

RECEIVED

MAR 27 2009

DEPARTMENT OF
WATER RESOURCES

L. W. and Barbara J. Ragains

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

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 39576

)
) Subcase No. 63-33146
)

) AFFIDAVIT OF DANA L. HOFSTETTER
)
)
)
)
)

STATE OF IDAHO)

COUNTY OF ADA)

) ss.
)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

- (1) I am Dana L. Hofstetter, counsel of record for L. W. and Barbara J. Ragains.
- (2) Attached hereto as Exhibit A is a true and correct copy of the Idaho

Department of Water Resources' ("IDWR") Water Right License No. 63-8700 that I printed from IDWR's Internet website.

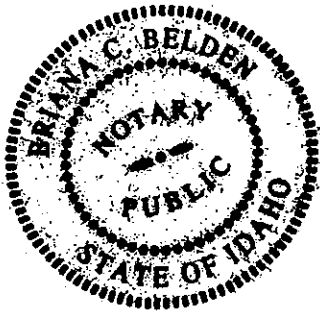
(3) Attached hereto as Exhibit B is a true and correct copy of SRBA Claim No. 63-8700 that I obtained from IDWR.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 26th day of March, 2009.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 26th day of March 2009.




Notary Public in and for the State of Idaho
Residing at: Meridian
My Commission Expires: 01-16-2013

CERTIFICATE OF SERVICE

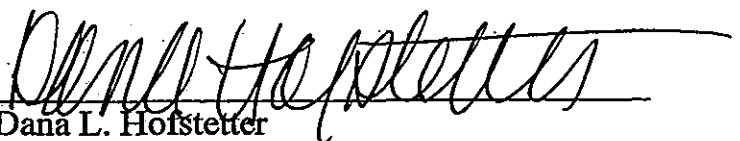
I hereby certify that I caused to be served a copy of the foregoing document this 26th day of March 2009, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. 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
P.O. Box 44449
Boise, ID 83711-4449

Jon C. Gould
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701-2773


Dana L. Hofstetter

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08700

Priority: April 18, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:¹

2.33 CFS
702.0 AF

This is to certify, that L. W. RAGAINS
BARBARA RAGAINS

29392 SABIN
PARMA, ID 83660

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 18, 1977; and has submitted Proof of Beneficial Use on June 1, 1982. An examination indicates that the works have a diversion capacity of 2.330 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.33 CFS	702.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NENW), Sec. 1, Township 05N, Range 05W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	05W	1	LOT 2(NWNE) 21	SWNE 18	SENE 6	
			LOT 3(NENW) 10	LOT 4(NWNW) 23	NESW 40	
			NWSW 38			156

Total number of acres irrigated: 156

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

MAR 13 1991

EXHIBIT

A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08700

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9th
day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED
MAR 13 1990

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: A63-08700
Date Received: 2/08/1990
Receipt No: MD 5796
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L. W. RAGAINS 208-722-5515
Address: 29392 SABIN
PARMA, ID 83660
OR
Name: BARBARA RAGAINS 208-722-5515
Address: 29392 SABIN
PARMA, ID 83660
2. Date of Priority: APR 18, 1977
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
05N	05W	1	SE		NE		NW	3	CANYON
5. Description of diverting works:
WELL, 320' DEPTH, 12" CAS., 119' TO WATER, PUMP PIPE, SPRINKLER & GRAV.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.330		
7. Total Quantity Appropriated is:
2.330 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 546.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

A63-08700

Page 1

Date: 02/08/90

MICROFILMED

AUG 24 1997

EXHIBIT

B

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	05W	1	NW		NE	2	IRR	21.0
			SW		NE		IRR	18.0
			SE		NE		IRR	6.0
			NE		NW	3	IRR	10.0
			NW		NW	4	IRR	23.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
							Section Acres	156.0
							Total Acres	156.0

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:

D-LINE CANAL & BLACK CANYON IRR. DIST.

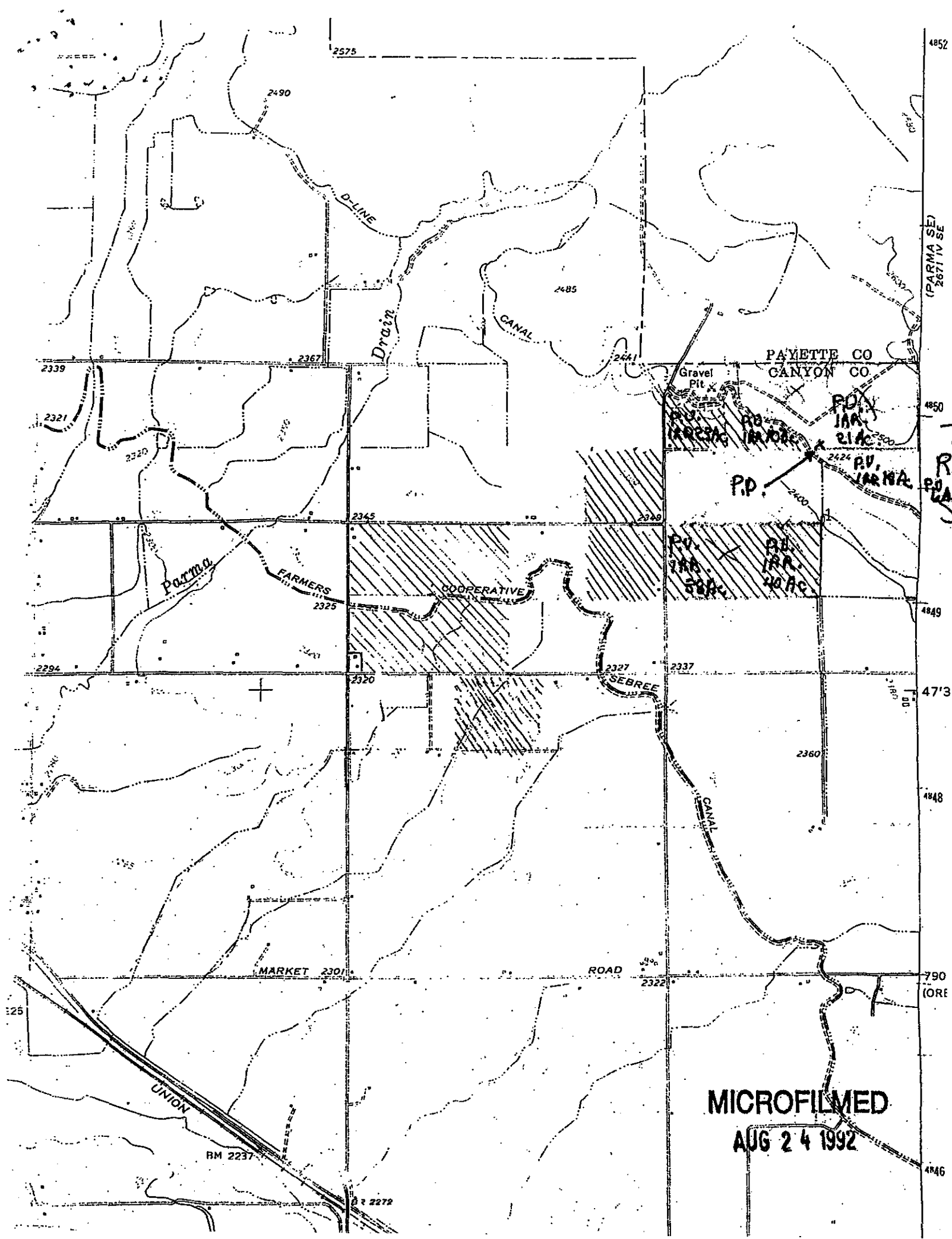
14. Remarks:

NOT TO EXCEED .02 CFS/AC. OR 4.5 AF/AC.

15. Basis of Claim: PERMIT

(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.

MICROFILMED
AUG 24 1992



MICROFILMED
AUG 24 1992