

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: A63-03138A
Date Received: 3/14/1990
Receipt No: W011051
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PATRICIA ANN LODGE
Address: 18500 SYMMS RD
CALDWELL ID 83605

208-459-7158

AND/OR

Name: JAMES "DYKE" NALLY
Address: 18500 SYMMS RD
CALDWELL ID 83605

208-459-7158

2. Date of Priority: OCT 7, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	9	SW	NE			CANYON

5. Description of diverting works:
PUMP WITH SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.350		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	04W	9	SW NE		IRR	35.0
Section Acres						35.0
Total Acres						35.0

*See
concession -
dence con -
clearing
overfilling
7-8-04*

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:
A63-08068A

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 27580

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 A63-03138 ADate Received MAR 14, 1990Receipt Number W011051

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) PATRICIA ANNE LODGE, ^{OR} JAMES "DYKE" NALLY Phone (208) 459-7158Mailing Address 18500 Symms Rd. CALDWELL, ID Zip 836052. Date of Priority (Only one (1) per claim) Oct. 07, 19583. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 03N Range 04W Section 09,
_____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Pump with sprinkler system.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 10/31 amount .35 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .35 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
03N	04W	9			35														35

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A63-08068 A or None ()

14. Remarks: _____

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Last Name LODGE - NALLY Ident No. A63-03138A

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a crosshair symbol. The word "MICROFILMED" is printed in the bottom right corner.

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Last Name LODGE-NALLY

Ident No. A63-03138A

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-03138
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Patricia Anne Lodge Date X 3-13-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho for _____)
County of Ada _____) SS.

Subscribed and sworn (or affirmed) before me this 13th day of March 1990

SEAL

Notary Public Margaret E. Satterfield

Residing at Bonnie, Idaho

My Commission Expires 3/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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JUL 25 1994

Last Name LODGE - NALLY Ident. Number AG3-03138A

Copies White-State, Yellow-Claimant

State- ID Zip- 83605

1 -
2 -
3 -
City-
Phone -

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	-	-	-	-	-	+

[illegible]

03N	04W	9	NW NE	40.0	01	IRRIGATION	(27)	CANYON
03N	04W	9	SW NE	35.0	01	IRRIGATION	(27)	CANYON

Total Acres: 75.0

[illegible]

TRANS. 1952.

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ADJUDICATION CLAIM REVIEW CHECKLIST

1-92

CLAIMANT'S NAME Lodge on Nally

CLAIM IDENT. NO. A63-03138A

DATE RECEIVED 3/14/90 RECEIPT # W011051 FEE PAID \$ 85 FEE REQ'D \$ 85

	YES	NO	Required Info?
Is the name and address complete with zip code?	☒	☐	*
Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
(a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒ N/A	☐	
Is the legal description of the p.d. sufficient?	☒	☐	*
Is there a description of the diverting works?	☒	☐	
Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
Is a total quantity claimed entered?	☒	☐	
If required is a consumptive use entered?	☐ N/A	☒	
Is the consumptive use correct?	☐ N/A	☒	CD
Are the non-irrigation uses listed showing # of homes, hd. of stock?	☐	☒	*
If multiple domestic, is single ownership indicated?	☐ N/A	☐	
Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
Is (are) the county(ies) entered?	☐ Canyon	☒	
Is the ownership of p.u. checked?	☒	☐	CD
Are other water rights listed or "none" indicated?	☒ A63-08068A ~~NONE~~	☒	
If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐ N/A	☒	
Is the basis of the claim indicated?	☒	☐	
If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	☐ N/A	☒	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.	☒	☐	
If no, was water right no. found?	☐	☐	*
If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	☐ N/A	☒	
If yes, attach a proof report & complete number change)	☒	☐	
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
If the claimant requested a monthly docket sheet, was the fee paid?	☐ N/A	☒	
Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
Is the claim been signed, sealed, and dated by a notary?	☒	☐	*
Is this claim filed on time?	☒	☐	*
Check ML3 for date mailed-not all were mailed on the planned date.	☒	☐	*
If no, was an extension of time filed & approved?	☐ N/A	☐	*
Is the fee enclosed correct?	☒	☐	*

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JUL 25 1994

	YES	NO
this claim being rejected and returned to claimant?	—	✓
in this claim be data entered?	✓	—
claim modified?	✓	—
yes, do modifications require notification to claimant? . . .	—	✓

Note: Modifications made must be explained in comments stating
 where the information for any changes was found.

reviewed by: MM CF Date 4/5/1993 4/7/93
 data entered by: [signature] Date 4-7-93

REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
 CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
 RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

A63-03138 claimed by Kincheloe
entire rt. 63-03138. This claim is a duplicate
A63-08068A: Same POB, POB^(partial) Season
filing for just
a portion of
63-3138.

09/29/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 63-3138A

PATRICIA ANNE LODGE
18500 SYMMS RD
CALDWELL ID 83605
Telephone Number: (208)459-7158

JAMES DYKE NALLY
18500 SYMMS RD
CALDWELL ID 83605
Telephone Number: (208)459-7158

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

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

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

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

X I AGREE with this proposed recommendation; no changes need to be made.

DATE:

10/28/06

SIGNATURE:

Patricia Anne Lodge

Please print your name:

Patricia Anne Lodge

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

Vpw

09/18/2006

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

RIGHT NUMBER: 63-3138A

NAME AND ADDRESS: PATRICIA ANNE LODGE
18500 SYMMS RD
CALDWELL ID 83605

JAMES DYKE NALLY
18500 SYMMS RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS

Rights 63-8068A and 63-3138A when combined shall not exceed a total annual maximum diversion volume of 67.5 af at the field headgate, and the irrigation of 15 acres.

PRIORITY DATE: 10/07/1958

POINT OF DIVERSION:

T03N R04W S9 SWNE 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	0.150 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T03N R04W S09 SWNE 15.00

15 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.

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



Idaho Department of Water Resources

SRBA Recommendation:

63-3138A

Acres = 15

Legend

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



Canyon County
IDWR Basin 63



R04W



T03N



Prepared by K. Walker
On Monday, May 15, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3138A

WATER RIGHT NUMBER: 63-3138A

Owner Type Name and Address
Original Owner RICHARD L KINCHELOE
20521 PEAR LN
CALDWELL, ID 83605
(208)459-2857

Current Owner PATRICIA ANNE LODGE ✓
18500 SYMMS RD ✓
CALDWELL, ID 83605 ✓
(208)459-7158 ✓

Original Owner STEPHANIE R KINCHELOE
20521 PEAR LN
CALDWELL, ID 83605
(208)459-2857

Current Owner JAMES NALLY ← Pyke
18500 SYMMS RD ✓
CALDWELL, ID 83605 ✓
(208)459-7158 ✓

Priority Date: 10/07/1958 ✓

Basis: License

Status: Active

Source

GROUND WATER ✓

Beneficial Use

IRRIGATION ✓

From 4/01 to 10/31

Diversion Rate

0.350 CFS ✓

Total Diversion:

0.350 CFS ✓

Annual Volume

(4.5 AF/AC) 67.5

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

SW1/4NE1/4 ✓

Sec. 9, Twp 03N, Rge 04W, S.M. ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	04W	9	✓			35.0													35.0

Total Acres: 35

Conditions of Approval:
Water Supply Bank:

15* per letter of 7/8/2004 by J.S.

in office review - 5/15/06

possibly Irrig. Wilder on this land. R65

Lic. 75 ac / .74 cfs
= 0.0098 cfs/ac
x 15
0.0148 ~
0.15 cfs for this portion

3/1-11/15 on license transfer

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-3138

WATER RIGHT NUMBER: 63-3138

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT R PATTERSON RT 6 CALDWELL, ID 83605
Original Owner	CHAP BURTON , ZZ

Priority Date: 10/07/1958

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.740 CFS	
	<u>Total Diversion:</u>	0.740 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 9, Twp 03N, Rge 04W, B.M.
CANYON County		
GROUND WATER	NW1/4NE1/4	Sec. 9, Twp 03N, Rge 04W, 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	04W	9		40.0	35.0														75.0

Total Acres: 75

Conditions of Approval:

1. TRANS. 1952.

Remarks:Comments:

75 ac / 2098 cfs / ac
 = 74 cfs

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3138A

03/27/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3138A	Claim	03N	04W	9	SW	NE		IRRIGATION	35/35	PATRICIA ANNE LODGE
3138B	Claim	03N	04W	9	SW	NE		IRRIGATION	35/75	RICHARD L KINCHELOE
3068A	Claim	03N	04W	9	SW	NE		IRRIGATION	35/35	PATRICIA ANNE LODGE
3068B	Claim	03N	04W	9	SW	NE		IRRIGATION	35/75	STEPHANIE R KINCHELOE
3138	Water Right	03N	04W	9	SW	NE		IRRIGATION	35/75	ROBERT R PATTERSON
8068	Water Right	03N	04W	9	SW	NE		IRRIGATION	35/75	ROBERT R PATTERSON
28548	Water Right	03N	04W	9	SW	NE		DOMESTIC		EMANUEL ROHN

Receipt Details for ID W011051

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/14/1990 3:58:34 PM	3/14/1990	Western	\$160.00	Check
Payer		RIVERVIEW ENTERPRISES		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1051			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$160.00	ADJUDICATION FEES	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	3138	A	\$85.00	Claim
63	8068	A	\$50.00	Claim
63	21955		\$25.00	Claim

Print Report



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Patricia Ann Lodge
18500 Symms Rd
Caldwell, ID 83605

July 8, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Ms. Lodge:

Per your visit in my office on June 10, 2004, the following was discussed and resolved:

Claim No. A63-3138A & A63-8068A – These claims were filed as a split of 63-3138 and 63-8068 for the 35 acres in the SW1/4NE1/4, Sec. 9, Twp. 3N, Rge. 4W. Upon review of the field exams conducted in 1963 (63-3138) and 1975 (63-8068) for licensing of these rights it was determined that there was a 5 acre non-irrigated outage in this 40 acre tract located in the SW corner of this 1/41/4. The tax records indicate that 20 irrigated acres in the N1/2 of this 1/414 are owned by Richard and Stephanie Kincheloe. Therefore, of the 35 irrigated acres licensed under these rights, this leaves 15 irrigated acres in the S1/2 of this 1/4/1/4 under yourself and your brother's ownership.

As you explained, there is an additional 18 acres irrigated prior to 1987 for a vineyard in the NW1/4SE1/4, Sec. 9, Twp. 3N, Rge. 4W directly south of the above 15 acres. Uses developed prior to 1987 can be processed under a new application. The enclosed application for permit from Lori Graves will cover this additional 18 acres. Please complete the enclosed blank form with attachments and return it to this office per Lori's notes.

Once this application is approved, barring any protests, your total water rights will be 15 acres in the SW1/4NE1/4, Sec. 9 under Claim Nos. 63-3138A and 63-8068A, plus 18 acres in the NW1/4SE1/4, Sec. 9 under the new application for a total of 33 acres of irrigation. These irrigated acres will be supplied from the well in the SW1/4NE1/4, Sec. 9.

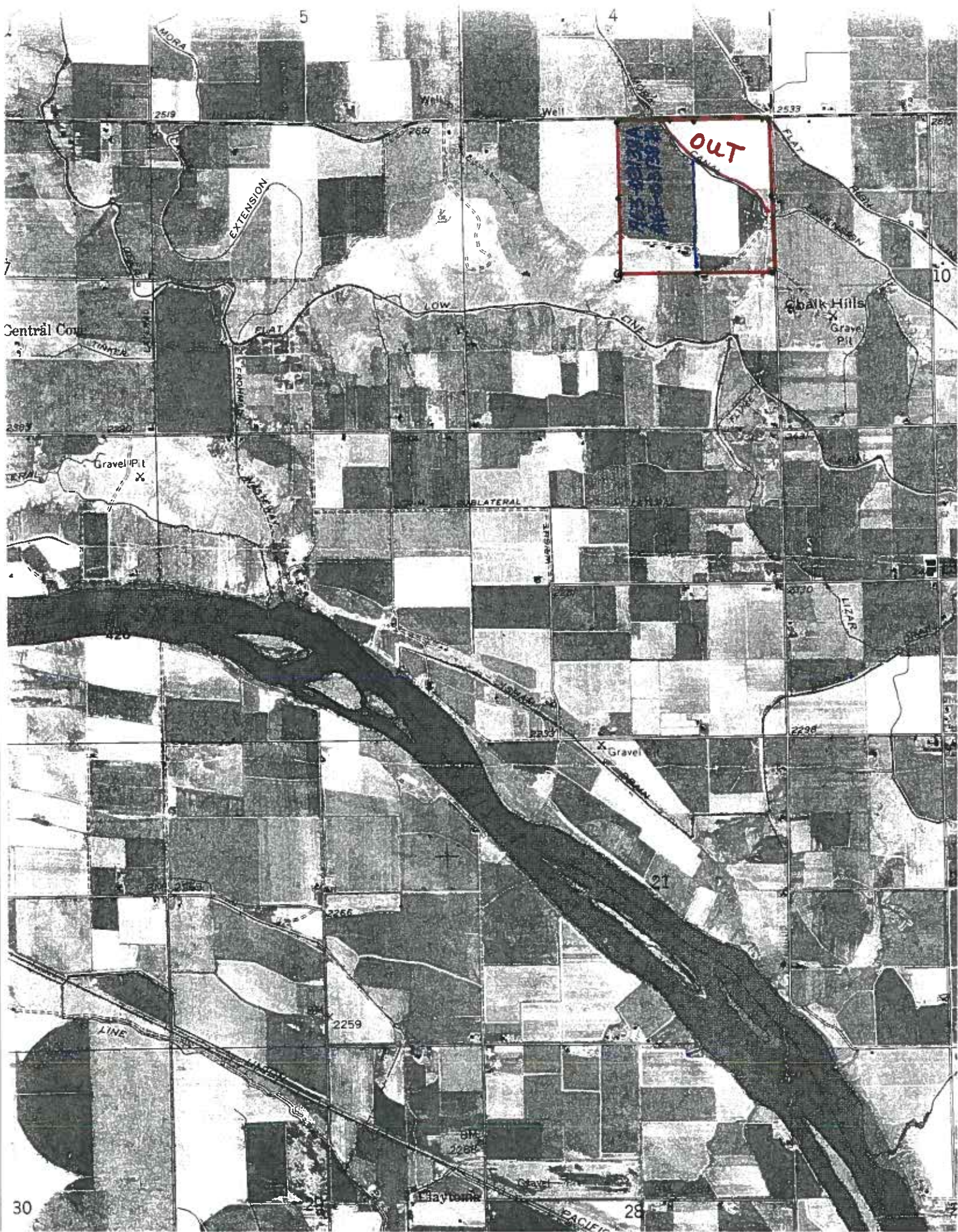
If you have any questions concerning the filing of your application for permit, please contact Lori Graves for an appointment. Any questions concerning the split of the claims, please feel free to contact me.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section

Enclosures





Identification No. 1952

Transfer No. 63-3138

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Robert R. Patterson
Post office address Rt. #6, Caldwell, Idaho
2. Right obtained by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____
 - b. License No. 63-3138 issued by the State of Idaho, Department of Reclamation.
3. Source of water Groundwater tributary to _____
(Name of stream or source)
4. Date of Priority 10/7/1958
5. Amount of water
 - a. .74 c.f.s. and/or
 - b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to Oct. 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9,
Township 3 N., Range 4 W., B.M., in Canyon County;
Additional points of diversion, if any _____

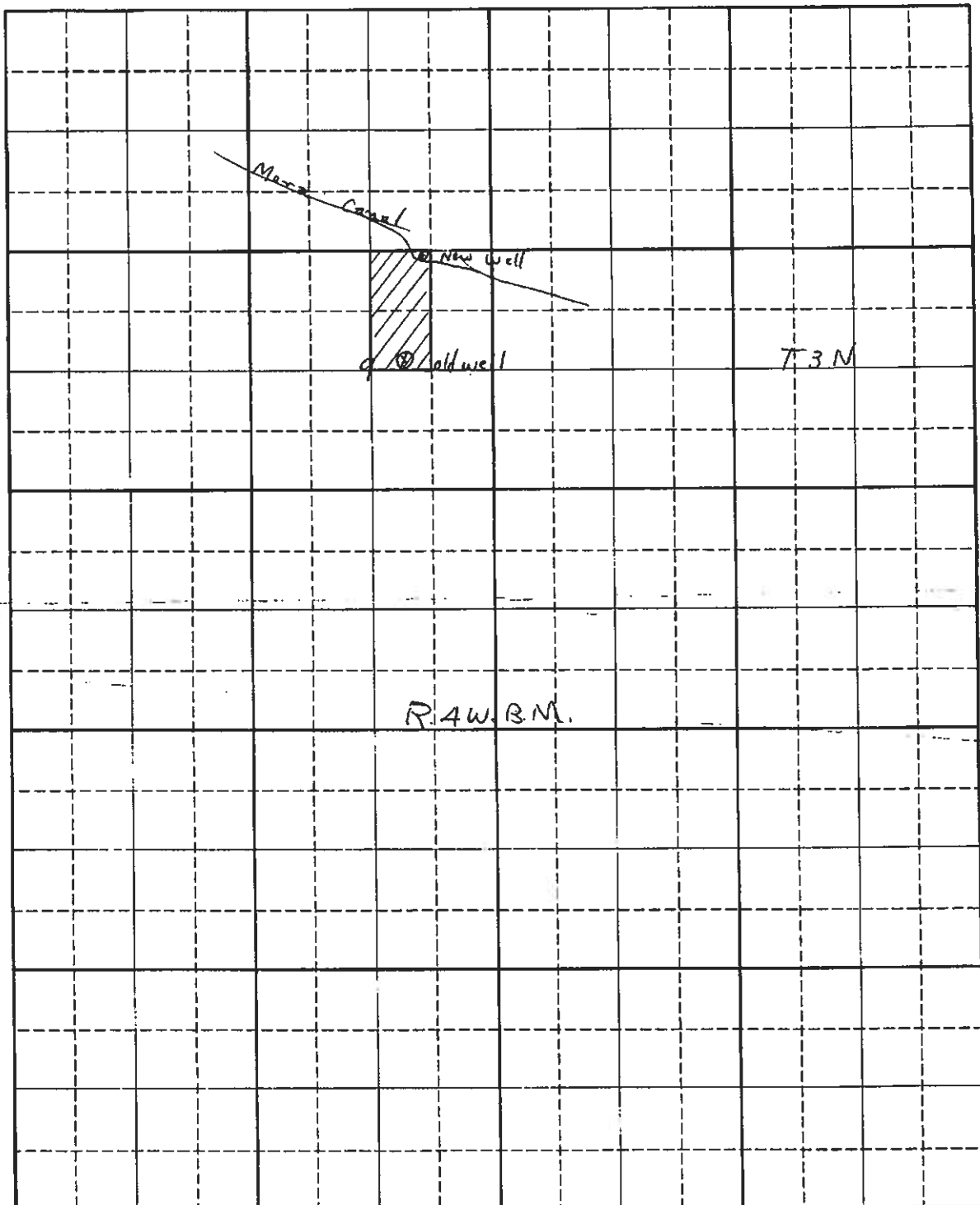
8. Lands presently irrigated or place of use:

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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>3 N.</u>	<u>4 W.</u>	<u>9</u>		<u>40</u>	<u>35</u>														<u>75</u>

Total number of acres presently irrigated 75

63 3138

62 3'30



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: By purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: .74 c.f.s. and/or acre feet
NW NE
- b. New point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 3 N.
 , Range 4 W., B.M. (2 points)
- c. Description of method of diversion and conveyance from new points of diversion: Pump & sprinkler system.
- d. Is water to be conveyed to the lands previously irrigated? Yes X No .
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Replacement well, however, both wells are used at times.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? No
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE No Change

- a. Describe the new lands on which you wish to use your right.

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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
- _____
- _____
- _____

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____
- _____
- _____

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 30 day of January, 1974

Pharma Tilt
(notary public)

My commission expires June 15, 1977

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 63-3138,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:
- _____
- _____

2. Denial of said application is for the following reasons: _____
- _____

Witness my hand this 27 day of February, 1974

[Signature]
Director
Department of Water Administration

FOR DEPARTMENT USE ONLY

Received by R.W.H. Date 1-30-1974

Prelim. check by R.W.H. Date 1-30-1974

Fee received by ef Date 1/30/74 Fee \$ 30.00

Approved for publication by _____

Published in News-Tribune Dates 2-7 + 2-14-74

Hearing held _____

Watermaster Recommendation sent _____

Protest filed by: _____ Date _____

Amount, 74 c. f. g.

Priority October 7, 1958

CHAP BURTON

The right hereby confirmed dates from October 7, 1958;

The Point of Diversion is located ~~SW 1/4~~ ^{NE 1/4} Sec. 9, Twp 3 N., R. 4 W., B.M.

~~CONFIDENTIAL~~ 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 .74 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.	4 W.	9	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	33	36
			Total number of acres to be irrigated:		75

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of August, 1963.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-27580

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Chap Burton

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW 1/4 of Section 9
T. 3 N. R. 4 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 50 H.P. G.E.
Motor # YN 1120009 Permanent Siphon pump # P 190556 8" x 260' Col. M.M.
14" x 420' casing h: 120' O.D. well depth 420' 8" check
valve into 8" x 5' discharge pipe into 6" x 800' buried into 5" x 1000' surface
mainline into 4" x 1000' of surface mainline

5. Water is used for: irrigation

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):

SW 1/4, NW 1/4, lying south and west of the Mora Canal, Section 9, T. 3 N.,
R. 4 W., B. M.

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

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

Remarks: Mr Chap Burton (owner) participated in examination

Measurement was made by taking pressure readings
along each lateral 3 lines 4.5 nozzle size 1/2"

This examination was made on the 28th day of July, 1963

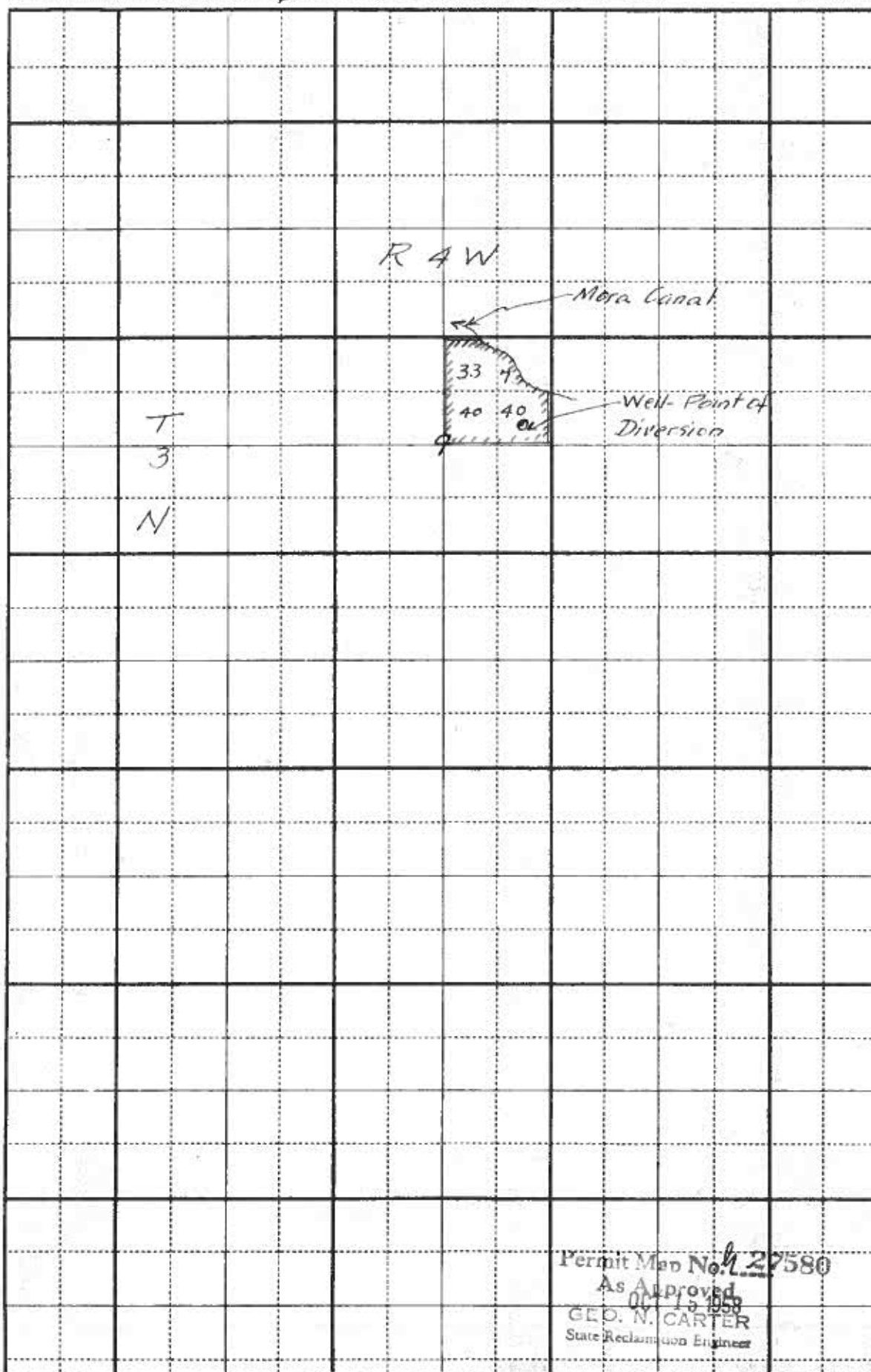
(Signed) R. W. Lebelg Examiner

27580

NAME OF APPLICANT

Chas Burton

Form No. 0



Permit Map No. 1 27580
As Approved
OCT 13 1958
GEO. N. CARTER
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

27580

4-27580

Marked to F. P. A. Notify Kin...
63-313

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35515
Permit No. G- 27580
District No.

Chap Burton
1660 Rim View Dr.,
Caldwell, Idaho

1. Name of Applicant: CHAP BURTON
Postoffice address: Caldwell County: Canyon State: Idaho
2. Quantity of water claimed: 2.4 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second. 2.4 or Idaho
Miners' inches 120 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9
Twp. 3 N., Rge. 4 W., B.M., County of Canyon
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: well, pump and ditches
8. Estimated cost of works: \$ 11,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (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 (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None, except 4.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ under Wilder Irrigation District which is not used.
 - (a) 0.1 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 2.3 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

/s/ Chap Burton
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. October 7, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27580

Recorded in Book 97 Page 27580 Approved October 15, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 15, 1961

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before October 15, 1963

Witness my hand this 15th day of October, 1958

/s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th day of October, 1958.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3 N.	4 W.	9	7	33	40	40												120	
Application for Amendment POINT OF DIVERSION Permit No. G-27580 Comes now Chap Burton and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27580. That the point of diversion is described in said Permit as being located: In the SE 1/4 of the NE 1/4 of Section 9, Twp. 3 N., Rge. 4 WBM. That he now requests that the point of diversion be changed to a point located: In the SW 1/4 of the NE 1/4 of Section 9, Twp. 3 N., Rge. 4 WBM. That the reason for desiring to make such change is as follows: That the well drilled for the water being appropriated under this permit is located in the SW 1/4 of the NE 1/4 of Section 9, Twp. 3 N., Rge. 4 WBM., rather than the SE 1/4 of the NE 1/4, Sec. 9, etc. above. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Caldwell, Idaho, this 14th day of June, 1962. /s/ Chap Burton Date of Receipt at Department of Reclamation: July 13, 1962 APPROVAL OF STATE RECLAMATION: I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27580. 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. Recorded: July 20, 1962 /s/ RALPH W. THOMAS, Deputy State Reclamation Engineer																			

Application for Amendment
LAND LIST
Permit No. G-27580

Comes Now Chap Burton, and represents to the STATE RECLAMATION ENGINEER of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27580, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying south and west of the Mora Canal, Section 9, Township 3 North, Range 4 West of the Boise Meridian, making a total of 73 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Caldwell, Idaho this 14th day of June, 1962

/s/ Chap Burton

Date of receipt at office of Department of Reclamation: July 13, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27580. 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.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: July 20, 1962

CERTIFICATE OF COMPLETION OF WORKS ✓
Permit No. G-27580

TO ALL WHOM IT MAY CONCERN:

This is to certify that CHAP BURTON of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. G-27580, issued upon Application No. G-35515 bearing date of priority of October 7, 1958, authorizing the diversion of 2.4 second feet of waters of a well County of Canyon, State of Idaho, for irrigation 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 .74 second feet of the waters of a well from subterranean flow that the point of diversion of said waters SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 3 N., R. 4 W., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 75 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9, T. 3 N., R. 4 W., B.M.

Witness my hand this 19th day of August, A.D. 1962

/s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

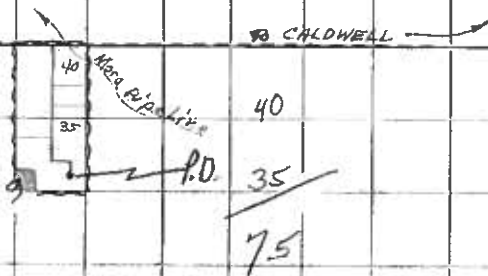
Proof of Completion of Works Made: August 14, 1962

LICENSE ISSUED FOR 124 SEC. FL

page 7671

R-4W.

T.
3
N.



Subdivisions 2

area 7.5 acres

Q 74 CFS or 37 inches



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 13, 1995

PHILIP E. BATT
GOVERNOR

PATRICIA ANN LODGE
JAMES "DYKE" NALLY
18500 SYMMS RD
CALDWELL ID 83605

KARL J. DREHER
DIRECTOR

RE: Notices of Claim to a Water Right No. A63-03138A & A63-08068A

Dear Ms. Lodge and Mr. Nally:

IDWR's initial investigation of the above-referenced claims has revealed duplicate filing for portions of the water rights. This appears to be an inadvertent error that we would like to resolve at this time. Copies of your claims are enclosed, along with a copy of a map of the lands in question. Please answer the following questions and return this letter to our office.

1. Please mark the appropriate item regarding the described property and water rights:

Current Owner _____ Previous Owner _____

2. If you are the previous owner, please give the name of the person that you sold the property to, or the current owner:

New or Current Owner _____

3. Do you believe that you own a portion of these water rights?

YES _____ NO _____

If you answered yes, please enclose proof of ownership. PROOF OF OWNERSHIP MUST DESCRIBE EITHER THE PROPERTY CONVEYED (AS IN A SALES CONTRACT OR WARRANTY DEED) OR IF NO LEGAL DESCRIPTION IS LISTED IN THE DOCUMENT, MUST INCLUDE THE WATER RIGHT CLAIM NUMBER.

In order to protect your water rights, the Notices of Claim must be accurate. **PLEASE RETURN THIS LETTER WITH THE REQUESTED ANSWERS TO THIS OFFICE BY SEPTEMBER 29, 1995.** If you have any questions or need assistance, please do not hesitate to contact this office.

Sincerely,

Maria Minicucci

Sr. Water Agent, Adjudication Bureau

MM:m

Enc: Profile reports: A63-03138A, A63-08068A

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-03138A

NR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>						
PT. OF DIV.							
SOURCE							
PL. OF USE							
DIV. AMOUNT CFS/AF							
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____

*IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: 100 ± acres in NWNE not claimed. Coordinate CFS w/ splits. Review xFER.

Claimed as licensed.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WP5809NP
No. 63-03138

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT R. PATTERSON RT. 6 CALDWELL ID 83605	10/07/1958	IRRIGATION	04-01 10-31	0.740 CFS	35 CFS

Water Source: GROUNDWATER
Point(s) of Diversion: T03N R04W S09W

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
40	35						
TOTAL DIVERSION: 0.740 CFS				TOTAL ACRES: 75.0			

Pou County: CANYON
Stage: LICENSE
CANYON County

Other Water Rights with Same Point(s) of Diversion and Source:
63-08068

Other Water Rights Listing Overlapping Place(s) of use:
63-08068

Remarks: TRANS. 1952.

Dates: App. Received: 10/07/1958
Proof Due Date: 10/07/1958
Exam Made Date: 10/07/1958
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 05/01/88 CONVERT

7.4 cfs / 75 acres = .0098

.0098 x 35 = .345