

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 63-2821A
Date Received: 1/8/1990
Receipt No: W007417
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TODD A MARSHALL
17271 LONKEY LN
CALDWELL ID USA 83607

Phone: (208) 459-4482

CANDIS L MARSHALL
17271 LONKEY LN
CALDWELL ID USA 83607

Phone: (208) 459-4482

2. Date of Priority: 06/28/1950

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	03W	6	NW	NW	SE	CANYON	

5. Description of diverting works:

APPROX. 200' DEEP, APPROX. 10" CASING, SUR. PUMP, DITCHES, S.SYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.92	

7. Total Quantity Appropriated is:
0.92 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
03N	03W	6	NE	SE	IRRIGATION	7
			NW	SE	IRRIGATION	39
					Section Acres	46
					Total Acres	46

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:

THIS CLAIM IS SPLIT INTO A A=0.92 CFS SCHMITT, DELBERT = 46 ACRES NOTE ORIGINAL LIC. WAS FOR 150 ACRES BUT ONLY APPROX.

100 ARE IRRIG. TODAY. SO EACH COULD CLAIM FULL INCH/ ACRE EACH OWNER HAS ONE WELL FROM ORIGINAL 2 WELLS.

Ownership changed this day. kw 10/30/2006

15. Basis of Claim: License

16. Signature(s)

RECEIVED

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

OCT 12 2006

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A63-2821A					

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) Delbert E. Schmitt
Arlene J. Schmitt
4. New Owner/Claimant(s) Todd A. Marshall or Candis L. Marshall
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 17271 Lonkey Ln.
- City, State and ZIP Code Caldwell, ID 83607
- New Telephone Number (208) 459-4482
5. Date you acquired the property 2/15/95

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) or Claimant(s) Isabel A. Marshall
(include title if applicable) Candis L. Marshall

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 lgagnon Date 10-12-00 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by FW AJ Date 10/30/00 WR _____ Date _____

INSTRUMENT NO. 9503700

PC11912

Rec'd
10-23-06
KW

WARRANTY DEED

FOR VALUE RECEIVED Delbert E. Schmitt and Arlene J. Schmitt,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Todd A. Marshall and Candis L.
Marshall, husband and wife

the Grantees, whose address is 2316 Sunset Ave., Caldwell, ID 83605

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 Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1995 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: February 10, 1995

Delbert E. Schmitt
Delbert E. Schmitt

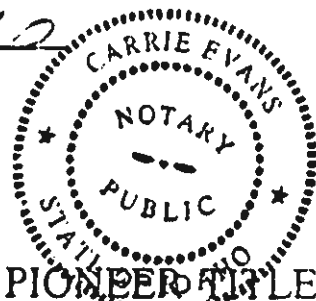
Arlene J. Schmitt
Arlene J. Schmitt

STATE OF IDAHO

COUNTY OF CANYON

On this 15th day of February in the year 1995, before me, a Notary
Public, personally appeared Delbert E. Schmitt & Arlene J. Schmitt known
or identified to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

Carrie Evans
Notary Public
Residing at Parma
My commission expires 8/17/96



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

A portion of the Northwest Quarter of the Southeast Quarter and of the Northeast Quarter of the Southeast Quarter of Section 6, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence

North 89° 22' 10" East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,295.61 feet to a point in the centerline of the Burris Lateral; thence traversing said centerline as follows:

South 0° 20' 30" East a distance of 12.62 feet;

South 30° 43' 40" East a distance of 236.28 feet;.

South 19° 15' 05" East a distance of 6.80 feet; thence leaving said centerline and bearing

South 89° 22' 10" West a distance of 298.36 feet; thence

South 0° 04' 43" West a distance of 136.25 feet; thence

North 89° 22' 10" East parallel with said North boundary a distance of 338.16 feet to a point in the centerline of said Burris Lateral; thence traversing said centerline as follows:

South 14° 15' 42" East a distance of 25.13 feet;

South 9° 59' 24" East a distance of 88.25 feet;

South 22° 58' 34" East a distance of 40.74 feet;

South 37° 26' 55" East a distance of 153.06 feet;

South 19° 25' 07" East a distance of 39.15 feet;

South 5° 13' 09" East a distance of 97.76 feet;

South 4° 18' 41" East a distance of 326.13 feet;

South 11° 57' 28" West a distance of 40.87 feet;

South 39° 19' 33" West a distance of 251.43 feet to a point on the South boundary of said Northeast Quarter of the Southeast Quarter; thence

South 89° 26' 36" West along said South boundary a distance of 143.17 feet to the Southeast corner of the said Northwest Quarter of the Southeast Quarter; thence

South 89° 26' 36" West along the South boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,325.99 feet to the Southwest corner of said Northwest Quarter of the Southeast Quarter; thence

North 0° 04' 43" East along the West boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,322.22 feet to the POINT OF BEGINNING.

AND

This parcel is situated in the South Half of the Southeast Quarter of Section 6, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Northwest corner of said South Half of the Southeast Quarter; thence

North 89° 58' 30" East along the North boundary of said South Half of the Southeast Quarter a distance of 1,467.86 feet to a point on the centerline of an irrigation ditch known as Burris Sublateral; thence

South 38° 41' 50" West along said irrigation ditch centerline a distance of 52 feet; thence

North 89° 06' 50" West a distance of 1,435.73 feet to a point on the West boundary of said South Half of the Southeast Quarter; thence

North 0° 36' 35" East along said West boundary a distance of 17.74 feet to the POINT OF BEGINNING.

WS
RS.

REQUEST MONER - CALDWELL
TYPE Deed FEB 9-00

RECORDED
CANYON COUNTY
C. M. McLaughlin
dep.

95 FEB 15 PM 3 36

RECORDED

9503900

9516024
PC13037

WARRANTY DEED

FOR VALUE RECEIVED Richard E. Kushlan and Lorraine S. Kushlan,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Todd A. Marshall and Candis L.
Marshall, husband and wife

the Grantees, whose address is 17271 Lonkey Lane, Caldwell, ID, 83605

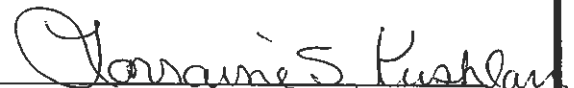
the following described premises, to-wit:

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 Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1995 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: June 20, 1995

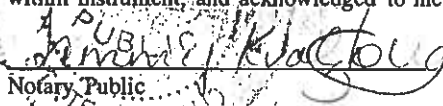

Richard E. Kushlan


Lorraine S. Kushlan

STATE OF IDAHO

COUNTY OF CANYON

On this 20th day of June, in the year 1995, before me, a Notary Public,
personally appeared Richard E. Kushlan and Lorraine S. Kushlan known
or identified to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Caldwell, ID
My commission expires 2-3-98

REQUEST

PIONEER - CALDWELL

Deed

FEE 6.00

RECORDED
95 JUN 20 PM 3 51
CANYON COUNTY RECORDER
NEED KERR
Jeddy
Dunham

RECORDED

9516024

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

Exhibit "A"

A portion of the Northwest Quarter of the Southeast Quarter and of the Northeast Quarter of the Southeast Quarter of Section 6, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence

North 89° 22' 10" East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,120.61 feet; thence

South 0° 04' 43" West parallel with the West boundary of said Northwest Quarter of the Southeast Quarter a distance of 223.50 feet to the TRUE POINT OF BEGINNING; thence

North 89° 22' 10" East parallel with said North boundary a distance of 298.36 feet to a point in the centerline of the Burris Lateral; thence traversing said lateral as follows:

South 19° 15' 05" East a distance of 56.64 feet;

South 14° 15' 42" East a distance of 84.96 feet; thence leaving said centerline and bearing

South 89° 22' 10" West parallel with said North boundary of said Northwest Quarter of the Southeast Quarter a distance of 338.16 feet; thence

North 0° 04' 43" East a distance of 136.25 feet to the TRUE POINT OF BEGINNING.

AND

COMMENCING at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 6, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 22' 10" East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 1,120.61 feet to the TRUE POINT OF BEGINNING; thence continuing

North 89° 22' 10" East along said North boundary a distance of 175 feet to a point in the centerline of the Burris Lateral; thence traversing said centerline as follows:

South 0° 20' 30" East a distance of 12.62 feet;

South 30° 43' 40" East a distance of 236.28 feet;

South 19° 15' 05" East a distance of 6.80 feet; thence leaving said centerline and bearing

South 89° 22' 10" West parallel with said North boundary a distance of 298.36 feet; thence

North 0° 04' 43" East a distance of 223.50 feet to the TRUE POINT OF BEGINNING for said easement.

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: A63-02821A
Date Received: 1/08/1990
Receipt No: W007417
Received By: Rdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELBERT E. SCHMITT 208-459-7930
Address: 17643 WAGNER RD.
CALDWELL, ID 83605

OR
Name: ARLENE J. SCHMITT 208-459-7930
Address: 17643 WAGNER RD.
CALDWELL, ID 83605

2. Date of Priority: JUN 28, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	03W	6	NW	NW	SE		CANYON

5. Description of diverting works:
APPROX. 200' DEEP, APPROX. 10" CASING, SUR. PUMP, DITCHES, S.SYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.920		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	6	NE	SE		IRR	7.0
			NW	SE		IRR	39.0
						Section Acres	46.0
						Total Acres	46.0

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:

NONE

14. Remarks:

THIS CLAIM IS SPLIT INTO A
A=0.92 CFS SCHMITT, DELBERT = 46 ACRES
NOTE ORIGINAL LIC. WAS FOR 150 ACRES BUT ONLY APPROX.
100 ARE IRRIG. TODAY. SO EACH COULD CLAIM FULL INCH/ ACRE
EACH OWNER HAS ONE WELL FROM ORIGINAL 2 WELLS.

15. Basis of Claim: LICENSE

Water Right Number: 21585

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): Herbert E. Schmitt Date: 1-8-90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of JAN 19 90 Ron Howerton
Notary Public

Seal

Residing at _____
My Commission Expires _____
Residing at Boise, Idaho
My Commission Expires December 8, 1994



MICROFILMED
AUG 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 30, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TODD A OR CANDIS L MARSHALL
17271 LONKEY LN
CALDWELL ID 83607

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 63-2821A

Dear Claimants:

We have processed the change in ownership for the above referenced Notice of Claim. Enclosed is a copy of the preliminary 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, 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 fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

10/30/2006

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

RIGHT NUMBER: 63-2821A

NAME AND ADDRESS: TODD A MARSHALL
17271 LONKEY LN
CALDWELL ID 83607

CANDIS L MARSHALL
17271 LONKEY LN
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
198.000 AFY

PRIORITY DATE: 06/28/1950

POINT OF DIVERSION:

T03N R03W S6 NWNWSE 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	0.880 CFS 198.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S06	NESE	5.00	T03N R03W S06	NWSE	39.00
---------------	------	------	---------------	------	-------

44 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 - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

October 19, 2006

17271 Lonkey Lane
Caldwell, ID
83607
459-4482

Ms. Kay Walker
Idaho Dept. of Water Resources
PO Box 83720
Boise, ID
83720-0098

RECEIVED

OCT 23 2006

DEPARTMENT OF
WATER RESOURCES

Dear Ms. Walker:

A few days ago I filled out and delivered to your office a *change of ownership and water right* form for approximately 46 acres in Canyon County. Included with that document was a deed.

You called a couple of days later and left a message that the deed I left was for only about 2 acres (on which our home sits), and that you needed the correct deed for the remainder of the property.

Please find included in this envelope, what I believe is the correct deed you requested. If this is not the correct document, please notify me.

Thank you for your attention to this matter.

Sincerely,


Todd Marshall

deed platler
✓ KW
10/30/06

RECEIVED

OCT 16 2006

09/29/2006

NOTICE OF ERROR
REPLY

DEPARTMENT
WATER RESOURCES

RECEIVED

OCT 12 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-2821A

DELBERT E SCHMITT
17643 WAGNER RD
CALDWELL ID 83605
Telephone Number: (208)459-7930

ARLENE J SCHMITT
17643 WAGNER RD
CALDWELL ID 83605
Telephone Number: (208)459-7930

Change of ownership has been
filed w/ IDWR on 10/12/06

New owner is Todd Marshall
17271 Loukey Ln.
Caldwell, ID 83607
(208)459-4482

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

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

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

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

DATE:

10/12/06

SIGNATURE:

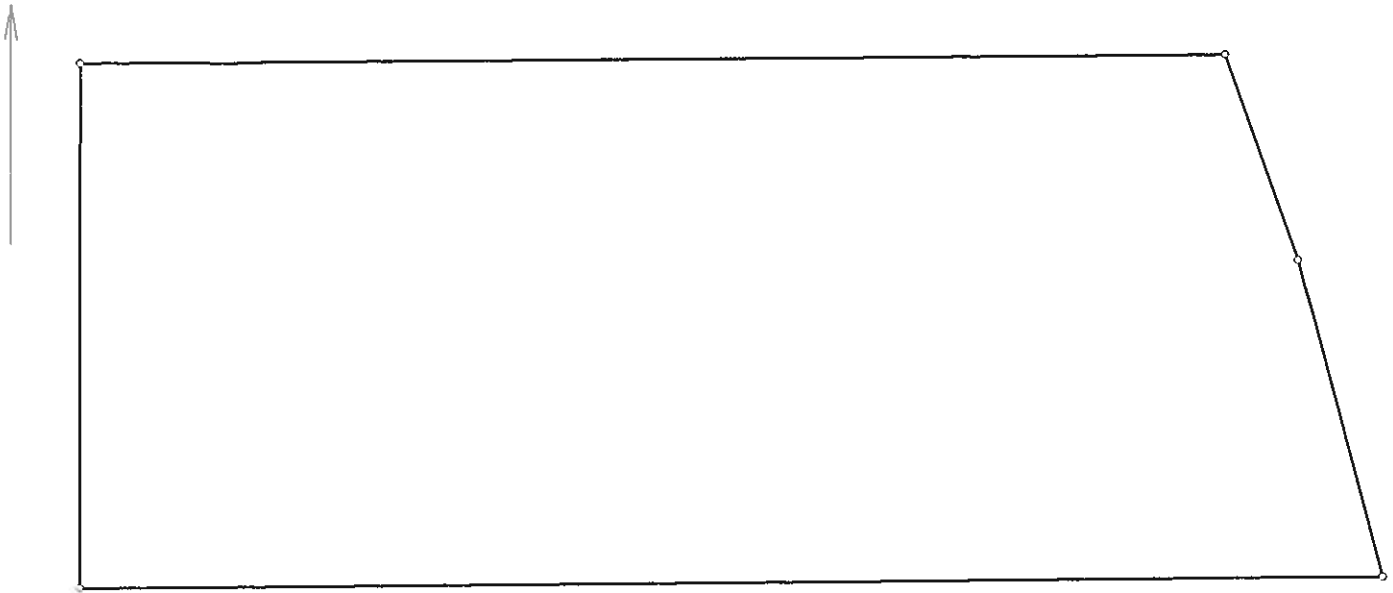
Todd A. Marshall

Please print your name:

Todd A. Marshall

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

1/kw

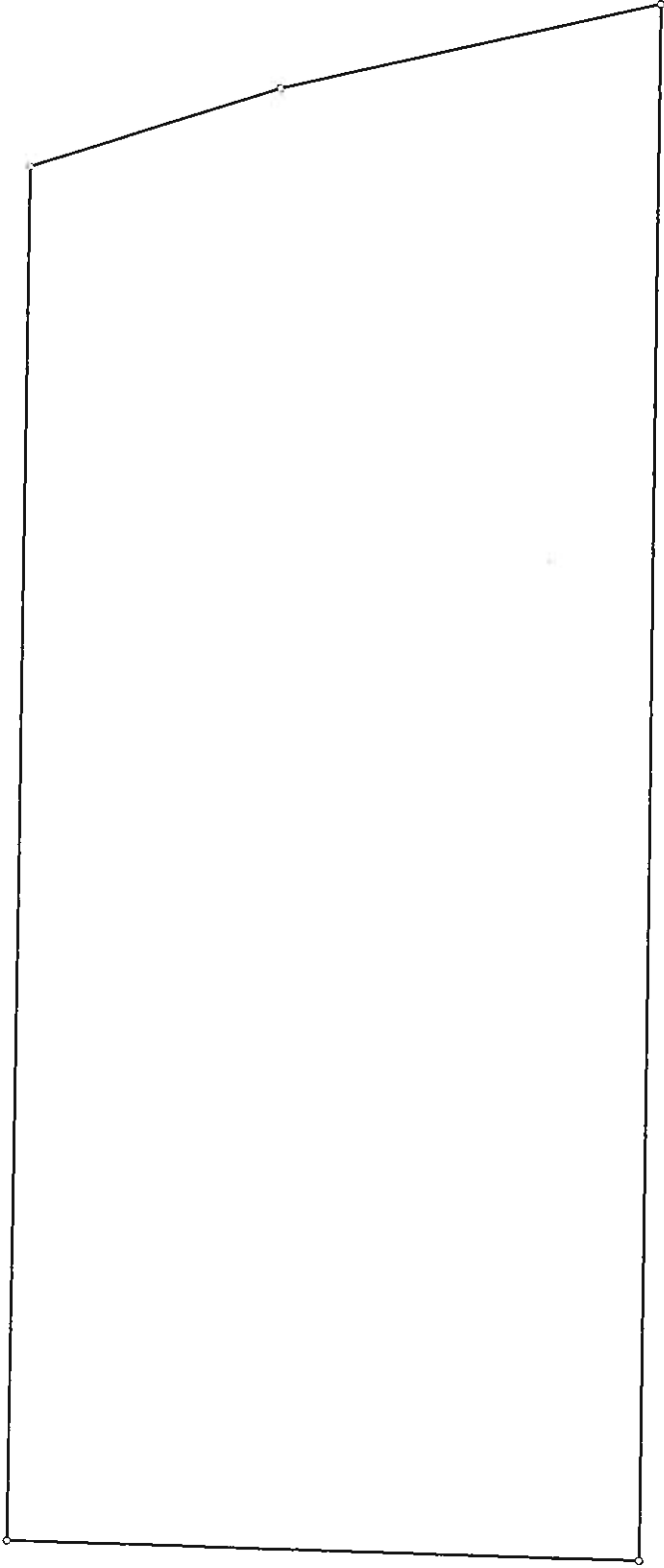


Title:		Date: 10-16-2006
Scale: 1 inch = 50 feet	File: 63-2821A.des	
Tract 1: 0.4048 Hectares: 4047.7 Sq M.: Closure = n66.3647e 0.00 M.: Precision =1/146552: Perimeter = 279 M.		
001=/NW,NW,SE,6,3N,3W	004=N89.2210E 298.36	007=S89.2210W 338.16
002=/N89.2210E 1120.61	005=S19.1505E 56.64	008=N00.0443E 136.25
003=/S00.0443W 223.5	006=S14.1542E 84.96	

10-23-06
 left msg.
 requesting deed
 in 45 ac piece. kw
~~Long~~ = 2278 701.34 ↔
 Lat = 1384143.72 ⇕

10-17-06
 left msg at 459-7930
 requesting deed
 for 45 ac
 piece →

45.ac = No deed
 2.2 ac per
 canyon Co.
 tax lots



Title:		Date: 10-17-2006
Scale: 1 inch = 42 feet	File: 63-2821A.des	
Tract 1: 0.4048 Hectares: 4047.7 Sq M.: Closure = n68.1647e 0.00 M.: Precision = 1/146552: Perimeter = 279 M.		
001=N+1384143.72M E+2278701.34M	005=N89.2210E 298.36	009=N00.0443E 136.25
002=ROTATE +1.40	006=S19.1505E 56.64	
003=N89.2210E 1120.61	007=S14.1542E 84.96	
004=/S00.0443W 223.50	008=S89.2210W 338.16	

09/08/2006

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

RIGHT NUMBER: 63-2821A

NAME AND ADDRESS: DELBERT E SCHMITT
17643 WAGNER RD
CALDWELL ID 83605

ARLENE J SCHMITT
17643 WAGNER RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
198.000 AFY

PRIORITY DATE: 06/28/1950

POINT OF DIVERSION:

T03N R03W S6 NWNWSE 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	0.880 CFS 198.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S06	NESE	5.00	T03N R03W S06	NWSE	39.00
---------------	------	------	---------------	------	-------

44 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 - License

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

✓ pedigree



Idaho Department of Water Resources

SRBA Recommendation:

63-2821A

(Irrigation)

Acres = 44

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 Friday, September 8, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2821A

WATER RIGHT NUMBER: 63-2821A

*Portion claimed
as licensed - in
office review
by kw 9/8/06*

Owner Type Name and Address
Current Owner ARLENE J SCHMITT
17643 WAGNER RD
CALDWELL, ID 83605
(208)459-7930
Original Owner J M HOUSE
CALDWELL, ID 83605
Current Owner DELBERT E SCHMITT
17643 WAGNER RD
CALDWELL, ID 83605
(208)459-7930

Priority Date: 06/28/1950

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To
3/15 to 11/15

Diversion Rate

0.020 CFS 0.88

Annual Volume

198.0 (44 x 4.5)

Total Diversion:

0.020 CFS 0.88

198.0

Location of Point(s) of Diversion

GROUND WATER

CANYON County

NW1/4NW1/4SE1/4

Sec. 6, Twp 03N, Rge 03W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	03W	6	7.0	39.0	46.0	44	44

Total Acres: 44

Conditions of Approval:

1.

THIS CLAIM IS SPLIT INTO A A=0.92 CFS SCHMITT, DELBERT = 46 ACRES NOTE ORIGINAL LIC.
WAS FOR 150 ACRES BUT ONLY APPROX.
100 ARE IRRIG. TODAY, SO EACH COULD CLAIM FULL INCH/ ACRE EACH OWNER HAS ONE
WELL FROM ORIGINAL 2 WELLS.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2821

WATER RIGHT NUMBER: 63-2821

Owner Type Name and Address
 Current Owner J M HOUSE
 CALDWELL, ID 83605

Priority Date: 06/28/1950

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	2.320 CFS	
	<u>Total Diversion:</u>	2.320 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 6,	Twp 03N,	Rge 03W, B.M.
CANYON County				
GROUND WATER	NW1/4SE1/4	Sec. 6,	Twp 03N,	Rge 03W, 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	
03N	03W	6													40.0	40.0	30.0	40.0	150.0

Total Acres: 150

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2821A

03/08/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2821A	Claim	03N	03W	6	NE	SE		IRRIGATION	7/46	ARLENE J SCHMITT
2821	Water Right	03N	03W	6	NE	SE		IRRIGATION	40/150	J M HOUSE
26558	Water Right	03N	03W	6	NE	SE		~~DOMESTIC~~		NANCY PATRICA TODD
26559	Water Right	03N	03W	6	NE	SE		~~DOMESTIC~~		NANCY PATRICA TODD
2821A	Claim	03N	03W	6	NW	SE		IRRIGATION	39/46	ARLENE J SCHMITT
2821	Water Right	03N	03W	6	NW	SE		IRRIGATION	40/150	J M HOUSE

no OL

Receipt Details for ID W007417

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/8/1990 12:02:23 PM	1/8/1990	Western	\$211.00	Check
Payer		SCHMITT, DELBERT E.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1317			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$211.00	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	2821	A	\$96.00	Claim
63	20150		\$25.00	Claim
63	2829		\$90.00	Claim

ok
ok - no ok

Print Report

State of Idaho

License and Certificate of Water Right

Water License No. 21585

Amount 2.32 c.f.s.

Water District No.

Priority June 28, 1950

THIS IS TO CERTIFY that J. M. HOUSE

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 28, 1950; that Permit No. 21585 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.8 second feet, was issued thereunder on June 6, 1955, showing that said works were completed on the 27th day of May, 1955; and that on the 24th day of June, 1958, J. M. HOUSE

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two wells, a tributary of subterranean, for the purpose of Irrigation and domestic, under Use Permit No. 21585 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6549, on the 21st day of November, 1958; The right hereby confirmed dates from June 28, 1950; The Point of Diversion is located in the NW¹/₄ SE¹/₄ and in the SW ¹/₄ SE ¹/₄ Sec. 6, Tp. 3 N., R. 3 W., B. M. County Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	3 W.	6	NW ¹ / ₄ SE ¹ / ₄	40	40
			NW ¹ / ₄ SE ¹ / ₄	40	40
			SW ¹ / ₄ SE ¹ / ₄	30	30
			SE ¹ / ₄ SE ¹ / ₄	40	40
Total number of acres irrigated				- - -	150

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

21st day of November, 1958

/s/ Geo. M. Carter
State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21585

This proof is for Beneficial Use In Water District No.

1. Name of applicant J. M. HOUSE - Route #6, Caldwell, Idaho

2. Source of water supply: Subterranean from a well

3. Location of point of diversion: ^{Amended} Are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6

T. 3 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: South P.D.
12" x 240' Cased 220' 1/4 motor 25 Hp 440V #1011978
Recluse vertical turbine #167948 mounted on 4' p.4' concrete
slab 8" x 145' column 4-8" bawls 8" discharge into
4' x 6' concrete lead gate H=105' 42' measured over 1 1/2'
cups wear 68.5 inches 1.27%

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Township 3 North, Range 3 West, B.M.

Section 6: NE $\frac{1}{4}$ SE $\frac{1}{4}$ (40a), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (40a), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (30a), SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40a) Total acres 150

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: North P.D. Well 12" x 240' cased 240' 1/4 motor
20 Hp 440V # 871963 Payne x Bowler vertical turbine
#16326 6" x 120' column 4-8" bawls H=110'
.33' measured over 1 1/2' cups wear 47.7 inches

50 acres of the land is also covered by water right from
the Burns Canal

Accompanied by Mr. J.M. House

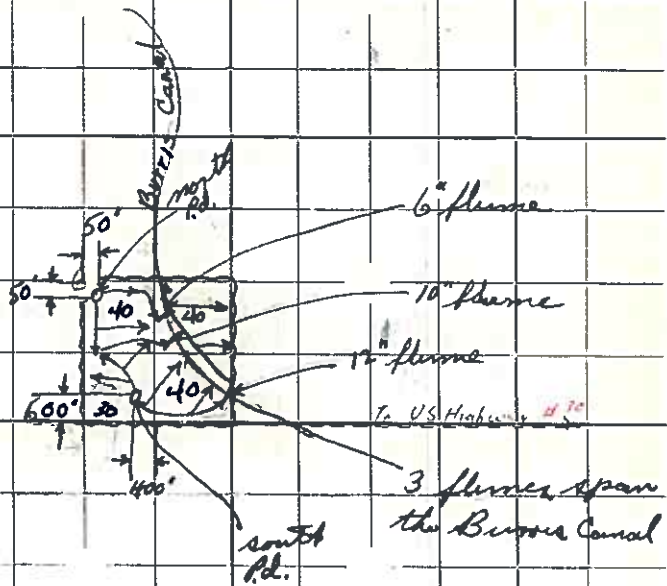
This examination was made on the 17 day of September, 1958

(Signed) Daniel R. Peterson Examiner

21585

R-3W

T.
3
N.



Subdivisions = 4

Area = 150 acres

Q = 116 ~~2~~ miners water

2.32 cfs

Nº 21585
63-2821

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29283
PERMIT No. 21585
DISTRICT No.

1. Name of Applicant: J. M. ROUSE

Postoffice address: Route 6, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 150 inches or 3

cubic feet per second.

3. Source of water supply: Subterranean from a well

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 6 , T. 3 N. , R. 3 W. , B.M., County of Canyon

5. Water is to be used for Irrigation and domestic purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$ 7,500.00

8. Kind of works: Well, pump, ditches and sprinkler system

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Three (3) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water right for 50 acres
in the Wilder Irrigation District.

- BE IT KNOWN THAT** The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

By _____ Agent.

Corrected application received:

MARK R. KULP
State Reclamation Engineer.

Governor

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$		Totals				
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
3 N.	3 W.	6									40	40	30	40	150
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 21565.															
of Idaho:			Comes now J. M. House, of Rt. 6, Caldwell, and represents to the State Reclamation Engineer of the State												
			That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21565;												
6, Twp. 3 N., Range 3 W., B.M.			That the point of diversion is described in said Permit as being located in the S W corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section												
and on the West side of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 3 N., Rng. 3 W. B.M.			That he now requests that the point of diversion be changed to two points located in the S E corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$,												
has been found more practical and economical to locate the wells as last above described.			That his reasons for desiring to make such change are as follows: On account of the topography of the land, it												
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.			Signed at Boise, Idaho this 14th day of August, 1950.												
Date of receipt at Department of Reclamation August 14, 1950.			J. M. House												
APPROVAL OF STATE RECLAMATION ENGINEER															
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing appli- cation for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21565. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.															
MARK R. KULP State Reclamation Engineer															

Permit No. 21585
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. M. HOUSE of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 21585, issued upon Application No. 29283 bearing date of priority of June 28, 1950, authorizing the diversion of Three (3) second feet of the waters of 2 wells (subterranean flow) County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 140 inches or 2.8 second feet of the waters of said wells; that the points of diversion of said waters are in the SE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and on the West side of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Twp. 3 North, Range 3 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 100 acres in the Southeast Quarter Section 6, Township 3 North, Range 3 West, B.M.

Witness my hand this 6th day of June, A. D. 1955.

MARK R. KULP
 State Reclamation Engineer

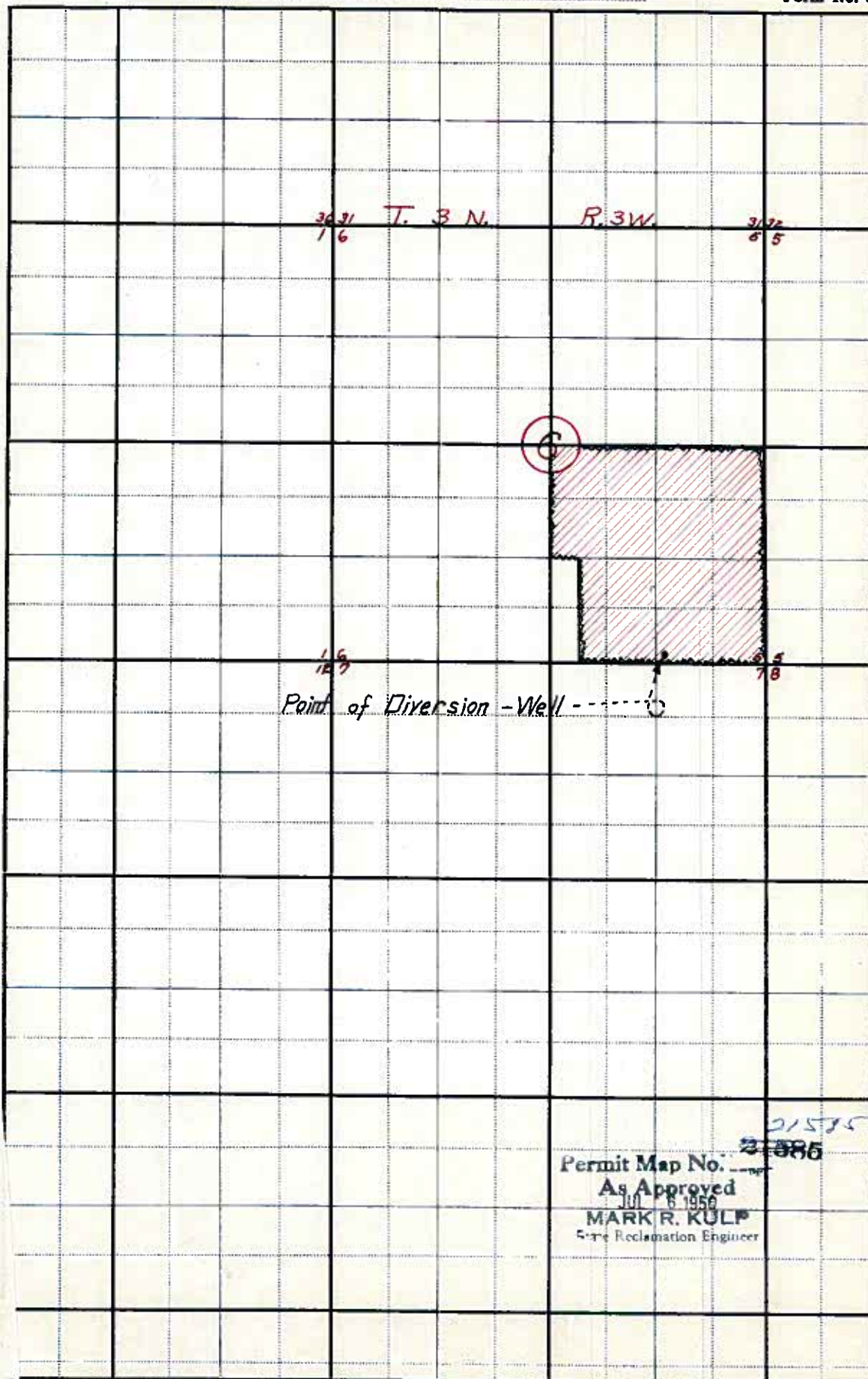
Proof of completion of works made May 27, 1955
 Certificate of Completion of Works issued June 6, 1955.

RECORDED FOR 2-22 SEE FL.
 Page 6549

NAME OF APPLICANT

J. M. R. E

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.