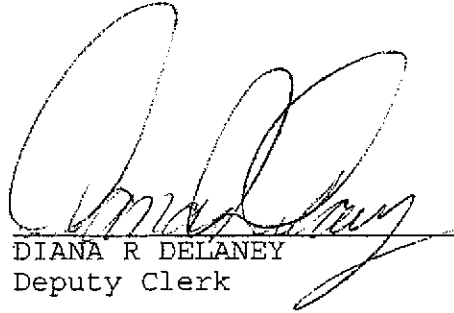
NAMPA AND MERIDIAN
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
02/21/07

ARDYCE L QUENZER
EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN, ID 83642
Phone: 208-888-2442



DIANA R DELANEY
Deputy Clerk

AMENDED DIRECTOR'S REPORT

Subcase No. 63-19036

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
Donald V. Shaff, Adjudication Bureau Chief

December 18, 2006

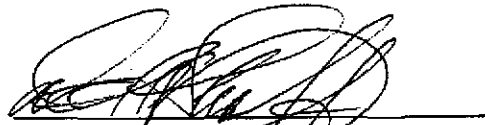
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Motion to File Amended Notice of Claim (SF 4)* on the record at the December 5, 2006 initial hearing, the *Amended Notice of Claim* on file with the Idaho Department of Water Resources attached herein as Exhibit 1, and the *Order Setting Deadlines* issued by Special Master Booth on December 14, 2006, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 18th day of December, 2006.


DONALD V. SHARP
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on December 18 2006, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, with sufficient first-class postage prepaid:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

hand-delivered

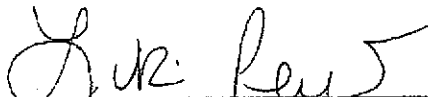
2. Copies to:

Ardyce & Eugene Quenzer
4020 N Blackcat Rd
Meridian, ID 83646

USDI - BOR
US Dept of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Daniel V. Steenson
Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

Ada County Courthouse
200 W Front Street
Boise, ID 83702-7300



Signature of person delivering form

Amended Director's Report
Right No. 63-19036

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-19036

NAME AND ADDRESS:

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID 83646

EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83646

SOURCE:

Source:

Tributary:

RUTLEDGE DRAIN

FIVEMILE CREEK

FIVEMILE CREEK

FIFTEENMILE CREEK

QUANTITY: 4.500 CFS 0.000 AFY

PRIORITY DATE: 04/15/1963

POINT OF DIVERSION:

T04N R01W S34 SESESW
Within ADA County

T04N R01W S34 SESESW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

4.500 CFS

PLACE OF USE:

IRRIGATION

within ADA County

T04N R01W S33 SWNE 25.0

T04N R01W S33 SENE 20.0

T04N R01W S33 SWNW 28.0

T04N R01W S33 SENW 29.0

T04N R01W S33 NESE 37.0

T04N R01W S33 NWSE 37.0

T04N R01W S34 SWNW 8.0

T04N R01W S34 NWSW 33.0

T04N R01W S34 SWSW 33.0

250 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.

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 Settlers Irrigation District.

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

Amended Director's Report
Right No. 63-19036

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 63-19036
Date Received: 9/26/1989
Receipt No: W006048
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID USA 83642

Phone: (208)888-2442

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID USA 83642

Phone: (208)888-2442

2. Date of Priority: 04/15/1963

3. Source: RUTLEDGE DRAIN

Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	34	SE SW SW	ADA	

5. Description of diverting works:

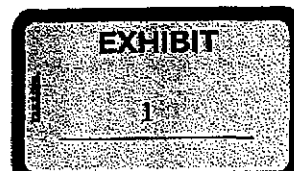
25 HP PUMP IN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	5	

7. Total Quantity Appropriated is:
5 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	01W	33	SW NE	IRRIGATION	30
			SE NE	IRRIGATION	25
			NW SE	IRRIGATION	40
			NE SE	IRRIGATION	40
			SW NW	IRRIGATION	30
			SE NW	IRRIGATION	30
Section Acres					195
04N	01W	34	SW NW	IRRIGATION	10
			NW SW	IRRIGATION	40
			SW SW	IRRIGATION	5
Section Acres					55
Total Acres					250

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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.

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

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

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Eugene Lucero Date: 12-8-06

Arlyne L. Lucero Date: 12-8-06

State of Idaho

County of Ada) SS.)

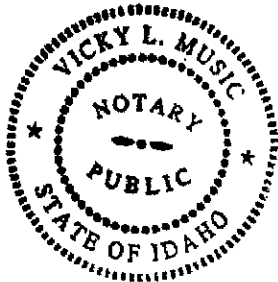
Subscribed and sworn (or affirmed) before me this 8th

of Dec 2006

Vicky L. Music
Notary Public

Residing at Boise, ID

My commission Expires 1-27-2012



12/08/2006

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

RIGHT NUMBER: 63-19036

NAME AND ADDRESS: EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83646

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID 83646

SOURCE: RUTLEDGE DRAIN

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 4.500 CFS

PRIORITY DATE: 04/15/1963

POINT OF DIVERSION:

T04N R01W S34 SESWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	4.500 CFS

PLACE OF USE:

IRRIGATION in ADA County

T04N R01W S33	SWNE	25.00	T04N R01W S33	SENE	20.00
T04N R01W S33	SWNW	28.00	T04N R01W S33	SENW	29.00
T04N R01W S33	NESE	37.00	T04N R01W S33	NWSE	37.00
T04N R01W S34	SWNW	8.00	T04N R01W S34	NWSW	33.00
T04N R01W S34	SWSW	33.00			

250 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.

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 Settlers Irrigation District.

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

Idaho Department of Water Resources

T04N, R01W,
S33 & S34

Claim No: 63-19036

Prepared By: Kimberly Brown

Date: December 8, 2006



Place of Use

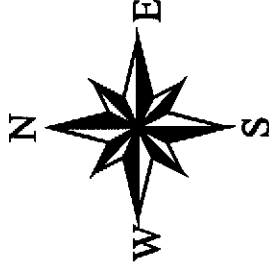


Section Lines

1/4 1/4

● Point of Diversion

Acres Irrigated = 250



300 0 300 600 Feet



2003 NAPP

Rutledge Drain (

(V.)

Lateral (live water)

MEMORANDUM

RE: Snake River Basin Adjudication Water Right Nos. A63-19036
Initial Hearing held at Supreme Court Building

December 5, 2006

Claimants Eugene and Ardyce Quenzer, along with their two sons, attended the Initial Hearing scheduled at 11:30 p.m. Eugene Quenzer began the meeting, which also included Nampa-Meridian Irrigation District, Bureau of Reclamation, and IDWR representatives, by stating that he began using the water in 1963 from the Rutledge Drain, then switched to Fivemile Creek in the 1980s, stopped using the water from Fivemile approximately two years ago (in 2004), and then switched back to the Rutledge Drain. Mr. Quenzer also affirmed that he does pay Settlers and Nampa-Meridian Irrigation Districts for supplemental water.

*a
private
waste
ditch;
versus the
Rutledge
lateral
which is
"live"
water*

After all the discussion between the parties, it was agreed that the Quenzers would file and amended claim in which the source would be changed to the use of wastewater from the Rutledge Drain and Condition G16 would be added to the claim. Since the District Court requires that the amended claim be filed by Tuesday, December 12th and recommended by December 29th, the Quenzers are planning to come to the Western Region office on Friday, December 8th, 2006 to sign the amended claim.

Kimberly Brown
Senior Water Resource Agent
Western Region

Dean Quenzer

3680 N. Black Cat Rd.
Meridian, ID 83642
Phone: 208-888-5990
Cell: 208-880-3937



Tues 11:30 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Eugene & Ardyce Quenzer/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-19036	NBS/Becky/Kimberly Brown	source - waste/seepage water issue. Contends water right should be disallowed.	<i>Pro Se - P.D.</i> <i>Source - Pro Se</i> <i>P.D. - 4/05/1963</i>

Tues 11:45 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Atty/Paralegal/ IDWR Agent	ISSUES	NOTES
Creason Lateral Assn/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-24098	NBS/Becky/Jan Shurte	source - waste/seepage water issue. Contends water right should be disallowed.	
Creason Lateral Assn/Pro Se	Nampa Meridian Irr Dist/Dan Steenenson (obj); USDI- BOR/Dave Gehlert(rsp)	63-30424	NBS/Becky/Jan Shurte	source - waste/seepage water issue. Contends water right should be disallowed.	

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

In Re SRBA)

Case No. 39576)

A. Subcase **63-19036**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation:
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06

Connie L. Womerson
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, 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: Eugene & Ardyce L. Quenzer
Address: 4020 N. Black Cat Road
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

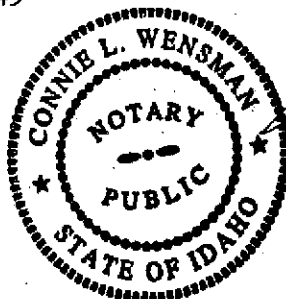
4. Copies to:

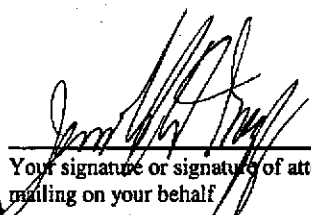
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

SF. 2 - Response to Objection
Amended 10/16/97




Your signature or signature of attorney
mailing on your behalf

RECEIVED

1992 21 200

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-19036

(Insert water right no.)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:

Daniel V. Steenson

S. Bryce Farris

Ringert Clark Chartered

P.O. Box 2773

Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Eugene Quenzer
Ardyce L Quenzer

Address: 4020 N Black Cat Rd
Meridian, Idaho 83642

SF. 1 - Objection
Amended 10/16/97

SCANNED
OCT 03 2006

Page 1

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

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X This water right should not exist.

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

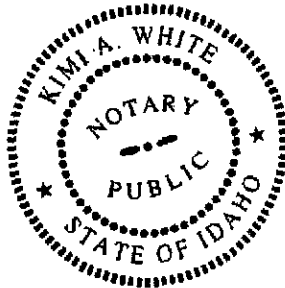
E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

VERIFICATION (must be completed)

County of Ada)

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.

Subscribed and sworn to before me on: April 20 2020



Notary Public for Yakima

Residing at: Bouse, Idaho

My Commission Expires: 6/10/10

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on April 20th, 2006, 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: Eugene Quenzer
Ardyce L. Quenzer

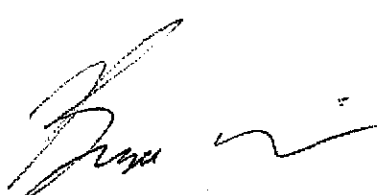
Address: 4020 N. Black Cat Road
Meridian, Idaho 83642

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

07/20/2005

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

RIGHT NUMBER: 63-19036

NAME AND ADDRESS: EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83642

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID 83642

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 4.500 CFS

PRIORITY DATE: 04/15/1963

POINT OF DIVERSION:

T04N R01W S34 SESWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

4.500 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01W S33 SWNE 25.0

T04N R01W S33 SENE 20.0

T04N R01W S33 SWNW 28.0

T04N R01W S33 SENW 29.0

T04N R01W S33 NESE 37.0

T04N R01W S33 NWSE 37.0

T04N R01W S34 SWNW 8.0

T04N R01W S34 NWSW 33.0

T04N R01W S34 SWSW 33.0

250 ACRES TOTAL

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

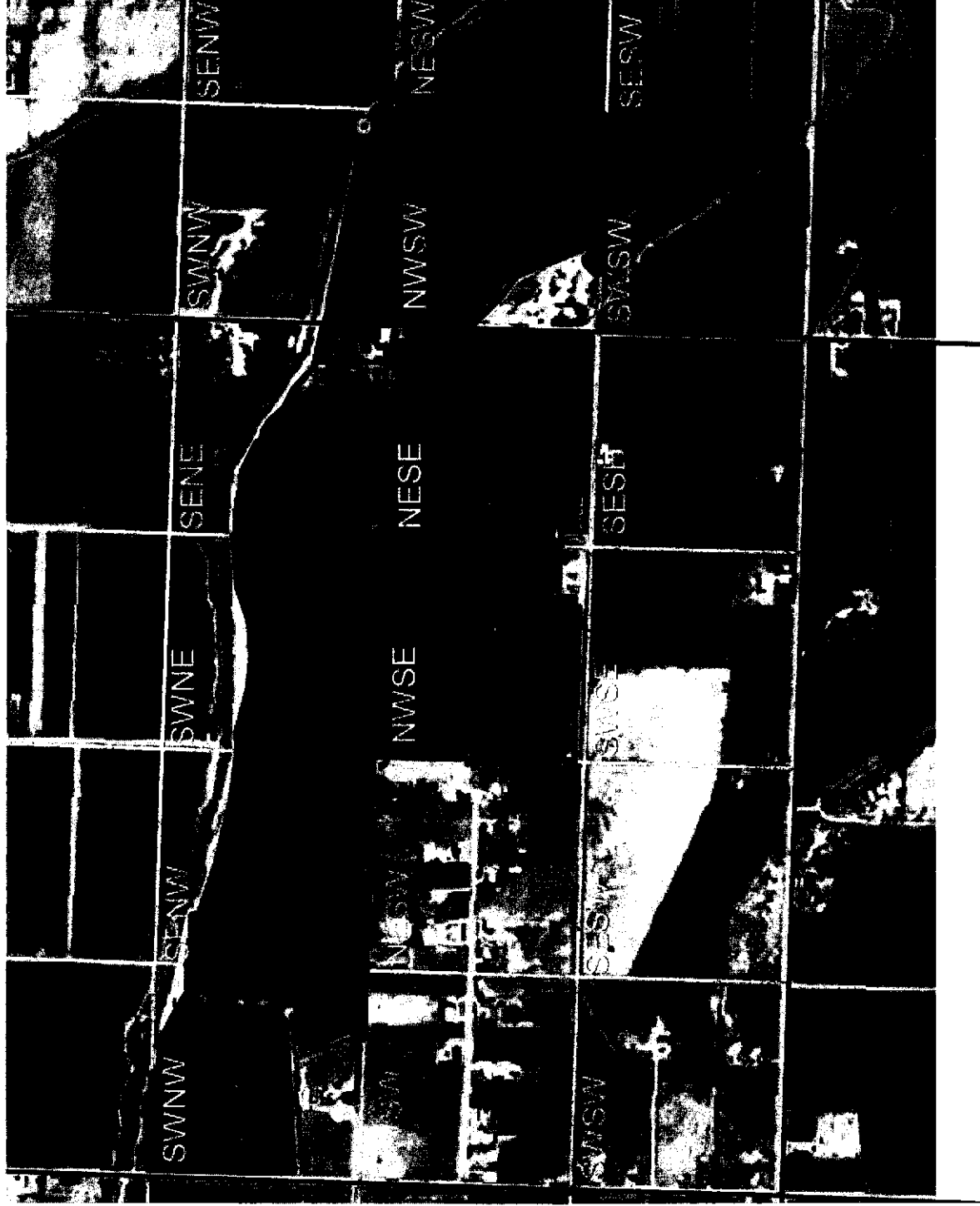
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

Idaho Department of Water Resources



**T04N, R01W,
S33 & S34**

Claim No: 63-19036

Prepared By: Kimberly Brown

Date: July 20, 2005



Place of Use



Section Lines

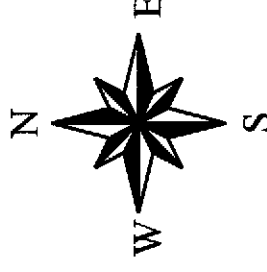


1/4 1/4



Point of Diversion

Acres Irrigated = 250.0



300 0 300600 Feet



1987 NAPP



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ARDYCE & EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83642

RE: NOTICE OF ERROR REPLY
Snake River Basin Claim No(s): A63-19036

Dear Claimant(s),

After my conversation with your son, Dean Quenzer, on 7/12/05 and after receiving the *Notice of Error Reply* signed by Eugene Quenzer on 7/15/05, I re-reviewed your claim and recommendation. Since Dean stated in our conversation on 7/12/05 that the SWNW and the SENW of Section 33 were irrigated from the claimed well in 1987, I am unable to delete them from the recommendation. The current owner of these two quarter-quarters, which according to 2002 Tax Lot information is *Premier Investments LLC*, will need to file a *Change in Water Right Ownership* form with our department.

Regarding Eugene Quenzer's *Notice of Error* request to "add the complete SWSW area": since 250.0 acres were claimed and I originally recommended 224.0 acres (based on the project map submitted with the *Notice of Claim* and the fact that only 5 acres were claimed in the SWSW, S34); I added the additional irrigated 26.0 acres in the SWSW, S34 to the recommendation (which ultimately adds up to the total 250.0 acres that were claimed).

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Adjudication Bureau

Enclosure: Revised Recommendation
 Shapefile

MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-19036
Notice of Error Reply

July 20, 2005

After my conversation with Dean Quenzer on 7/12/05 and after receiving the *Notice of Error Reply* signed by Eugene Quenzer on 7/15/05, I re-reviewed the claim and my recommendation. Since Dean Quenzer stated in our conversation on 7/12/05 that the SWNW and the SENW, S33 were irrigated from the claimed well in 1987, I am unable to delete them from the recommendation. The current owner of these two quarter-quarters, which according to 2002 Tax Lot information is *Premier Investments LLC*, will need to file a *Change in Water Right Ownership* form with our department.

Regarding Mr. Quenzer's *Notice of Error Reply* to "add the complete SWSW area": since 250.0 acres were claimed and I originally recommended 224.0 acres (based on the project map submitted with the *Notice of Claim* and the fact that only 5 acres were claimed); I added 26.0 acres in the SWSW, S34 to the recommendation. I will send the new shapefile and recommendation to the Quenzers today and hope this revised recommendation will suffice.

Kimberly Brown
Senior Water Resource Agent
Western Region

ADD to SWNW, S34: 7.487 AC
19.49 AC
26.977 AC

+ 6.686 AC

SWNW TOTAL: 33.663 AC

05/31/2005

NOTICE OF ERROR

REPLY

RECEIVED

JUL 15 2005

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: July 15, 2005

Water right number: 63-19036

EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83642
Telephone Number: (208)888-2442

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID 83642
Telephone Number: (208)888-2442

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

Section 33 - SWNW & SENW

Section 34 - SWSW

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

Section 33 - Delete the SWNW & SENW

Section 34 - Add the complete SWSW area.

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

Section 33 At one time we farmed & irrigated these
Two parcels but did not own the land.

Section 34 - We have owned & farmed this parcel since 1962.

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

DATE: 7/12/05

SIGNATURE:

Eugene Quenzer

Please print your name:

Eugene Quenzer

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

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-19036

July 12, 2005

(#888-2442)

Dean Quenzer, son of claimants Ardyce and Eugene Quenzer, called in response to the *Notice of Error* packet his parents recently received. Dean Quenzer wants me to remove the 28 acres in the SWNW, S33 and the 29.0 acres in the SENW, S33 from the claim and recommendation because they are no longer owned by the Quenzer family and instead he wants me to add more acres to the SWSW, S33. Dean said that his family has always farmed the entire SWSW, S34 and it should, therefore, have more than 7 acres recommended. I mentioned that his father, Eugene Quenzer, only claimed 5 acres in the SWSW, S34 and that is why I recommended the top NE corner of irrigated acres (refer to the *Notice of Claim* and the attached project map submitted by Eugene Quenzer in 1989). I explained that this was all I had to go on when I created the shapefile and made my recommendation.

Regarding the SWNW and the SENW in Section 33, I asked Dean if these two quarter-quarters were irrigated in 1987 and he said that they were. Therefore, I said that I would be required to recommend them and would not be able to take them off the claim in order to add more acres to the SWSW, S34. At this point, Dean became quite upset. I explained that the current owners of the SWNW and SENW, S33 would only need to file a *Change in Water Right Ownership* form with our department and said that I would see what I could do regarding the SWSW, S34. In the meantime, I asked Dean if he would ask his father, Eugene Quenzer, why he only filed for 5 acres in the SWSW, S34 if their family always irrigated the whole quarter-quarter. Dean shouted that it was "a miscommunication!" and we ended the conversation.

Kimberly Brown
Senior Water Resource Agent
Western Region

04/26/2005

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

RIGHT NUMBER: 63-19036

NAME AND ADDRESS: EUGENE QUENZER
4020 N BLACK CAT RD
MERIDIAN ID 83642

ARDYCE L QUENZER
4020 N BLACKCAT RD
MERIDIAN ID 83642

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 4.500 CFS

PRIORITY DATE: 04/15/1963

POINT OF DIVERSION:

T04N R01W S34 SESWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

4.500 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01W S33 SWNE 25.0

T04N R01W S33 SENE 20.0

T04N R01W S33 SWNW 28.0

T04N R01W S33 SENW 29.0

T04N R01W S33 NESE 37.0

T04N R01W S33 NWSE 37.0

T04N R01W S34 SWNW 8.0

T04N R01W S34 NWSW 33.0

T04N R01W S34 SWSW 7.0

224 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: Beneficial Use

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

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

Idaho Department of Water Resources

T04N, R01W, S33 & S34

Claim No: 63-19036
Prepared By: Kimberly Brown
Date: December 29, 2004



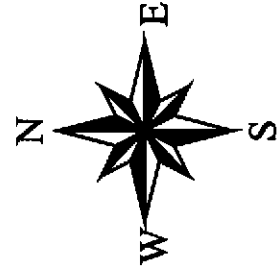
 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion

Acres Irrigated = 224.0



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19036

WATER RIGHT NUMBER: 63-19036 ✓

Owner Type

Current Owner

Name and Address

EUGENE QUENZER ✓
 3680 N BLACK CAT RD
 MERIDIAN, ID 83642
 (208)888-2442 ✓

Current Owner

ARDYCE L QUENZER ✓
 3680 N BLACKCAT RD
 MERIDIAN, ID 83642
 (208)888-2442 ✓

Current Address:

4020 N. Black Cat Rd.
 Meridian 83642

Priority Date: 04/15/1963 ✓

Basis: Beneficial Use ✓

Status: Active

Source

FIVEMILE CREEK ✓

Tributary

FIFTEENMILE CREEK ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate4.5 ~~5.000~~ CFS ✓Annual VolumeTotal Diversion: 4.5 ~~5.000~~ CFS ✓

Change to 3/15

Location of Point(s) of Diversion

FIVEMILE CREEK

ADA County ✓

SE1/4SW1/4NW1/4 ✓

Sec. 34, Twp 04N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	01W	33			25.385	20.408	28	30.0	30.0	29					176.0 ✓
✓ 04N	01W	34			25	20		2.205	10.0	29			33.04	6.686	48.0 ✓

Total Acres: 250 ✓

224.0

Conditions of Approval:Remarks:

1. General

SETTLERS, NAMPA-MERIDIAN I.D. NOTE: THE ORIGINAL P/D WAS IN THE SE SW SW OF
 S. 34. RUTLEDGE LATERAL TRIBUTARY TO FIVEMILE CREEK. ✓

Comments:

ADD W54 - Use combined with Settlers Irr. Dist #20.
ADD W51 - Use combined with Nampa-Meridian Irr. Dist. #2

Parcel Nos: →

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19036

Dates and Other Information:

Claim Received Date: 9/26/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Parcel Nos:

S0433427800 80/ 77.5 AC Agric.
 S0433141810 44 AC house 1935
 part of S0433142350 2.68 AC house 1900
 S0434233900 8.95 AC 1998 house 7.95 AC
 part of S0434325850 73.85 AC / 43.0 Irr. AC
 S0433233700 (Premier Investments
 64.5 AC / 59 Irr. AC
 1765 W. Hendricks
 Meridian 83642

overlap

part of S0434325400 (Dean L. Quenyer
 3680 N. Blvd
 63-11408 license 1990 GW Irr. Sec. 31 73 AC
 63-16276 Dec. 1890 GW Dom 02 Sec. 34 NW 1/4
 63-16277 Dec. 1890 GW Dom 02 Sec. 34 SW 1/4
 63-16278 Dec. 1890 GW Dom Sec. 33 NE 1/4
~~63-16279 Dec. 1890 GW Dom 02 SW 1/4~~
~~63-17436 Dec. 1981 GW Dom Sec. 30 15A~~

(in office review)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$300.00 (\$50.00 flat fee + \$250.00 for 250 AC of irrigation)
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S33 & S34
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63 - 19036Owner: Arlyce & Eugene Quenzer Phone No. (208) 888-2442Current Address: 3680 N. Black Cat Rd., Meridian 83642☒ No change NAME IS THE SAME☐ NEW OWNER☐ No change Address☒ NEW ADDRESS☐ How long owned property?Accompanied by: N/A**PRIORITY DATE**☒ No change – Complete evidence submitted or not necessary☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.☒ Priority date is acceptable/within mandatory filing dates?Priority date, per claimant, is: 4/15/1963

(If priority date, based on your exam, seems questionable, explain below.)

Source: Five mile Creek Tributary to Fifteen mile Creek☒ No Change – SAME SOURCE☐ Source found is different than claimed:**POINT OF DIVERSION**☒ No change☐ POD found is different than claimed:☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report (6/15/04).**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-16277

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☐ Different UsesUse Irrigation From 3/1 To 11/15 Amount 4.48 CFS 4.5 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☒ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 4.48 CFS 4.5 AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**None☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

The shapefile is based on Mr. Eugene Quenzler's project map that was submitted with and attached to the Notice of Claim to a Water Right: (see file)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	33			25	20			28	29					37	37			176
4N	1W	34							8			33	7						48

Overlap with other water rights: Settlers, Nampa-Meridian, 63-9956

224 AC
Total

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

No, 63-9956 is for a separate POU - no overlap.

Delivery System Narrative: See Adj. Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002476	GE	10	VWJ824257	JACUZZI	LIDFH8C WOB 777
2302423					8" DISCHARGE
1384436					

FLOW MEASUREMENTS: See Adj. Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Use combined with Settlers Irr. District water.

Use combined with Nampa-Meridian Irr. Dist. water.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 12.29.04 (in office review)

FIELD EXAMINER: Kimberly Brown

		<u>2004 Ownership</u>
<u>Parcel Nos:</u>	S0433427800	A. & E. Quenzer
	S0433141810	"
part of	S0433142350	Devinaspre, Joe
	S0434233900	A. & E. Quenzer
part of	S0434325850	A. & E. Quenzer
	S0433233700	(Premier Investments)
part of	S0434325400	(Dean L. Quenzer)

overlay review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-19036

12/30/2004

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-16277	Claim	04N	01W	34	SW	NW	1890	GROUND WATER Decreed	ARDYCE L QUENZER
~~63-19036~~	~~Claim~~	~~04N~~	~~01W~~	~~34~~	~~SW~~	~~NW~~	~~FIVEMILE CREEK FIFTEENMILE CREEK~~	~~GROUND WATER~~	~~EUGENE QUENZER~~
63-16277	Water Right	04N	01W	34	SW	NW		GROUND WATER	ARDYCE L QUENZER

#63-16277 is from a ground water source for domestic purposes (0.02 cfs) only.

No overlap -

overlap review -

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-19036**

12/30/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~SW~~	~~NE~~		~~IRRIGATION~~	~~30/250~~	~~EUGENE QUENZER~~
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~SE~~	~~NE~~		~~IRRIGATION~~	~~25/250~~	~~EUGENE QUENZER~~
3614B	Claim	04N	01W	33	SE	NE		IRRIGATION FROM STORAGE	24/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01W	33	SE	NE		IRRIGATION FROM STORAGE	24/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01W	33	SE	NE		IRRIGATION FROM STORAGE	24/10964.2	SETTLERS IRRIGATION DISTRICT
9956	Claim	04N	01W	33	SW	NW		IRRIGATION	6/6	license THAINE LEE MITCHELL
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~30/250~~	~~EUGENE QUENZER~~
9956	Water Right	04N	01W	33	SW	NW		IRRIGATION	6/6	THAINE LEE MITCHELL
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~30/250~~	~~EUGENE QUENZER~~
24098	Claim	04N	01W	33	SE	NW		IRRIGATION	6/1009	CREASON LATERAL ASSN
30424	Claim	04N	01W	33	SE	NW		IRRIGATION	6/1009	CREASON LATERAL ASSN
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~NE~~	~~SE~~		~~IRRIGATION~~	~~40/250~~	~~EUGENE QUENZER~~
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~33~~	~~NW~~	~~SE~~		~~IRRIGATION~~	~~40/250~~	~~EUGENE QUENZER~~
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~34~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~10/250~~	~~EUGENE QUENZER~~
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~34~~	~~NW~~	~~SW~~		~~IRRIGATION~~	~~40/250~~	~~EUGENE QUENZER~~
~~19036~~	~~Claim~~	~~04N~~	~~01W~~	~~34~~	~~SW~~	~~SW~~		~~IRRIGATION~~	~~5/250~~	~~EUGENE QUENZER~~

#63-9956 GW (licensed) 8WNW, Sec. 33 GAC irr. & Dom
4000 N. McDermott / Thaine & Betty Mitchell

Different POU & PODs -
no overlap

Receipt Details for ID W006048

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/26/1989 3:31:09 PM	9/26/1989	Western	\$300.00	Check
Payer		QUENZER, EUGENE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1114			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$300.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	19036		\$300.00	Claim

Print Report

Field Exam Date 6/15/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

JUL 13 2004

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-19036

Owner: EUGENE & ARDYCE L. QUENZER Phone No. 888-2442

Current Address: 3680 N. BLACKCAT RD MERIDIAN ID 83642

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: EUGENE QUENZER

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/15/1963

(If priority date, based on your exam, seems questionable, explain below.)

Source: RUTLEDGE LATERAL Tributary to 5 MILE DRAIN

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change?

6.4/RC
170 16
16

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SE	SW	SW	34	4N	1W	ADA	A0002476
									GPS. 2302423
									1384436

Description of diverting works ESTIMATED FLOW RATE $\frac{(10)(.6)3960}{10(LIFT)} = \frac{23760}{44883} = 5.3 \text{ CFS}$
10HP VERTICAL MOUNT CENTRIFUGAL PUMP - (SEE PHOTOS)
VERY NICE PUMPING PLANT & STRUCTURE FOR DIVERSION

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

☐ No change

☐ Different Uses

Use IRRIGATION From 8/15 To 11/15 Amount 5.0 CFS 818 AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☐ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☐ Changes shown below:

SEE ATTACHED MAP & PHOTOS

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	33			28.9	17.9									37.0	38.0			121.8
"	"	34							8.3				35.3	16.5					60.1
																			181.9

Overlap with other water rights: SETTLER I.D FOR WATER, NAMPA-MERIDIAN I.D FOR DELIVERY

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: P.D.U. ACRES ARE ESTIMATED BY USING DOT COUNTER METHOD. ACREAGE SHOULD BE CHECKED W/ ARC-VIEW EQUIPMENT. THE ATTACHED FARM MAP SHOWS DELIVERY SYSTEM AND DIRECTION OF IRRIGATION. THIS RIGHT SUPPLEMENTS SURFACE WATER DELIVERY. (SETTLER I.D + NAMPA-MERIDIAN I.D)
THE FARMER PUMPS WATER FROM RUTLEDGE DRAIN AND IS PUMP APPROX. 250' SE TO NEAR THE SE CORNER OF FARM. THE WATER CAN BE DISTRIBUTED TO ALL THE FARM VIA CONCRETE DITCH AS SHOWN ON MAP. THE SW FIELD IN THE SW SW OF SEC 34 CANNOT BE IRRIGATED USING THE RUTLEDGE DRAIN PUMP.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002476	GE	10	VWJ 824257	JACUZZI	L10FH8C W08777
					8" DISCHARGE INTO

FLOW MEASUREMENTS:

Attach appropriate documents

GPS - R.O.D GRID COORD.

2302423
1384436

A 10" PVC PIPELINE DELIVERY TO SE CORNER OF FARM ALONG RUTLEDGE DRAIN.

NARRATIVE/REMARKS/COMMENTS

ESTIMATED ANNUAL VOLUME = 4.5 AF/AC X 181.9 AC = 818 AF

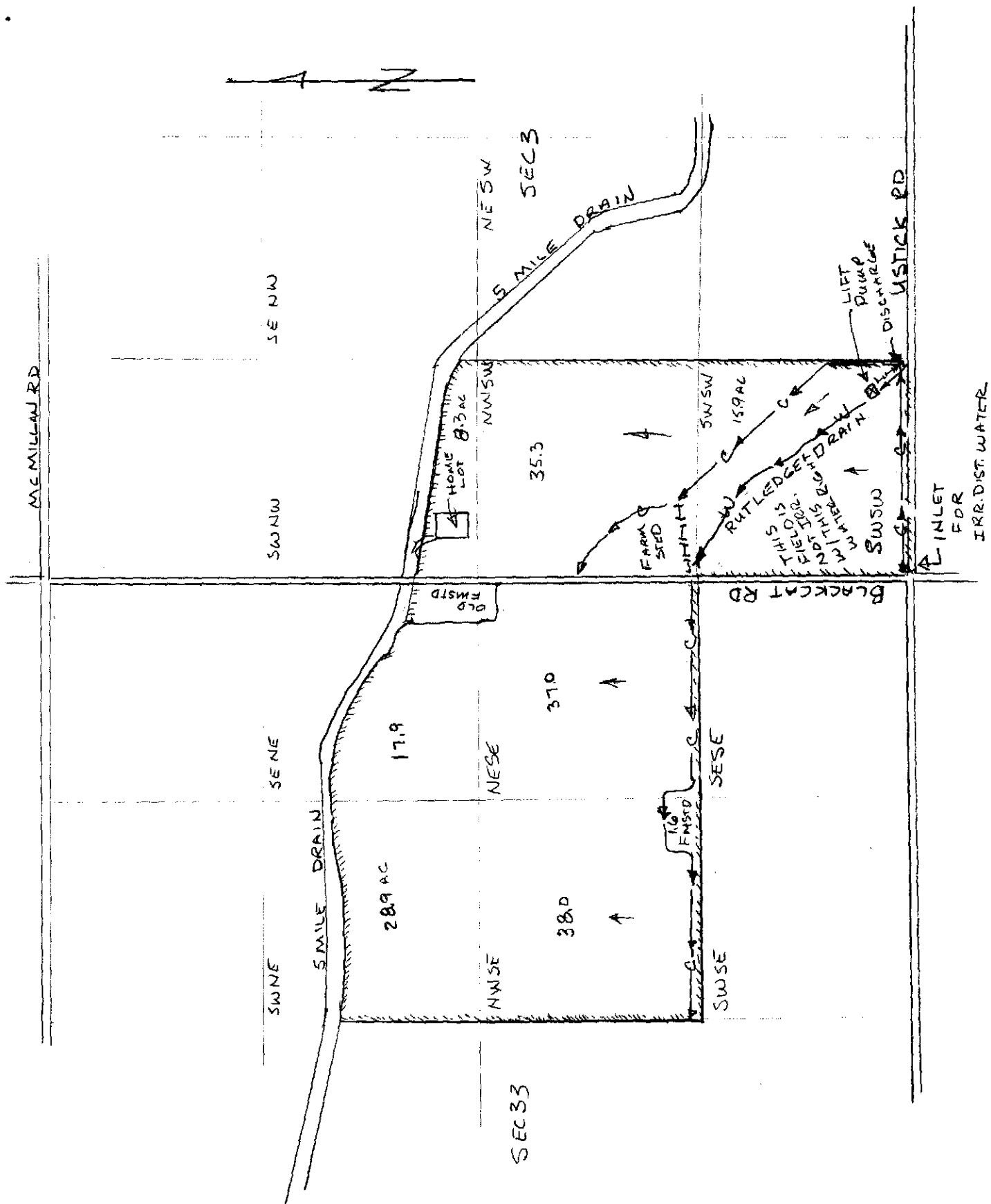
FARMER ONLY OWNS THE LAND SHOWN ON AERIAL PHOTO APPROXIMATELY 181.9 AC

AFTER EXAM THE FILE SHOULD CONTAIN:

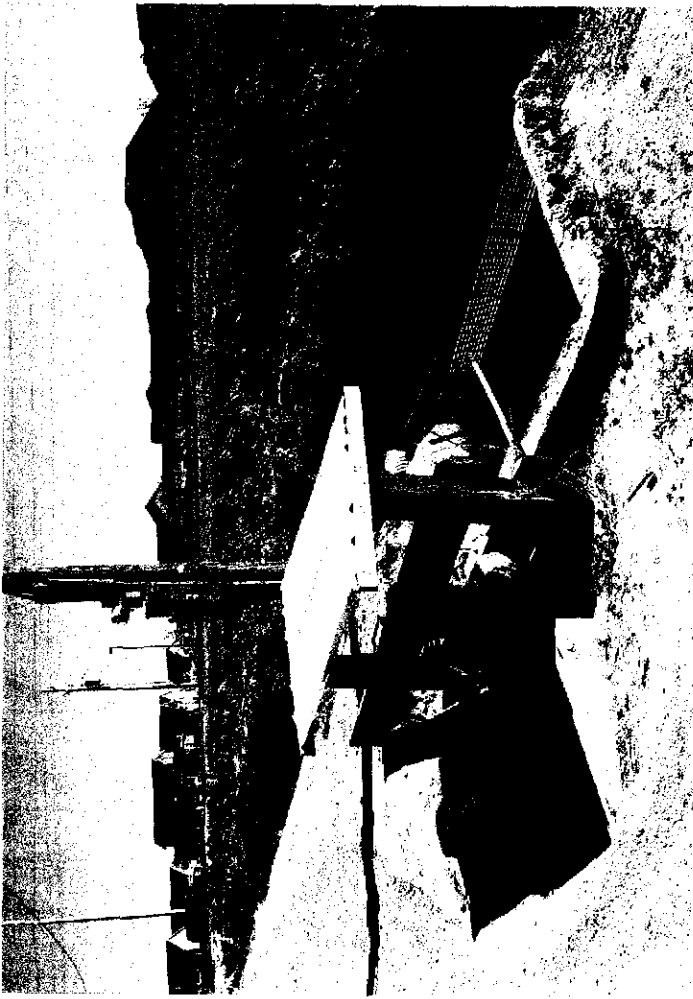
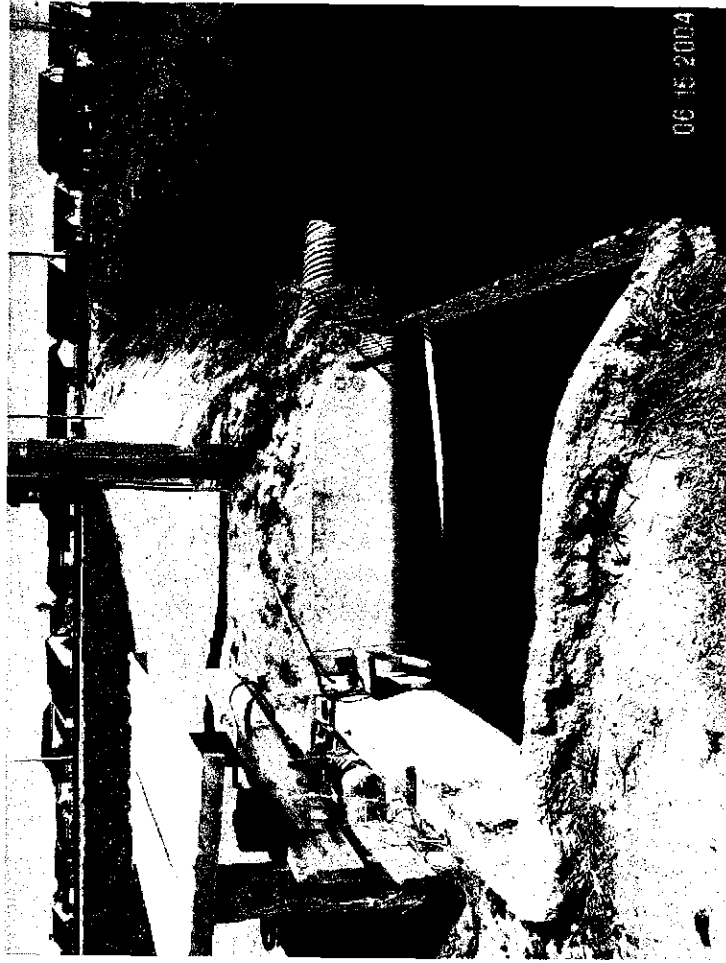
- ☐ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 5/27/04 FX ^{ADDITIONAL} 5/15/04 6/21/04 WRITE-UP

FIELD EXAMINER: Burke A. Scholten







06 15 2004

63-19036



P.J.)

5.14.04

11:00
5/27/04

@ 4020
BLACKCAT

63-19036 -

please call
Eugene & Andyce Quenzer at #888-2442
to set up field exam.

PAY BILL
TO SETTLERS

~~ALL~~ PAYS
FOR DELIVERY

- Shares in ~~Settlers~~ & Nampa-Meridian Irr. Dist. to supplement right? Any others?

- ^{OK} GPS & ^{OK} tag POD. Place location of well on attached NAPP aerial photo. ^{OK}

- Verify source - Five mile Creek ^{OK} & depiction ^{system} on aerial photo

 Does system have claimed 5.0 cfs capacity?

Verify all elements of the claimed right.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19036

WATER RIGHT NUMBER: 63-19036

Owner Type Name and Address
 Current Owner EUGENE QUENZER
 3680 N BLACK CAT RD
 MERIDIAN, ID 83642
 (208)888-2442
 Current Owner ARDYCE L QUENZER
 3680 N BLACKCAT RD
 MERIDIAN, ID 83642
 (208)888-2442

4020 E.

Priority Date: 04/15/1963
 Basis: Beneficial Use
 Status: Active

Source Tributary
 FIVEMILE CREEK FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.000 CFS	
<u>Total Diversion:</u>		5.000 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK
 ADA County

SE1/4SW1/4NW1/4

Sec. 34, Twp 04N, Rge 01W, B.M.

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	01W	33			30.0	25.0			30.0	30.0					40.0	40.0			195.0
04N	01W	34						10.0			40.0	5.0						55.0	

Total Acres: 250

Conditions of Approval:Remarks:

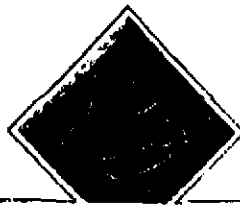
1. General SETTLERS, NAMPA-MERIDIAN I.D. NOTE: THE ORIGINAL P/D WAS IN THE SE SW SW OF S. 34. RUTLEDGE LATERAL TRIBUTARY TO FIVEMILE CREEK.

Comments:

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**Claim Number(s): A63-19036Previous Mailing Address: Eugene Quenzer
3680 W. Black Cat Rd.
Meridian, Idaho 83642New Mailing Address: Eugene Quenzer
4020 N. Black Cat Rd.
Meridian, Idaho 83642Telephone Number: (208) 888-2442Signature of Claimant(s): Ardyce L. Quenzer

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037AHn. Kimberly Brown
Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177



BAILEY LAW GROUP, P.C.
Attorneys at Law

B. TODD BAILEY, J.D., M.A.C.C.R.
RICK D. BAILEY, J.D., M.A.C.C.R.

504 11TH AVENUE SOUTH
Nampa, Idaho 83651
TEL (208) 466-5250
FAX (208) 466-1337

† Licensed in Idaho and Oregon
† Licensed in Idaho and Washington

The Firm has Strategic Alliances in
California, Colorado, Arizona, & Utah

February 10, 2003

Eugene and Ardyce Quenzer
4020 North Black Cat Road
Meridian, ID 83642

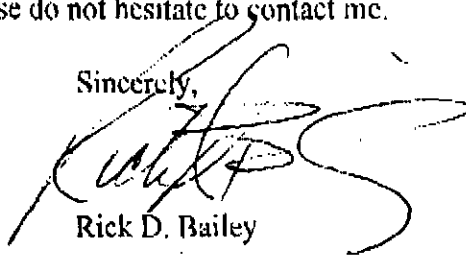
Re: Funding

Dear Gene and Ardyce:

Enclosed for your records is a copy of the Corrected Bargain and Sale Deed that was recorded in the office of the Ada County Recorder on February 4, 2003, as Instrument No. 103018506.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Rick D. Bailey

/jg

Enclosure

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 02/04/03 08:21 AM
DEPUTY Joanne Hooper
RECORDED - REQUEST OF
BAILEY LAW OFFICES
AMOUNT 12.00



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

BAILEY LAW GROUP, P.C.
504 11TH AVENUE SOUTH
NAMPA, ID 83651
(208) 466-5250

(SPACE ABOVE LINE FOR RECORDER'S USE)

CORRECTED BARGAIN AND SALE DEED



EUGENE QUENZER AND ARDYCE L. QUENZER, Husband and Wife, Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to QUENZER FARMS, L.P., an Idaho limited partnership, Grantee, whose address is 4020 North Black Cat Road, Meridian, ID 83642, that certain real property located in Ada County, Idaho, more particularly described as follows:

The South 1/2 of the Northwest 1/4 of Section 34, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho.

EXCEPT the real property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

FURTHER EXCEPTING the real property described on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

CORRECTION: This Deed is being recorded to correct the legal description in the Bargain and Sale Deed recorded on October 16, 2002, as Instrument No. 102119085 in the office of the Ada County Recorder.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument
this 29th day of January, 2003.

GRANTORS:

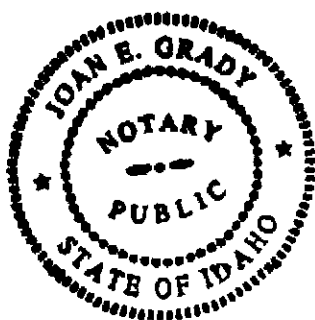
Eugene Quenzer
EUGENE QUENZER

Ardyce L. Quenzer
ARDYCE L. QUENZER

STATE OF IDAHO)
 ss.
County of Canyon)

On this 29th day of January, 2003, before me, the undersigned Notary Public in
and for said State, personally appeared EUGENE QUENZER AND ARDYCE L. QUENZER, husband and
wife, known or identified to me to be the persons who executed said within instrument, and
acknowledged to me that they executed the same.

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



Joan E. Grady
NOTARY PUBLIC, State of Idaho
Commission expires: 12-2-2005

EXHIBIT B

This parcel is a portion of the SW1/4 NW1/4 of Section 34, Township 4 North, Range 1 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the southwest corner of said SW1/4 NW1/4;

thence North 0° 00' 00" East along the west boundary of said SW1/4 NW1/4 a distance of 449.38 feet to a point in the centerline of the Five Mile Drain as it now exists;

thence South 79° 07' 13" East along said centerline a distance of 633.92 feet to a point on the southerly boundary of the 130.00 foot wide strip of ground deeded to the U. S. of A. for right-of-way purposes in 1915 per Instr. No. 65083, Records of Ada County, Idaho;

thence traversing said southerly boundary as follows:

South 57° 43' 00" East a distance of 224.74 feet;

South 84° 50' 00" East a distance of 415.20 feet;

South 40° 13' 00" East a distance of 234.34 feet to a point on the south boundary of said SW1/4 NW1/4;

thence North 89° 43' 26" West along said south boundary a distance of 1377.36 feet to the **POINT OF BEGINNING**.

This parcel contains 8.95 acres, more or less, and is subject to a county road right-of-way along the west boundary and to all other easements and rights-of-way of record or implied.

Claim # A63-19036

9-18-03

Att:

Kimberly Brown

I am faxing the Change in Address form, letter from Attorney Rick Bailey, Corrected Bargain + Sale Deed, and Exhibit B describing the property.

If you have any questions give me a call.

Thanks.

Ardyce Quenzer
4020 N. Black Cat Rd.
Meridian, Idaho 83642
PH. 888-2442



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 11, 2003

EUGENE & ARDYCE QUENZER
4020 N. BLACK CAT RD.
MERIDIAN, ID 8364

RE: Water Right No. A63-19036

Dear Claimants,

I received your 1963 Income Tax Depreciation schedule and have placed it in your file as evidence of priority. Thank you.

I have also enclosed a Change in Address form for you to fill out and return to me concerning your new address. Please also include, when returning this form, a copy of your Warranty Deed to verify ownership.

Sincerely,

A handwritten signature in cursive script that reads 'Kimberly L. Brown'.

Kimberly L. Brown
Water Resource Agent
Western Region

September 8, 2003

Att: Kimberly Brown

AG3-19036

4N1W

In accordance with our telephone conversation

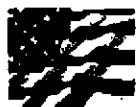
I am sending a copy of our 1963 Income Tax Depreciation schedule. The irrigation pump is the third item from the bottom.

If you have any further questions please give me a call.

Also our current address is 4020 North Black Cat Road, Meridian, Idaho 83642.

Thank you.

Mrs. Eugene (Ardyce) Quenzer
4020 N. Black Cat Rd
Meridian, Idaho 83642
Ph. 888-2442



Mr. Eugene Quenzer
4020 N Black Cat Rd.
Meridian, ID 83642-5330

63-19036

Depreciation Schedule 1963
Eugene & Ardyce L. Quenzer

Case Plow	1956	475.00	332.50	S.L.	10	47.50
Car	1958	1750.00	1458.30	S.L.	5	291.66
Disc	1959	100.00	80.00	S.L.	5	20.00
Farm Hand	1959	175.00	131.25	S.L.	4	43.75
Rake	1960	107.50	64.50	S.L.	5	21.50
'52 Pickup	1960	476.65	357.48	S.L.	4	119.15
Welder	1960	115.00	69.00	S.L.	5	23.00
Phosphate Spreader	1961	275.00	137.50	S.L.	4	68.75
Milk Cooler	1961	500.00	200.00	S.L.	5	100.00
A. C. Tractor	1961	1584.50	633.80	S.L.	5	316.90
Trailer House	1961	260.00	104.00	S.L.	5	52.00
Heaton	1961	3900.00	1300.00	S.L.	6	650.00
Manure Spreader	1962	515.00	105.00	S.L.	5	103.00
Farm Car	1962	650.00	130.00	S.L.	5	130.00
Pickup	1963	2184.80	None	S.L.	5	436.96
Irrigation Pump	1963	1779.19	None	S.L.	5	355.83
Corn Cultivator	1963	122.08	None	S.L.	5	24.41
Caterpillar	1963	105.00	None	S.L.	5	21.00
						2325.42



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 15, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EUGENE QUENZER
3680 N BLACK CAT ROAD
MERIDIAN ID 83642

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-19036

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement.

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

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 12, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above. In addition, please contact me at the Western Region office as soon as possible to set up a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-19036