

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: **A63-04530B**
Date Received: 4/18/1994
Receipt No: W017377
Received By: peo

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FDF INC 208-343-9752
Address: C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE ID 83702

2. Date of Priority: JUN 1, 1885

3. Source: UNNAMED DRAINS Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	2	SE	NE			CANYON
05N	04W	35	SW	SE			CANYON

5. Description of diverting works:
UNNAMED DRAINS - ONE INTO POND & ONE WITH DITCH DIVERSION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		225.00
WILDLIFE	01/01	12/31	1.200		18.00
WILDLIFE STORAGE	01/01	12/31			27.00
DIVERSION TO STORAGE	01/01	12/31	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) 270.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WILDLIFE - POND & DITCH FOR WILDLIFE HABITAT.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	2	SW		NE		IRR	20.0
			SW		NE		WILDLF	
			SE		NE		IRR	15.0
			SE		NE		WILDLF	
			SE		NE		WILD S	
			SE		NW	4	IRR	15.0
			SE		NW	4	WILDLF	
							Section Acres	50.0
							Total Acres	50.0

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:

CLAIM AMENDED PER TRANSFER NO. 4721 APPROVED 1/22/1996.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RT.
HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE
DEPT. FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTAL RATE OF DIVERSION.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER NO. 4721 SHALL NOT EXCEED 1.2 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 270.0 AF.
THE SURFACE AREA OF THE WILDLIFE STORAGE POND SHALL NOT EXCEED
9.0 ACRES, NOR SHALL THE TOTAL COMBINED ANNUAL DIVERSION VOLUME
FOR ALL WILDLIFE USES EXCEED 45.0 AF.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4721 IN FILE. KW 3/20/1996

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4721
WATER RIGHT NO. 63-04530B

This is to certify that: FDF INC
419 E HIGHLAND VIEW DR
BOISE ID 83702

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.00 CFS	225.0 AF
WILDLIFE	01/01 to 12/31	1.20 CFS	18.0 AF
WILDLIFE STORAGE	01/01 to 12/31		27.0 AF
DIVERSION TO STORA	01/01 to 12/31	1.20 CFS	
	Totals	* 1.20 CFS	* 270.0 AF

SOURCE

UNNAMED DRAINS

TRIBUTARY OF

BOISE RIVER

Priority: 06/01/1885

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 04N, Range 04W
SWSE , Sec. 35, Township 05N, Range 04W
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>
04N	04W	2	SWNE 20	SENE 15	Lot 4 (SENW) 15	50
Total number of acres irrigated:						50

PLACE OF USE: WILDLIFE, same as IRRIGATION use

PLACE OF USE: WILDLIFE STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
04N	04W	2
SENE		

CONDITIONS OF APPROVAL AND REMARKS

- Approval of this transfer in no way confirms the right(s) claimed.

MICROFILMED
OCT 07 1996

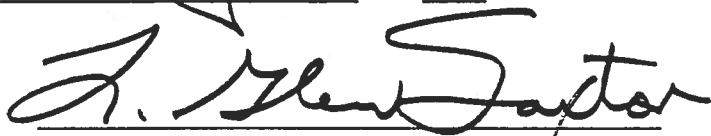
TRANSFER NO. 4721
WATER RIGHT NO. 63-04530B

CONDITIONS OF APPROVAL AND REMARKS

2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
3. 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.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ✓ 8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ✓ * 9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4721 shall not exceed 1.20 cfs, nor total combined annual volume of 270.0 af.
- ✓ 10. The surface area of the wildlife storage pond shall not exceed 9.0 acres, nor shall the total combined annual diversion volume for all wildlife uses exceed 45.0 af.

Dated this 22nd day of

January, 1996.


Chief, Water Alloc. Bureau

MICROFILMED
OCT 07 1996

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

Renumbered A63-04530B
Ident. Number: A63-04530 RW
Date Received: 4/18/1994 3/20/96
Receipt No: W017377
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FDF, INC 208-343-9752
Address: C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE ID 83702

2. Date of Priority: JUN 1, 1885

3. Source: UNNAMED DRAINS Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	2		SE	NE		CANYON
05N	04W	35		SW	SE		CANYON

5. Description of diverting works:
UNNAMED DRAINS - ONE INTO POND & ONE WITH DITCH DIVERSION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
WILDLIFE	01/01	12/31	2.000		
WILDLIFE STORAGE	01/01	12/31			20.00
WILDLIFE FROM STORAGE	01/01	12/31			20.00

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 20.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WILDLIFE - POND & DITCH FOR WILDLIFE HABITAT.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	2	NW		NE		IRR	15.0
			NW		NE		WILDLF	
			SW		NE		IRR	20.0
			SW		NE		WILDLF	
			SE		NE		IRR	10.0
			SE		NE		WILDLF	
			SE		NE		WILD S	
			SE		NE		WLD FS	
			NE		NW		IRR	5.0
			NE		NW		WILDLF	
			SE		NW		WILDLF	

Section Acres 50.0

Total Acres 50.0

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:

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

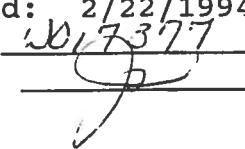
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

RECEIVED

APR 18 1994

Ident. Number: A63-04530
Date Received: 2/22/1994
Receipt No: 2067377
Received By: 

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FDF, INC
Address: C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE ID

208-343-9752

83702

2. Date of Priority: JUN 1, 1885

3. Source: UNNAMED DRAINS

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	2	SE	NE			CANYON
05N	04W	35	SW	SE			CANYON

5. Description of diverting works:

UNNAMED DRAINS - ONE INTO POND & ONE WITH DITCH DIVERSION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
WILDLIFE	01/01	12/31	2.000		
WILDLIFE STORAGE	01/01	12/31			20.00
WILDLIFE FROM STORAGE	01/01	12/31			20.00

7. Total Quantity Appropriated is:

~~3-200~~ C.F.S. (and/or)

20.00 A.F.A.

3.0 CFS p.c.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

WILDLIFE - POND & DITCH FOR WILDLIFE HABITAT.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	2	NW		NE		IRR	15.0
			NW		NE		WILDLF	
			SW		NE		IRR	20.0
			SW		NE		WILDLF	
			SE		NE		IRR	10.0
			SE		NE		WILDLF	
			SE		NE		WILD S	
			SE		NE		WLD FS	
			NE		NW		IRR	5.0
			NE		NW		WILDLF	
			SE		NW		WILDLF	

Section Acres 50.0

Total Acres 50.0

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:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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): Clark E. Smith Date: 4-8-94

Date: _____

State of Idaho)
County of Cada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of April 19 94 Notary Public



Residing at Braze Id
My Commission Expires Oct 25-1995

PLANNING OFFICIAL



Water Right Number - 63-04530 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TRUMBULL BETH
1 - RT. 5 BOX 5048
2 -
3 -
City- CALDWELL State- ID Zip- 83605
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1885 14 WESTERN S - STATUTORY CLAIM
+ - - Source - - - - + + - - - Tributary - - - - - +
UNNAMED DRAINS BOISE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - Diversion Name Diversion Rate Diversion No.
Twn Rng Sec Tract Lot Rflg County (27) CANYON
04N 04W 2 NW NE (27) CANYON
SE NE

+ - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume
Code Description Period From Period To
01 - IRRIGATION 03/15 11/15 3.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
3.200

| Tw | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 04N | 04W | 1 | NW SW | | 10.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | NW NE | | 15.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | SW NE | | 20.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | SE NE | | 25.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | NE NW | | 35.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | NW NW | | 15.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | SE NW | | 30.0 | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 2 | NE SE | | 10.0 | 01 | IRRIGATION | (27) CANYON |

Total Acres: 160.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - - - - - - - - - - - - Remarks - - - - - No Remarks found.

MICROFILMED

+ - - Audit Fields - 03/05/85 05/01/88 CONVERT

[illegible]

APPENDIX

12/10/2006

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

RIGHT NUMBER: 63-4530B

NAME AND ADDRESS: FDF INC
C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE ID 83702

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 1.200 CFS
270.00 AFY

The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.20 cfs, nor total combined annual volume of 270.0 af.

The surface area of the wildlife storage pond shall not exceed 9.0 acres, nor shall the total combined annual diversion volume for all wildlife uses exceed 45.0 af.

PRIORITY DATE: 05/10/1926

POINT OF
DIVERSION: T04N R04W S1 SWNW Within CANYON County
T05N R04W S35 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------|---------------|-------------------------|
| DIVERSION TO STORAGE | 01/01 12/31 | 1.200 CFS |
| WILDLIFE | 01/01 12/31 | 1.200 CFS
18.00 AFY |
| WILDLIFE STORAGE | 01/01 12/31 | 27.00 AFY |
| IRRIGATION | 03/01 11/15 | 1.000 CFS
225.00 AFY |

PLACE OF USE: IRRIGATION in CANYON County

| | | | | | |
|---------------------|------|-------|---------------|------|-------|
| T04N R04W S02 | SWNE | 20.00 | T04N R04W S02 | SENE | 15.00 |
| T04N R04W S02 Lot 4 | SENE | 15.00 | | | |

WILDLIFE in CANYON County

| | | | |
|---------------------|------|---------------|------|
| T04N R04W S02 | SWNE | T04N R04W S02 | SENE |
| T04N R04W S02 Lot 4 | SENE | | |

WILDLIFE STORAGE in CANYON County

| | |
|---------------|------|
| T04N R04W S02 | SENE |
|---------------|------|

50 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Right Nos. 63-30224 and 63-28289 are also diverted through point of diversion located within SWSE, S35, T5N, R4W.

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 irrigation of the lands above.

Failure of the right holder to comply with the conditions of approval on transfer 4721 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

10/11/2006

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

RIGHT NUMBER: 63-4530B

NAME AND ADDRESS: FDF INC
C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE ID 83702

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 1.200 CFS
270.000 AFY

The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.20 cfs, nor total combined annual volume of 270.0 af.

The surface area of the wildlife storage pond shall not exceed 9.0 acres, nor shall the total combined annual diversion volume for all wildlife uses exceed 45.0 af.

PRIORITY DATE: 05/10/1926

POINT OF DIVERSION:

T04N R04W S1 SWNW Within CANYON County

T05N R04W S35 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-------------------------|
| DIVERSION TO STORAGE | 01/01 12/31 | 1.200 CFS |
| WILDLIFE | 01/01 12/31 | 1.200 CFS
18.00 AFY |
| WILDLIFE STORAGE | 01/01 12/31 | 27.00 AFY |
| IRRIGATION | 03/01 11/15 | 1.000 CFS
225.00 AFY |

PLACE OF USE: IRRIGATION Within CANYON County

| | | | | | |
|---------------------|------|-------|---------------|------|-------|
| T04N R04W S02 | SWNE | 20.00 | T04N R04W S02 | SENE | 15.00 |
| T04N R04W S02 Lot 4 | SENE | 15.00 | | | |

WILDLIFE Within CANYON County

| | | | |
|---------------------|------|---------------|------|
| T04N R04W S02 | SWNE | T04N R04W S02 | SENE |
| T04N R04W S02 Lot 4 | SENE | | |

WILDLIFE STORAGE Within CANYON County

| | |
|---------------|------|
| T04N R04W S02 | SENE |
|---------------|------|

50 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

This right in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

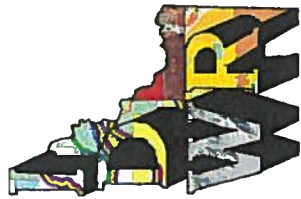
The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Right Nos. 63-30224 and 63-28289 are also diverted through point of diversion located within SWSE, S35, T5N, R4W.

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 irrigation of the lands above.

Failure of the right holder to comply with the conditions of approval on transfer 4721 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.



Idaho Department of Water Resources

SRBA Recommendation:

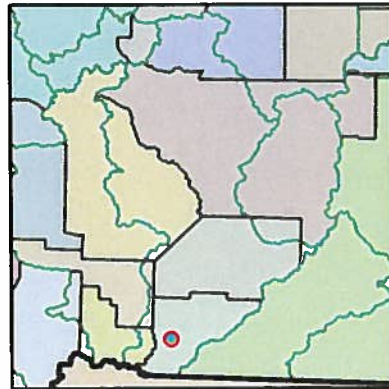
63-4530B

(Irrigation)

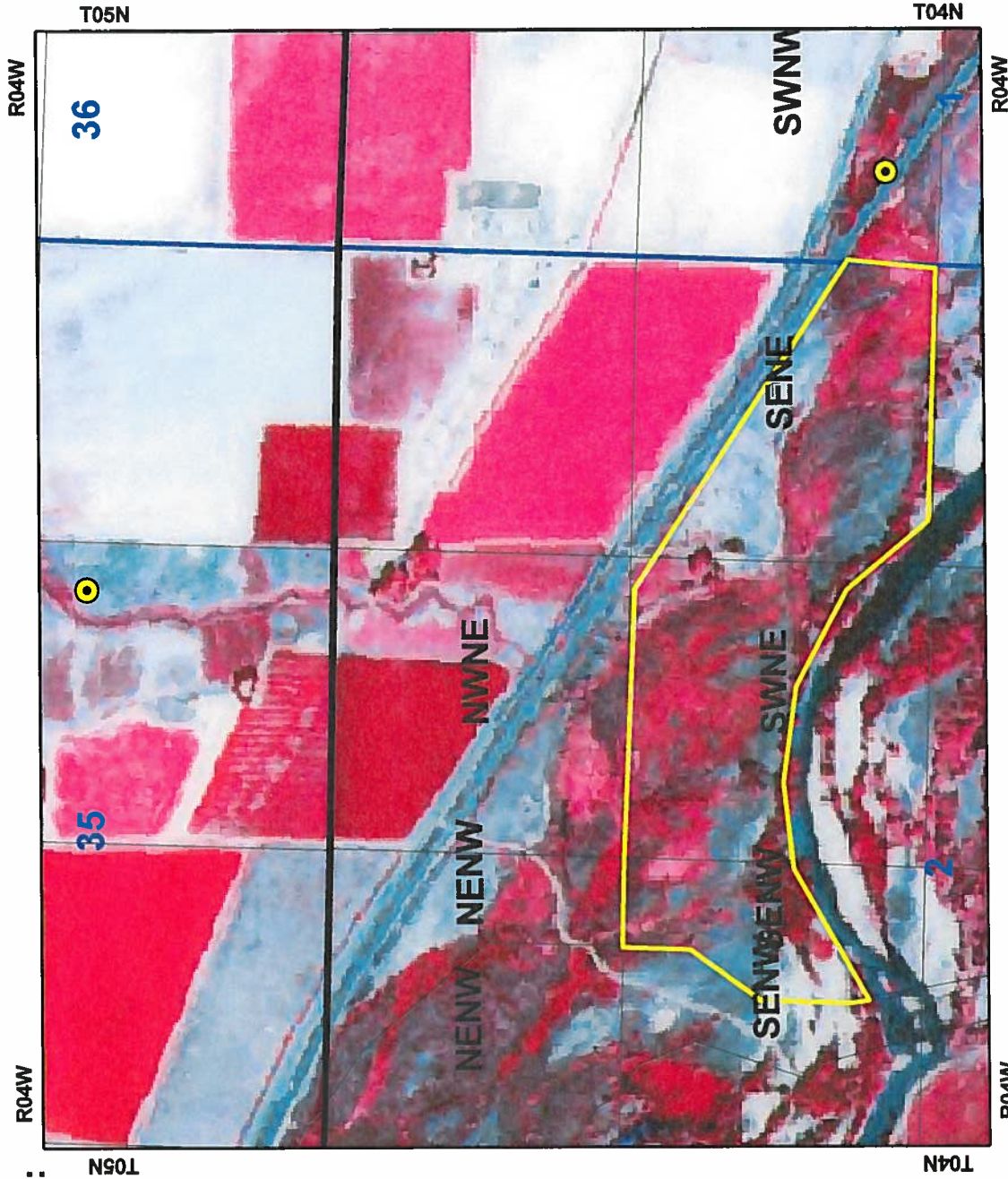
Acres = 50

Legend

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



Canyon County
IDWR Basin 63



0 0.3 0.6 Miles

Prepared by K. Walker
On Monday, October 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4530B V1

WATER RIGHT NUMBER: 63-4530B V1

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Original Owner | BETH TRUMBULL
RT 5 BOX 5048
CALDWELL, ID 83605 |
| Current Owner | FDF INC
C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE, ID 83702
(208)343-9752 |

Priority Date: 05/10/1926

Basis: Beneficial Use

Status: Active

| | |
|----------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| UNNAMED DRAINS | BOISE RIVER |

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| DIVERSION TO STORAGE | 01/01 to 12/31 | 1.200 CFS | |
| WILDLIFE | 01/01 to 12/31 | 1.200 CFS | 18.00 AF |
| WILDLIFE STORAGE | 01/01 to 12/31 | | 27.00 AF |
| IRRIGATION | 03/01 to 11/15 | 1.000 CFS | 225.00 AF |
| | <u>Total Diversion:</u> | 1.200 CFS | 270.00 AF |

Location of Point(s) of Diversion

| | | |
|---------------------------------|------------|---------------------------------|
| UNNAMED DRAINS
CANYON County | SW1/4NW1/4 | Sec. 1, Twp 04N, Rge 04W, B.M. |
| UNNAMED DRAINS
CANYON County | SW1/4SE1/4 | Sec. 35, Twp 05N, Rge 04W, B.M. |

Place of Use

WILDLIFE

| | | | | | | | | | | | | | | | | | |
|-------------|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|--------|
| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 04N 04W 2 | | | X | X | | | | X | | | | | | | | | |
| | | | | | | | | L 4 | | | | | | | | | |

WILDLIFE STORAGE

| | | | | | | | | | | | | | | | | | |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4530B V1

| | | | | | |
|-----------|---|--|--|--|--|
| 04N 04W 2 | X | | | | |
|-----------|---|--|--|--|--|

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|-----|----|----|------|------|----|----|-----|------|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 04N | 04W | 2 | | | 20.0 | 15.0 | | | | 15.0 | | | | | | | | | 50.0 |
| | | | | | | | | | L 4 | | | | | | | | | | |

Total Acres: 50

Conditions of Approval:

1. C18 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.
2. T04 This right in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. R32 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 irrigation of the lands above.
5. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.20 cfs, nor total combined annual volume of 270.0 af.
6. The surface area of the wildlife storage pond shall not exceed 9.0 acres, nor shall the total combined annual diversion volume for all wildlife uses exceed 45.0 af.
7. T08 Failure of the right holder to comply with the conditions of approval on transfer 4721 is cause for the Director to rescind approval of the transfer.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Remarks:Comments:

1. kwalker 10/2/2006 Evidence of Priority

Comment: Affidavit by previous owner justifies 1943 priority; claimant submitted copy of agreement between Idaho Mansell and Oregon Short Line Railroad showing ditch under claim was developed on or about 5-10-1926. Recommend this date for priority of this claim and also claim 63-30224 that uses same ditch.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-4530B V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary | | | 04/25/2006 | lharris | Active |
| Contacts | 10/2/2006 8:45:37 AM | kwalker | | | Active |
| Priority Date | 10/2/2006 8:47:12 AM | kwalker | | | Active |
| POD | 10/2/2006 8:50:39 AM | kwalker | | | Active |
| Source | 10/2/2006 9:59:55 AM | kwalker | | | Active |
| POU | 10/2/2006 10:02:50 AM | kwalker | | | Active |
| Use | 10/2/2006 10:14:09 AM | kwalker | | | Active |
| Season | 10/2/2006 10:15:49 AM | kwalker | | | Active |
| Quantity | 10/2/2006 10:17:58 AM | kwalker | | | Active |
| Summary | | | 10/02/2006 | kwalker | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|---|
| Contacts | 10/2/2006 8:45:46 AM | kwalker | (No) 1. Do you want to schedule an appointment? |

Comment for 1: Field exam conducted by Sandy Hemenway 6/13/2006 - also see approved transfer 4721 approved 1/22/1996

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4530B V1

| | | | |
|---------|-----------------------|---------|---|
| General | 10/2/2006 8:47:21 AM | kwalker | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(No) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 13. Has additional evidence of priority date been submitted?</p> <p>(No) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> |
| POD | 10/2/2006 8:50:48 AM | kwalker | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> |
| POD | 10/2/2006 9:59:39 AM | kwalker | Updated PLS |
| POU | 10/2/2006 10:10:53 AM | kwalker | Updated shape for Active POU |
| POD | 10/2/2006 9:59:17 AM | kwalker | Updated shape |
| Use | 10/2/2006 10:14:28 AM | kwalker | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - Approved transfer 4721- approved 1/22/1996 and field exam conducted 6/13/2006</p> |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4530B V1

| Season | 10/2/2006 10:16:08 AM | kwalker | (No) 1. Is the basis of claim Decree or License?
(No) 2. Is the basis of claim a Application or Permit?
(No) 6. Is there evidence that there has been a change in the Period of Use?
(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?
(Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?
(Yes) 14. Is irrigation claimed as a Purpose of Use?
(Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
(Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
(No) 18. Is a Period of Use remark and/or condition required? |
|--------|-----------------------|---------|--|
| POD | 10/2/2006 9:52:09 AM | kwalker | Updated shape |
| POD | 10/2/2006 9:55:20 AM | kwalker | Updated PLS |
| POU | 10/2/2006 10:11:33 AM | kwalker | Edited shape boundary |
| Source | 10/2/2006 10:00:12 AM | kwalker | (No) 1. Is the basis of claim Decree or License?
(No) 2. Is the basis of claim an Application or Permit?
(No) 6. Is the basis of claim a Posted Notice?
(No) 7. Is there evidence that there has been a change in the source?
(Yes) 10. Does the file contain all the necessary information to verify the source?
(No) 11. Is a Source remark and/or condition required?
Description for Question 10 - Field exam |
| POU | 10/2/2006 10:03:08 AM | kwalker | (No) 1. Is the basis of this claim a Decree or License?
(Yes) 2b. Is the POU required?
(No) 3. Is the basis of claim a Application or Permit?
(No) 7. Is there evidence that there has been a change in the POU?
(Yes) 13. Does the file contain all the necessary information to verify the POU?
(No) 14. Is a POU remark and/or condition required?
Description for Question 13 - Recommend as shown on approved T4721 |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4530B V1

| | | | |
|----------|-----------------------|---------|--|
| Quantity | 10/2/2006 10:18:18 AM | kwalker | (No) 1. Is the basis of this claim a Decree or License?
(No) 2. Is the basis of this claim a Application or Permit?
(No) 6. Is the basis of claim a posted notice?
(Yes) 7. Is a flow measurement required?
(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
(Yes) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?
(Yes) 12. Is a Quantity remark or condition required?
Description for Question 7 - Ditch measurements - orange peel method
Description for Question 10 - Approved transfe
4721 |
| Summary | 4/25/2006 9:31:26 AM | lharris | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? |
| POU | 10/2/2006 10:08:54 AM | kwalker | Updated shape for Active POU |
| POU | 10/2/2006 10:12:36 AM | kwalker | Updated shape for Active POU |
| Summary | 10/2/2006 10:50:04 AM | kwalker | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
(No) 5. Does this right have any combined use limits with other rights?
(No) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date? |

Water Supply Bank:

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4530B

04N 04W 2 ✓

X ✓

IRRIGATION ✓

| Twp | Rge | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|------|------|----|----|-----|------|----|----|----|----|--------|
| 04N | 04W | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | 50.0 ✓ |
| | | | | | 20.0 | 15.0 | | | | 15.0 | | | | | |
| | | | | | | | | | L 4 | | | | | | |

Total Acres: 50 ✓

Conditions of Approval:

EXP. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

out T08 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

3. *EXP* → CLAIM AMENDED PER TRANSFER NO. 4721 APPROVED 1/22/1996.

EXP { PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RT. HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPT. FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

Quantity → THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4721 SHALL NOT EXCEED 1.2 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 270.0 AF.

THE SURFACE AREA OF THE WILDLIFE STORAGE POND SHALL NOT EXCEED 9.0 ACRES, NOR SHALL THE TOTAL COMBINED ANNUAL DIVERSION VOLUME FOR ALL WILDLIFE USES EXCEED 45.0 AF.

out ~~SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4721 IN FILE. KW 3/20/1996~~

EXP T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXP R32 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 irrigation of the lands above.

out R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

R 7. → *This right* T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Remarks:

Comments:

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

RECEIVED

SEP 28 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 29 2006

DEPARTMENT OF
WATER RESOURCES**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 completeClaim No(s) A63-4530BOwner: FDF Inc. Phone No. (208) 343-9752Current Address: 1/2 Thomas L. Welsh 419 E. Highland View Dr., Boise, Id 83702☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☒ How long owned property? 20 yrs (208) 860-9441Accompanied by: Thomas Welch cell; (208) 634-5774 McCall number**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: 6/1/1885

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

Source: Unnamed Drains Tributary to Boise River☒ No Change – SAME SOURCE☐ Source found is different than claimed: _____**POINT OF DIVERSION 2 POD's**

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

The system has always been this way, no changes have ever been made.

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 |
|------|------------|-----|-----|-----|------|------|------|--------|---|
| | | | | | | | | Canyon | N43°43.388' W116°46.719' |
| | | | | | | | | Canyon | N43°40.132' W116°15.893' |
| | | | | | | | | | N43°43' |

Description of diverting works

* see attachment

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:

double check
only
Bill Luna
uses the
same ditch
to the left
A63-28289

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use Wildlife From 1/1 To 12/31 Amount _____ CFS _____ AFA

Use Wildlife Storage 1/1 To 12/31 Amount _____ CFS 18.6 AFA

Diversion to storage 1/1 - 12/31

TOTAL VOLUME - Groundwater only

N/A

- ☐ 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 # 4 horses

Types 100 quail Additional comments: _____

50 pheasant, 100's ducks + geese
(noncommercial)

PLACE OF USE:

- ☐ No Change
- ☐ Changes shown below:

inclusive
w/irrigation
(no stock tanks)

| 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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Overlap with other water rights: _____

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

Delivery System Narrative: * see attachment

| Well or Diversion Identification No GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|--|------------|----|------------------|-----------|-----------------------------------|
| | | | N/A | | |
| | | | | | |
| | | | | | |

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Supplemental Water: None

This property has not been irrigated for 5 yrs. They used to have a renter, but he destroyed the mobile home + stole everything.

Other owners: Charles + Barbara Smith (202) 336-0687, + Mike + Kay Naewe.

Directions: I-84, North/Pasadena off-ramp Hwy 20/26, go 4.6 miles on Hwy 20/26. POD (Diversion dam), turn north at 19260 Hwy 20/26 & go up drive, way 0.1 miles, at shop walk north on east fence line 1250', turn west 308' to concrete diversion dam. POD is directly SW (a dirt ditch turning south). POU: for this POD is property directly south of 19260 Hwy 20/26 across railroad track, property west of drain that is north of log house, & property south of Klahn property.

AFTER EXAM THE FILE SHOULD CONTAIN: POD for pond is located 220' east of Hop Rd + Hwy 20/26 intersection, across Hwy 20/26 between Hwy + railroad tracks. POU: 0.1 mile south of 19260 Hwy 20/26, south east of railroad tracks.

- ☒ 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: _____

9/28/2006

FIELD EXAMINER: _____

Judy Hernerway

A63-4530B FDF Inc.

Date of Inspection: 6/13/2006

Inspector: Sandy Hemenway

Description of Diverting Works:

POD #1:

19260 Hwy 20/26, turn up drive way (0.1 mile north), at barn/shop, continue on east boarder 1250', turn west 308' to concrete diversion dam in unnamed drain. POD is located directly NW (a dirt ditch traveling south).

POD #2:

220' east of the Hop Rd. and Hwy 20/26 intersection, on the south side between Hwy 20/26 and the railroad tracks, 2 unnamed drains combine prior to being piped under the railroad tracks.

Delivery System Narrative:

From POD #1, the dirt ditch turns southeast and crosses through yard of 19260 Hwy 20/26, continuing south, through a concrete gate, piped under Hwy 20/26, open discharge into a dirt ditch, piped under railroad through an elevated pipe that turns west and open discharges into a dirt ditch on north boarder going east to west (gravity flow north to south at property by the log house), and also running on east boarder running north to south (gravity flow east to west). There are 4 horses on the acreage, with stock water being inclusive with irrigation (no stock water tanks). Water at the concrete gate can be diverted through a buried pipe under Hwy 20/26, and open discharge into a dirt ditch on the north boarder running west to east (gravity flow north to south for the 2 fields). The driveway to this property is 388' east of the concrete gate. One field is on the east side of the driveway, and one is on the west side. POU is located south of Klahr property on the south side of the railroad tracks. Property is between 19260 Hwy 20/26 and Hop Rd., south of the railroad tracks.

POND If you continue down the driveway 0.1 miles then turn east there is the location of the pond (150 yards x 150 yards x 4' deep). A dirt ditch made of the 2 unnamed drains continues south-to-south west to the intake of the pond. At the west end of the pond, there is a ditch to allow for some flow-through to continue down another ditch. The pond and surrounding area is used for noncommercial wildlife habitat (100 quail, 50 pheasant, 100's of ducks and geese).

A 63-4530 B FDF Inc.
Date of Inspection: 6/13/2006
Inspector: Sandy Hemerway

Ditch Measurement (ditch diverted to left at diversion dam)

Orange Peel

$$Q = VA = 1.66 \text{ ft/sec} \times 4.98 \text{ ft}^2 \quad H = 10'' = 0.83' \quad W = 6'$$

$$V = 10 \text{ ft} / 6 \text{ sec.} = 1.66 \text{ ft/sec}$$

$$A = H \times W = 6' \times 0.83' = 4.98 \text{ ft}^2$$

$$Q = \boxed{8.26 \text{ cfs}} \text{ maximum capacity (high flow, had rained) off of diversion dam}$$

Ditch Measurement (ditch on Luna property south of mobile) That goes directly to pipe to irrigate fields

Orange Peel

$$Q = VA = 0.36 \text{ ft}^2 \times 1.66 \text{ ft/sec} \quad H = 2'' = 0.16' \quad W = 27'' = 2.25'$$

$$V = 10 \text{ ft} / 6 \text{ sec.} = 1.66 \text{ ft/sec}$$

$$A = H \times W = 0.16' \times 2.25' = 0.36 \text{ ft}^2$$

$$Q = \boxed{0.59 \text{ cfs}}$$

Diversion to Storage:

Ditch Measurement (2 unnamed drains that combine prior to going under the rail road tracks, that supply water for pond). Flow dependent on run-off/springs, located to the north.
capacity (high flow, had rained)

Orange Peel:

$$Q = VA = 1.14 \text{ ft/sec} \times 4.35 \text{ ft}^2 = \boxed{4.96 \text{ cfs}} \quad W = 5'6'' = 5.5' \quad H = 9.5'' = 0.79'$$

$$V = 8 \text{ ft} / 7 \text{ sec} = 1.14 \text{ ft/sec}$$

$$A = 5.5' \times 0.79' = 4.35 \text{ ft}^2$$

Wildlife Storage: (per Mr. Welsh)

Pond: 150 yards x 150 yards by 4' deep (1987), currently has silted in & is only 1' deep.

$$\frac{450' \times 450'}{43,560} = 4.648 = 4.65 \text{ acres}$$

$$4.65 \text{ acres} \times 4' \text{ deep} = \boxed{18.6 \text{ af}}$$

Wildlife: 100 quail, 50 pheasant, 100's duck & geese (noncommercial use)

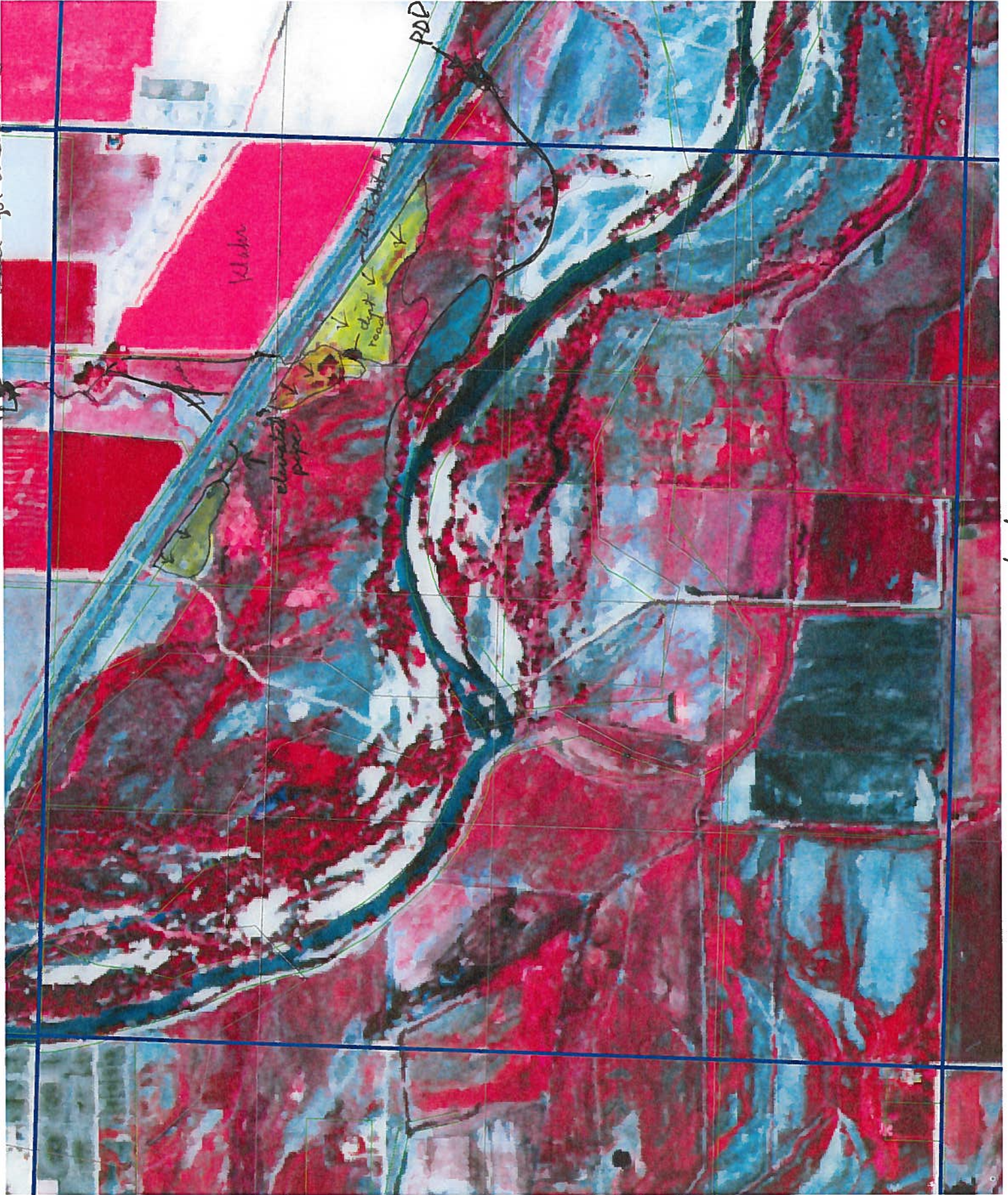
Stockwater: 4 horses inclusive w/irrigation located in pasture by log house



photo
1987



700 concrete diversion dam -
used for irrigation

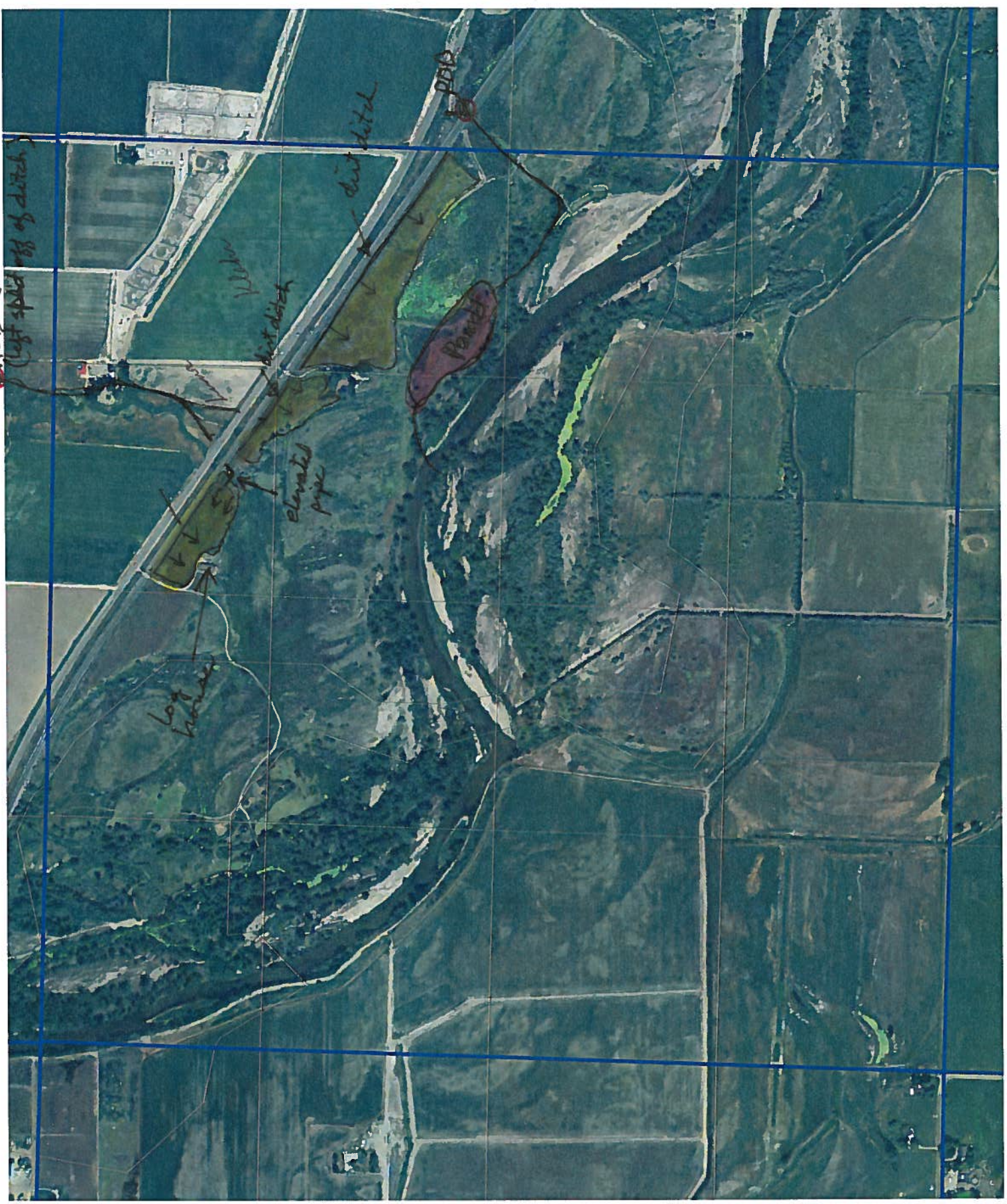


A63-4530A FNE Tan. 6/13/2006 SK

POD Concrete diversion dam
(left side of ditch)

POD
POD
POD

- = POD Irrigated
- = Pond
- = POD



412-4530-2 ENE T.



POD
same as
Bill Luna
A 63-28289
N 43° 43.388'
W 116° 46.719'

POD

Left ditch
at diversion
dam

13/06/2006

June 13, 2006 SH



main
drain
continues
down to
culvert
that feeds
A 63-30324
Waterfowl
Improvement

Left drain
runs south
+ then
diagonally across Bill Luna's property
as it continues south.

13/06/2006

June 13, 2006 SH

FDF Inc. A 63-4530 B SH



13/06/2006

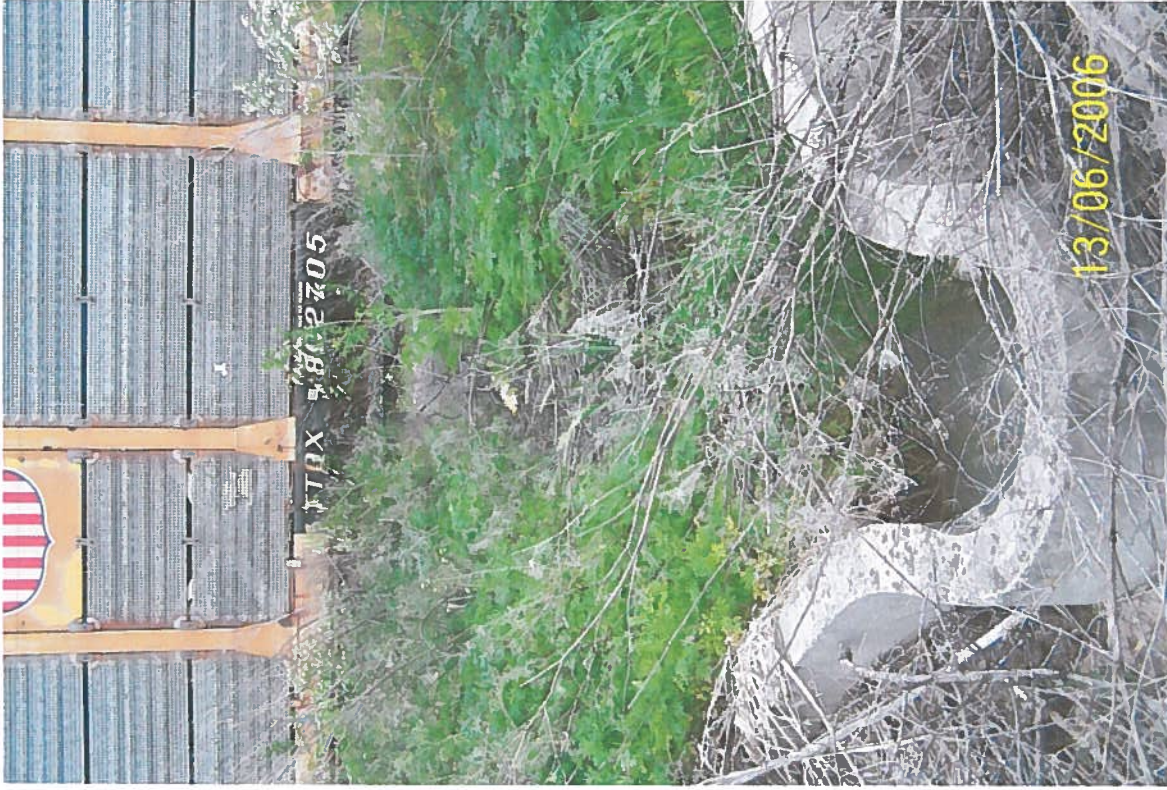
June 13, 2006
SH

Water
diverts
onto
Bill Luna's
property,
then
south,
crosses
Hwy 20/26
where it
is piped
in an
elevated
pipe &
open
discharged
to pasture
for house
directly
south
of
railroad
tracks



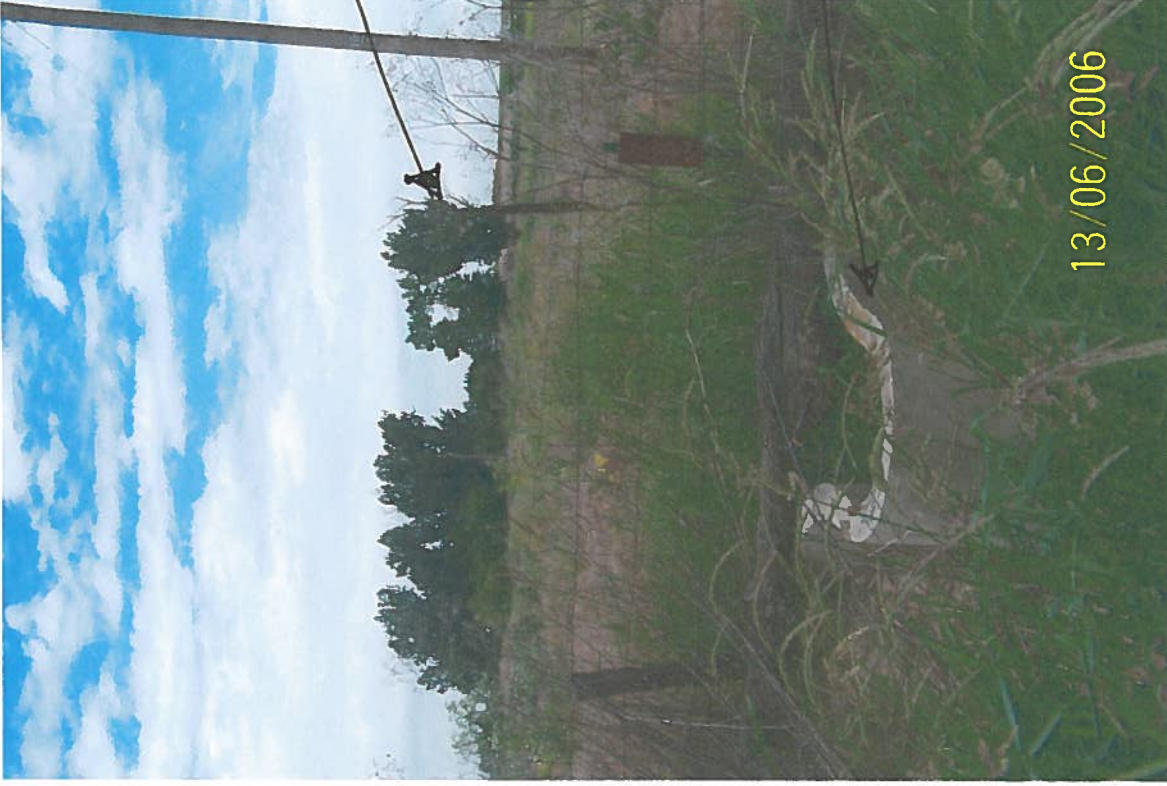
13/06/2006

PDF Inc AL3-4530 B
6/13/2006 SH



concrete
gate on
side of
highway
before
going
under
railroad
tracks

FDF Inc A63-4530 B 6/13/2006 8H



Bill
Luna's
property

concrete
gate
south
of Bill
Luna's
property
where
waters
piped
under
Highway 20/26

FDF Inc.
A63-4530B



→ piped
flow, for
irrigating
pasture
at log
house

→ drain
going to
A63-30204
Waterfowl
Improvement

13/06/2006

June 13, 2006 SK



← log
house

→ POU
Pasture

13/06/2006

June 13, 2006

FDF Inc. A63-4530 B
6/13/2006 SK

FDF Inc.
A63-4530B



June 13, 2006 SK



June 13, 2006

FDF Inc. A63-4530 B
6/13/2006 SK

dirt ditch
on north
side
running
east to
west (grain
flow north
to south,
& ditch
on east
boarder
running
north to
south (grain
east to
west)



where
Culvert
+ piped
water discharges
to ditch
POD:
pasture
across
railroad
tracks,
south of
Bill Lunn's
property
(big log
house)

13/06/2006

June 13, 2006 SH



POD:
2 ditches
that come
together
before
going
under
the
railroad
tracks

13/06/2006

June 13, 2006 SH

N 43° 40:132' W 116° 15.893'

FDR Inc. A 63 - 4530 B
6/13/2006 SH



June 6, 2006 SH



Wildlife pond
150 yards x
150 yards x
4' (in
1987),
currently
it has silted
in & is only
1' deep

13/06/2006

June 13, 2006 SH

FDF Inc. A63-4530 B
6/13/2006 SH



Pond
drain
leading
to pond

13/06/2006

June 6, 2006 SH



Wildlife
pond

150 yards x
150 yards x
4' (in
1987),
currently
it has silt
in & is only
1' deep

13/06/2006

June 13, 2006 SH

has a dike
surrounding
it to assist
it so it
won't wash
out

pond is
basically
a flow-
through
type
system

FDF Inc. A63-4530 B
SH



POU:

pasture
north of
pond, +
east of
driveway

June 13, 2006 SH



POU
pasture
on west
side of
driveway

June 13, 2006 SH

FDF Inc. A63-4530 B
6/13/2006 SH

A63-4530B Field Exam Request:
FDF INC.

Sandy

Contact:

05/08/2006

Contact **Charles or Barbara Smith** at 336-0687 to set up a field exam or **FDF, Inc. (Thomas Welsh)** at 343-9752 or Patrick Madigan, Attorney at 344-6034 (if all else fails maybe he can help you get in touch with other claimants)

Property Address:

- ✓ Get directions from claimant when setting up appointment.
(This is other part of claim that you have to re-exam for Waterfowl Improvement Association Inc. No. 63-30224)

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- ✓ • GPS the location of the diversion points.
- ✓ • Is **Wilder Irrigation District** water used on this property also? *No*
- ✓ • **1987 Aerial Photo:** Please draw the **50 acres** that were irrigated from the Unnamed Drains in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo along with the **point of diversion**.
- ✓ • **Also, please draw the location of the wildlife ponds on the map and get pond dimensions if possible.** *1987 - 150 yds X 150 yds X 4' now settled in & only 1' deep*
- ✓ • **Capacity of System:** Verify that the claimed **1.20 cfs** is possible/applicable.

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR – State Office via Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4530B

WATER RIGHT NUMBER: 63-4530B

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | BETH TRUMBULL
RT 5 BOX 5048
CALDWELL, ID 83605 |
| Current Owner | FDF INC
C/O THOMAS L WELSH
419 E HIGHLAND VIEW DR
BOISE, ID 83702
(208)343-9752 |

Priority Date: 06/01/1885

Basis: Statutory Claim

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|----------------|------------------|
| UNNAMED DRAINS | BOISE RIVER |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| DIVERSION TO STORAGE | 1/01 to 12/31 | 1.200 CFS | |
| IRRIGATION | 3/15 to 11/15 | 1.000 CFS | 225.00 AF |
| WILDLIFE STORAGE | 1/01 to 12/31 | | 27.00 AF |
| WILDLIFE | 1/01 to 12/31 | 1.200 CFS | 18.00 AF |
| | Total Diversion: | 1.200 CFS | 270.00 AF |

Location of Point(s) of Diversion

| | | | | |
|---------------------------------|------------|----------|----------|---------------|
| UNNAMED DRAINS
CANYON County | SE1/4NE1/4 | Sec. 2, | Twp 04N, | Rge 04W, B.M. |
| UNNAMED DRAINS
CANYON County | SW1/4SE1/4 | Sec. 35, | Twp 05N, | Rge 04W, B.M. |

Place of Use

IRRIGATION

[illegible]

Total Acres: 50

WILDLIFE STORAGE

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4530B

| | | | | | | |
|-----------|--|---|--|--|--|--|
| 04N 04W 2 | | X | | | | |
| | | | | | | |

WILDLIFE same as IRRIGATION

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R32 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 irrigation of the lands above.
4. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The total instantaneous diversion of water from all points of diversion under Transfer No. 4721 shall not exceed 1.20 cfs, nor total combined annual volume of 270.0 af.
The surface area of the wildlife storage pond shall not exceed 9.0 acres, nor shall the total combined annual diversion volume for all wildlife uses exceed 45.0 af.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

Comments:

1. SCURTIS 12/7/1995 TRANSFER NO. 4721
Comment: Transfer No. 4721 was filed to change the point of diversion, nature & season of use under a portion of Right No. 63-04530, splitting the right into parts A and B.

Water Supply Bank:

Charles & Barbara Smith.

1803 Claremont Dr

Boise ID 83702. 208-336-0687.

Left message 2/2/06.

2/10/06 Talked to Barbara. She said she will talk
to w/ husband and get back w/ me.

Called 2/14/06 - no answer

Charles & Barbara Smith
1803 Claremont Dr.
Boise 336-0687

Naevé - Ø for
residence in '06-'07
phone
book.

Welsh - Ø for
residence in '06-'07
phone
book

FDF Inc - Ø in
'06-'07 phone book

REAL PROPERTY INQUIRY

+++++

01 6R35923-000- -0 127-00 G SCH135+ 02 15,600 50.53

+++++ 05 2,500 68.67

DISHMAN, DEAN E-ETAL + 10 25,000 1.00

% NAEVE, MICHAEL & KAYE H/W +

% WELSH, THOMAS & MARY L H/W +

% SMITH, CHARLES & BARBARA H/W +

→ % SMITH, CHARLES & BARBARA % +

1803 CLAREMONT DR +

BOISE ID 83702-3008 +

+++++

02-4N-4W NE + TOTAL 43,100 120.20

SWNE,, TAX 4 LESS TAX 4-A IN ++++++

NW1/4,, SENE-S OF RR LS TAX 5 + SURVEY INST 200432878

+ DRAIN DR VALUE APPR MKB

+ CLASS REAP 04 MAN UNIT 0

+ PARCEL 6R04N04W021200 H/O N C/B N

+ PRIOR ACCOUNT 5R35923-000- -0

+ 02 MH on Property NO

SEE R35920-010 & R35927

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R35923000 0 UNIT 001 TOTAL UNITS

SITE HWY 20-26 CA SEC/TWN/RNG 02-4N-4W

ASSESSED VALUE 43,100 ACREAGE 120.20

SUB/PARK NAME YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4530B

04/25/2006

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|-------------------------|-------------|------------------------------|
| 1530B | Claim | 04N | 04W | 2 | SW | NE | | IRRIGATION | 20/50 | FDF INC |
| 2398 | Water Right | 04N | 04W | 2 | SW | NE | | IRRIGATION | 27/65 | IDA B MANSELL |
| 3059 | Water Right | 04N | 04W | 2 | SW | NE | | IRRIGATION | 2/20 | GLENN H NEWKIRK |
| 1530B | Water Right | 04N | 04W | 2 | SW | NE | | IRRIGATION | 20/50 | FDF INC |
| 1530B | Claim | 04N | 04W | 2 | SW | NE | | WILDLIFE | | FDF INC |
| 138C | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| -188 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| -189 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| -190 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| -191 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| -296 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| 1530B | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 15/50 | FDF INC |
| 4851 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| 4852 | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/16111 | FARMERS COOPERATIVE DITCH CO |
| 3059 | Water Right | 04N | 04W | 2 | SE | NE | | IRRIGATION | 18/20 | GLENN H NEWKIRK |
| 1530B | Water Right | 04N | 04W | 2 | SE | NE | | IRRIGATION | 15/50 | FDF INC |
| 11215 | Water Right | 04N | 04W | 2 | SE | NE | | IRRIGATION | 10/237.1 | KLAHR & KLAHR INC |
| 303A | Claim | 04N | 04W | 2 | SE | NE | | IRRIGATION FROM STORAGE | 10/16031 | FARMERS COOPERATIVE DITCH CO |
| 1530B | Claim | 04N | 04W | 2 | SE | NE | | WILDLIFE | | FDF INC |
| 1530B | Claim | 04N | 04W | 2 | SE | NE | | WILDLIFE STORAGE | | FDF INC |
| 1530B | Water Right | 04N | 04W | 2 | SE | NE | | WILDLIFE STORAGE | | FDF INC |
| -171 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| -177 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| -208 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| 5022 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| 20563 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| 20566 | Claim | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTERPOINT DITCH CO |
| 2398 | Water Right | 04N | 04W | 2 | SE | NW | | IRRIGATION | 18/65 | IDA B MANSELL |

not claimed in SRBA

not claimed

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4530B

04/25/2006

2

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-----------------------------|
| I530A | Water Right | 04N | 04W | 2 | SE | NW | | IRRIGATION | 15/100 | BETH TRUMBULL |
| 5022 | Water Right | 04N | 04W | 2 | SE | NW | | IRRIGATION | 2/1083 | LOWER CENTER POINT DITCH CO |
| I530B | Claim | 04N | 04W | 2 | SE | NW | 4 | IRRIGATION | 15/50 | FDF INC |
| I530B | Water Right | 04N | 04W | 2 | SE | NW | 4 | IRRIGATION | 15/50 | FDF INC |
| I530B | Claim | 04N | 04W | 2 | SE | NW | 4 | WILDLIFE | | FDF INC |

Receipt Details for ID W017377

| Status | Adjustment Type | Version |
|--------|------------------|---------|
| | Adjusted Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|---------|--------------|--------------|
| 4/18/1994 1:51:23 PM | 4/18/1994 | Western | \$300.00 | Check |
| Payer | | FDF | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 1100 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment ADJUDICATION CLAIM FEE

Fee Detail:

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------------|-------|------|-------------|------------|--------|
| \$300.00 | ADJUDICATION CLAIM FEE | 41503 | 337 | 0 | 0 | 1155 |

Refund(s):

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

Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|----------|-------|
| 63 | 4530 | B | \$300.00 | Claim |


Print Report

MEMORANDUM

TO: FILE NO. 63-04530 *CB*
FROM: PAM SKAGGS/STATE OFFICE
SUBJECT: TRANSFER NO. 4721
DATE: January 22, 1996

Transfer No. 4721 was filed to change the point of diversion, season and nature of use under a portion of Right No. 63-04530, splitting the right into parts A and B.

The transfer describes the existing uses developed under this right since the applicant purchased the property and began developing a wildlife habitat. Of the original 60 acres of irrigation, only 50 acres are currently irrigated.

A storage pond has been constructed that has a surface area of 9 acres and an average 3 foot depth, or a capacity of 27.0 af and a maximum consumptive use of 31.5 afa. The remaining diversion volume from the 10 non-irrigated acres provides for the additional year round nonconsumptive wildlife use. The wildlife flow may also provide a flow to refresh the pond, filling a proportionate portion of any remaining consumptive use volume of the pond.

The points of diversion and place of use were confirmed through field check by region staff. This parcel of land is located within Water District No. 63 and no watermaster comment was requested by the region. I spoke with the watermaster, Lee Sisco, on this date and he has no concerns about this transfer. The diversion is below the area where return flows from drains are essential to fill water district needs.

The rate of diversion for wildlife is recommended with the full rate of 1.2 cfs as requested on the application. The sources for this right may not be available at all times and the rate may fluctuate. The wildlife diversion is limited by total annual volume. All wildlife uses are limited to a total combined annual diversion volume of 45.0 af made available from the 10.0 acres no longer irrigated.

Other recommended conditions include nonconfirmation of claim, irrigation overlap, multiple points of diversion/measuring device, watermaster control, right-of-way and standard transfer conditions.

| <u>Change in Nature of Use Evaluation</u> | | | | Div./C.U. Vol. |
|---|-----------------|----------------------|----------------|-----------------------|
| Original: | 1.20 cfs | 60 acres Irr. | 03-15 to 11-15 | 270.0/210.0 afa |
| Transfer: | 1.00 cfs | 50 acres Irr. | 03-15 to 11-15 | 225.0/175.0 afa |
| | 1.20 cfs | Wildlife | 01-01 to 12-31 | 18.0/(4.5)afa |
| | | Wildlife Stor. | 01-01 to 12-31 | <u>27.0/(27.0)afa</u> |
| | | | | 45.0/ 31.5 afa |
| | <u>1.20 cfs</u> | <u>Div. to Stor.</u> | 01-01 to 12-31 | <u>----/----- afa</u> |
| Total: | 1.20 cfs | 50 acres Irr. | | 270.0/206.5 afa |

MICROFILMED
OCT 07 1996

PART 1

6. General Information:

a. Description of diversion system Headgate and open ditches

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Creation of wildlife storage ponds and sloughs shall replace portions of previously irrigated acreage. Other previously irrigated acreage shall be converted to wildlife covert with planted and natural vegetation.

d. Remarks:
Year-round diversion for wildlife will provide open water for rearing and raising of waterfowl.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

JAN 31 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4530 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

- ☒ Tax Notice ☐ Warranty Deed ☐ Other _____
unnamed drains Boise River

3. Source of water _____ tributary to _____**4. Date or priority** 6/1/1885**5. Water is used for the following purpose:**

amount 3.2 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.2 cubic feet per second and/or _____ acre-feet per annum.**7. Point(s) of Diversion:**

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
| | | SE | NE | 2 | 4N | 4W | Canyon | |
| | | NW | NE | 2 | 4N | 4W | Canyon | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 4N | 4W | 2 | | 15 | 20 | 25 | 35 | 15 | | 30 | | | | | 10 | | | | 150 |
| | | 1 | | | | | | | | | | 10 | | | | | | | 10 |
| |
| |
| |
| |
| | | | | | | | | | | | | | | | | | | | 160 |

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

SEE ATTACHMENT F

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.0 .20/45 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/A

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NW | NE | 2 | 4N | 4W | Canyon | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 | |
| 4N | 4W | 2 | | | | <u>15</u> | <u>30</u> | <u>15</u> | | <u>30</u> | | | | | <u>10</u> | | | | <u>100</u> |
| | | <u>1</u> | | | | | | | | | | <u>10</u> | | | | | | | <u>10</u> |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 110 10 dw

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.0 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | SE | NE | 2 | 4N | 4W | Canyon | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 | |
| 4N | 4W | 2 | | <u>15</u> | <u>20</u> | <u>10</u> | <u>5</u> | | | | | | | | | | | | 50 |
| | | | | | | <u>15</u> | | | | <u>15</u> | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 50

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENTS C & D

JAN 31 1996

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|-----|-------------------|-----------------------|-----------------|----------------------|
| | Wildlife | 2.0 02/18 | 24/365/yr | 01/01 to 01/01 12/31 |
| JFW | WILDLIFE STORAGE | 27 af | 11 | 1/1 to 12/31 |

2. Quantity and quality of return flows and location of discharge:
Nonconsumptive use -- return flows return both to ditch and water table. Water quality may be improved.
3. Describe effects on other water uses resulting from the proposed change:
As of date of transfer there may be only one downstream junior user prior to water flowing into Boise River. Junior user is on same unnamed drain and has a license for wildlife storage of 6 AFA without any diversion component and priority date of 1988.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 16th day of March, 1995.

(Notary Public)

My commission expires 9/26/2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments Receipt No W018844

Received by JFW + Ly Date 4/6/95 Protest filed by _____

Prelim. check by SL Fee 100

Received by JFW Date 4/6/95

Published in Press Tribune Copies of protest forwarded by _____

Pub. dates 10-4-11, 1995 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DK

Copy of transfer sent to lien holder _____

JAN 31 1996

FROM: Lori Graves
TO: Transfer File 63-04530
RE: Verification Exam

On 8/18/1995, I conducted a verification exam on the ^DF&F, Inc. transfer and found 50 irrigable acres and a 27 af pond. The pond had been constructed on 10 acres of previously irrigated land. Source of water for the pond and the farmland is primarily waste water from upper farmland, however, a certain amount of seepage or spring water also contributes to the unnamed drains year round. The P/D in section 35 is the primary source for the 50 acres. Once south of the RR tracks, the water can be diverted east, west, or south through the ditch system for irrigation. The P/D in section 2 is the primary source for the pond. The pond benefits wildlife and also acts as a filter for drain water before it reaches the Boise River. The water can also bypass the pond to irrigate lands to the west through a ditch that traverses the south side of the pond.

Attached is the earliest documentation Fish & Game had on the project, which includes a 1990 seed contract and the pond construction agreement. The pond was developed in 1988. Andy Ogden, with F & G, stated that the property had been irrigated many years prior to these dates. The field visit verified irrigation use via ditch and gravity flow. The pond's surface area is 9 acres (per planimetered ASCS photo) and on the average, 3' deep (per F & G).

The transfer should be based on 60 acres of previous irrigation under statutory claim 63-04530, which was the capacity of the existing ditch irrigation system prior to the development of the pond. Currently, 50 acres can be irrigated. The pond's planimetered surface area is 9 acres. The average depth of the pond is 3'. The following analysis and recommendations are based on my field findings in coordination with the applicant's submitted proposal.

Analysis:

Available flow and volume to be changed: 1.20 cfs, 270 afa

50 Acres Irrigation:

Potential: $1.0 \text{ cfs} \times 246 \text{ dys} \times 1.9835 = 487.9 \text{ afa}$

Required: $50 \text{ ac} \times 4.5 \text{ afa} = 225 \text{ afa}$

Storage:

Required: $9 \text{ ac} \times 3' = 27 \text{ af}$

Wildlife:

Potential/Required: $.02 \text{ cfs} \times 365 \text{ dys} \times 1.9835 = 14.5 \text{ afa}$ (allow remaining 18 afa)

.02 cfs allows for year round wildlife use based on remaining volume.

*See Attach D 'ASCS' photo,
probably c 1987 showing
irrig where pond now sits.
-sa 9/27/95

MICROFILMED

OCT 07 1996

Attachment A

(3 pgs)

Recommendations:

| | | |
|----------------------|----------------|-----------------|
| 50 acres irrigation | 1.00 cfs | 225 afa |
| Wildlife Storage | | 27 af |
| Diversion to Storage | 1.20 cfs | |
| Wildlife | <u>.02 cfs</u> | <u>18 afa</u> * |
| TOTAL | 1.20 cfs | 270 afa |

Season of use for irrigation is 3/15 to 11/15.
Other uses are 1/1 to 12/31.

* 14.5 Afa for direct flow wildl. use per VD;
allow 3.5 remaining Afa to partly replenish the
27 Afa storage component.
-JL 9/27/95

MICROFILMED
OCT 07 1996



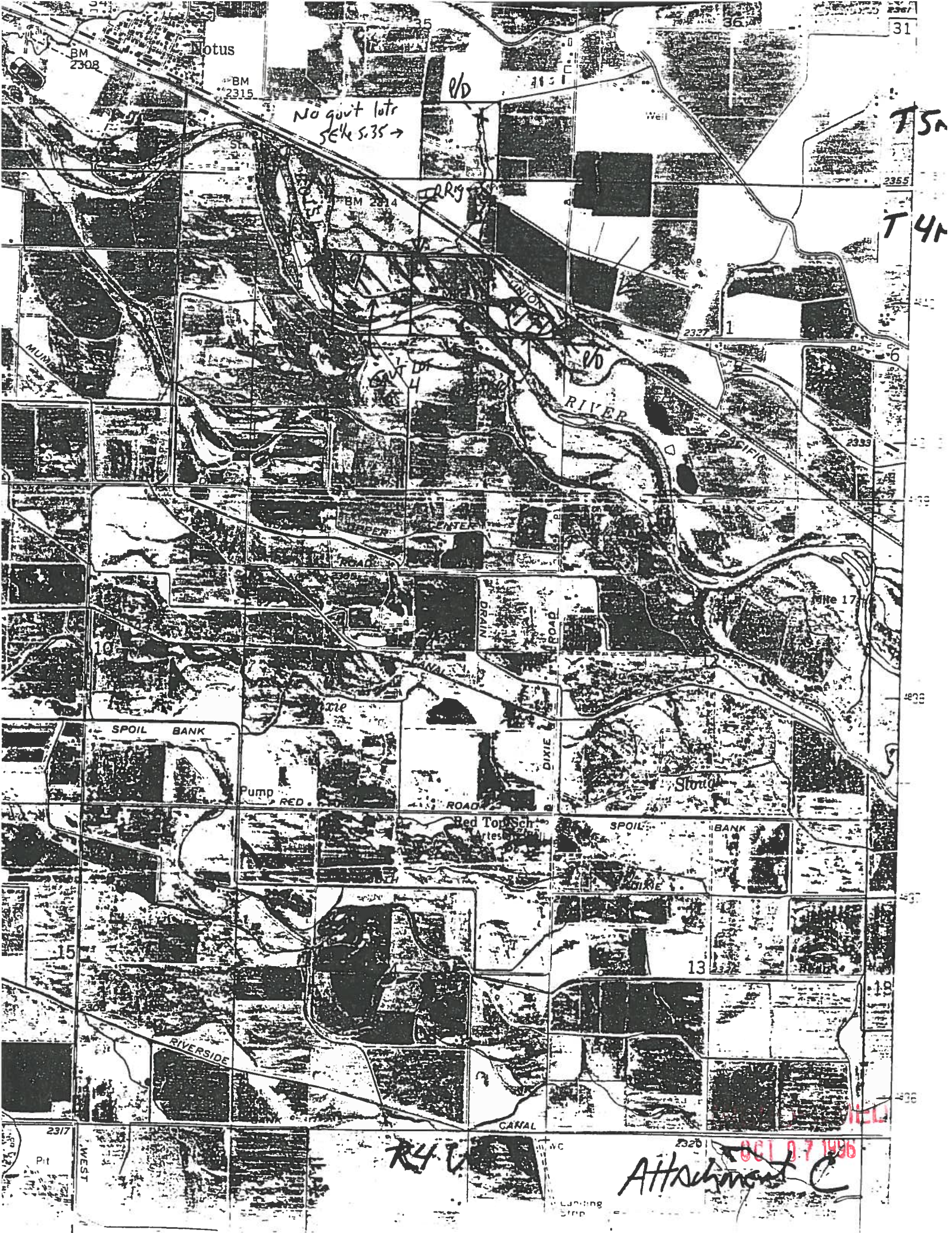
Beneficial
wee



pond

JAN 31 1996

JAN 31 1996



31

T5

T4

10

10

10

10

R4

Attachment C
OCT 9 7 1996

File in A63-04530B

**RINGERT
CLARK**
CHARTERED
LAWYERS

RECEIVED

AUG 02 1995

July 28, 1995 Department of Water Resources

William F. Ringert
D. Blair Clark
James G. Reid
Jeffrey R. Christenson
James P. Kaufman
Laura E. Burri
Allyn L. Sweeney
Patrick D. Furey
Michael J. Doolittle
David Hammerquist
Daniel V. Steenson
Steven C. Mahaffy

Samuel Kaufman (1921-1986)

RECEIVED

AUG 03 1995

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
SRBA Claims
1301 N. Orchard
Boise, ID 83706

Gentlemen:

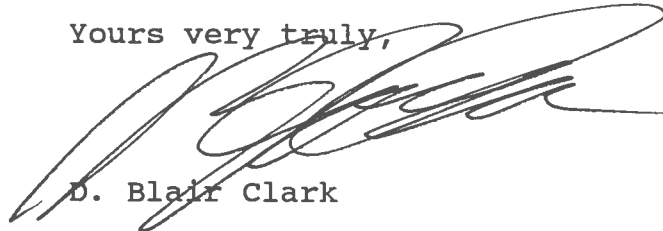
I write for Waterfowl Improvement Association, Inc., holder of license 63-10608 and SRBA claim A63-30224.

We enclose a copy of the agreement with Ida Mansell and Oregon Short Line Railroad, showing that the ditch in question as per our Claim was in fact created on or about May 10, 1926. This is the date where the crossing was established that allows water to flow into the ditch in question, and therefore establishes a priority date. As also stated, we have submitted many photos and other evidence in the license file above, and requested that such items be considered as part of the record for this SRBA claim.

We are also writing in particular concerning claim A63-04530 for FDF, Inc. We are concerned that they are claiming a priority date of June 1, 1885. This date is incorrect. This claim, according to the map submitted with it, must be founded on the same ditch as is our claim. We have no objection to their claiming the same priority date, but must object to their claiming an earlier date. The ditch, in fact, did not exist prior to the 1926 date.

Please also consider this letter part of the record in that claim as well, in order that the priority dates of such claims may be identical. We certainly do not believe their claim was knowingly false; we simply believe they did not have this document.

Yours very truly,



D. Blair Clark

DBC/t
Encl.
cc: Robert Farris

MICROFILMED

OCT 07 1996

RECEIVED

AUG 02 1995

Department of Water Resources

RECEIVED

AUG 03 1995

WATER RESOURCES
WESTERN REGIONWATERWAY AGREEMENT

A.C.E. No. 1289

Audit No. **13594**

Between

OREGON SHORT LINE RAILROAD COMPANY

and

MRS. IDA B. MANSELL

Irrigation waterway

near

Notus, Idaho.
(M.P. 471.44)

MICROFILMED

OCT 07 1995

Deposit of \$273.00
owed by B/L Audit

149600

Oregon Short Line
Railroad Co.

and

Mrs. Ida B. Maxwell

Waterway Agrees

STATE OF IDAHO
COUNTY OF CANYON }

I hereby certify that this instrument was read

before me at the request of

Mrs. Ida B. Maxwell

at 5:00 minutes past 8 o'clock A.M.

this 27 day of May 1926

In my office, personally recorded in book 9 of

at page 244

Idaho

Notary Public

W. J. Decker

COMPANY

Asst. Chief Engineer

606 Decker House 714

RECEIVED
AUG 02 1995

Department of



MICROFILMED
OCT 07 1995

H. T. M.
AUG 2 1926

RECEIVED
AUG 02 1995

THIS AGREEMENT, made and entered into this 10 day of May, 1926, by and between OREGON SHORT LINE RAILROAD COMPANY, a corporation of the State of Utah, (hereinafter called "Railroad Company"), party of the first part, and MRS. IDA B. MANSELL, of Notus, County of Canyon, State of Idaho, (hereinafter called "Licensee"), party of the second part, WITNESSETH:

WHEREAS, the Licensee desires to construct and thereafter maintain and operate an irrigation canal (hereinafter called "ditch") extending across the right of way and underneath the roadbed and track of the Railroad Company near Notus, County of Canyon, State of Idaho, in the location described as follows, to-wit:

Beginning at a point in the Northeasterly right of way boundary 50.0 feet perpendicularly distant from the center line of the present operated main track of the Oregon Short Line Railroad, at Engineer's Station 3890+32.0; thence 100.0 feet Southwesterly to a point in the Southwesterly right of way boundary 50.0 feet perpendicularly distant from center line of said main track at Engineer's Station 3890+32.0. Said ditch will cross said center line at right angles thereto at Engineer's Station 3890+32.0 which is 2038.4 feet Southeasterly measured along said center line from its intersection with the North line of Section 2, Township 4 North, Range 4 West, Boise Meridian. The location of said ditch is substantially as indicated in yellow on the attached print which is hereby made a part hereof.

IT IS THEREFORE AGREED, by and between the parties hereto as follows, to-wit:

1. RAILROAD COMPANY GRANTS RIGHT TO LICENSEE:

The Railroad Company does hereby grant unto the Licensee the right to construct and thereafter, during the term hereof, to maintain and operate the said ditch in the location hereinbefore described, which grant is made expressly subject to the observance and performance by the Licensee of all and singular the conditions, covenants and agreements hereinafter contained to be by the Licensee kept, observed and performed; it being hereby stipulated that a waiver by the Railroad Company of any breach of any such conditions, covenants and agreements shall in no way impair the right of the Railroad Company to avail itself of any subsequent breach thereof.

W. W. M.
AUG 23 1926
W. S. U.
AUG 23 1926

RECEIVED

AUG 02 1995

Department of Transportation

2. DIMENSIONS OF DITCH:

The dimensions of said ditch within the limits of the right of way of the Railroad Company shall not exceed one (1) foot in width at the bottom and one (1) foot in depth, with side slopes of one (1) to one (1). The said ditch, where it crosses underneath the roadbed and track of the Railroad Company, shall be provided for with a cast iron pipe syphon thirty-six (36) feet long, with concrete end wells and having an internal diameter of ten (10) inches, and the same shall be constructed and maintained at such an elevation that the top thereof shall be not less than 2.7 feet below the base of the rails of said track.

3. LICENSEE TO BEAR ENTIRE EXPENSE:

The Licensee shall bear the entire cost and expense incurred in connection with the construction, maintenance, repair, renewal and operation of said ditch and of all bridges, culverts or other structures and their appurtenances necessitated thereby, including any and all expense which may be incurred by the Railroad Company in connection therewith for supervision, inspection or otherwise; but all the work upon the same within the limits of the right of way of the Railroad Company shall be done by or under the direction of and according to plans and specifications approved by the Railroad Company, it being understood that the Railroad Company shall do all the work in connection with the construction, maintenance, repair and renewal of said ditch and said bridges, culverts or other structures and their appurtenances, when such work requires any alteration of said roadbed or may in any manner involve the safety of said track.

4. LICENSEE TO DEPOSIT COST:

Before any work is done in connection with the construction of said ditch or said bridges, culverts or other structures and their appurtenances within the limits of the right of way of the Railroad Company, the Licensee shall deposit with the Railroad Company a sum of money equal to the estimated amount of the total expenditures which will be required to be made by the Railroad Company for the complete construction of said ditch underneath said roadbed and track which estimated amount shall be determined by the Railroad Company. After the completion of the construction of said ditch, the Railroad Company shall present to the Licensee an itemized bill showing the actual amount of all expenditures made by it in connection with such construction; and in the event the actual amount of such expenditures is in excess of

MICROFILMED

OCT 07 1996

the amount deposited by the Licensee as hereinbefore provided, the Licensee shall pay to the Railroad Company an additional amount sufficient to fully reimburse the Railroad Company for all such expenditures; or in the event the actual amount of such expenditures is less than the amount deposited by the Licensee as hereinbefore provided, the Railroad Company shall refund to the Licensee the difference thereof.

Whenever, after the original construction of said ditch, any further material is furnished or labor is performed by the Railroad Company in connection with the maintenance, repair and renewal of said ditch, bridges, culverts or other structures and their appurtenances, the cost and expense of which is to be borne by the Licensee as provided in this agreement, the Licensee shall reimburse the Railroad Company for all expenditures made by it in connection therewith within thirty (30) days after the rendition of a bill therefor by the Railroad Company.

5. PERMIT SUBJECT TO NEEDS OF RAILROAD COMPANY:

The Railroad Company notwithstanding the aforesaid grant, shall have the right to retain its existing track at and in the vicinity of said ditch in its present location, and nothing shall be done or suffered to be done by the Licensee at any time that shall in any manner impair the usefulness or safety of such track, or of any other tracks that may hereafter be constructed within the limits of the right of way of the Railroad Company; and the Railroad Company reserves and shall have the right at any and all times to make such changes in its existing track and structures, or in the present standard thereof, and to construct, maintain and operate such additional tracks and structures in the vicinity of said ditch and across the same as from time to time it may elect; and the Licensee shall bear the expense of moving, removing, or making such changes in said ditch and of moving, removing or making such changes in or such additions to said bridges, culverts or other structures and their appurtenances as may be required by the Railroad Company in connection with such changes in said track and structures, or in the present standard thereof, and such additional tracks and structures. The obligations of the Licensee in this agreement prescribed, with reference to the maintenance, repair, renewal and operation of said ditch, bridges, culverts or other structures and their appurtenances as originally constructed, shall apply to said ditch, bridges, culverts or other structures and their appurtenances as relocated, changed, modified, or added to within the contemplation of this section.

RECEIVED

AUG 02 1995

Department of Water Resources

6. CONTROL OF WATER IN DITCH:

The Licensee shall construct and maintain waste weirs at points outside the right of way of the Railroad Company in such locations and of such capacities that the surface level of the water in said ditch shall at all times remain at an elevation at least one (1) foot below the base of the rails of said track; and the Licensee shall not at any time permit any water to overflow from said ditch onto the right of way or premises of the Railroad Company. The surface level of the water in said ditch during the winter shall be kept sufficiently low to prevent the accumulation of ice at a level higher than the maximum surface level of water herein specified; and in the event ice shall accumulate at a higher level than that hereinbefore specified the Railroad Company may remove the same, and the Licensee shall pay to the Railroad Company, on demand, the entire actual cost of removing such ice accumulation.

7. DITCH NOT TO INTERFERE WITH OPERATION OF RAILROAD:

The said ditch and all parts thereof within and outside of the limits of the right of way and premises of the Railroad Company, including said bridges, culverts, or other structures and their appurtenances shall be constructed and at all times maintained, repaired, renewed and operated by the Licensee in such a manner as to cause no interference whatsoever with the constant, continuous and uninterrupted use of the tracks, property and premises of the Railroad Company, both as regards operation, maintenance, repairs and renewals, or possible new construction by the Railroad Company.

8. LICENSEE TO PROVIDE FENCES:

In case the right of way or property of the Railroad Company is fenced either at the date hereof or in the future and the Railroad Company shall request the Licensee so to do, the Licensee shall erect, maintain, repair and renew to the satisfaction of the Railroad Company and at the expense of the Licensee, a good and lawful fence with all necessary gates and openings therein across and/or adjacent to said ditch.

9. SALE OF RIGHT OF WAY:

In the event the Railroad Company shall dispose of any portion of its property on which the ditch is located as herein provided, the right or license herein granted, with respect to such portion of the ditch as may be located on the property of the Railroad Company so disposed of, shall forthwith cease and determine.

MICROFILMED
OCT 07 1995

RECEIVED

AUG 02 1995

Department of Water Resources

10. LIABILITY:

The Licensee shall indemnify and hold harmless the Railroad Company from and against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which may result from any injury to or the death of any person whomsoever, or from the loss of or damage to property of any kind or nature, including damage to the roadbed, tracks, equipment or other property of the Railroad Company, when such injury, death, loss or damage is due to the existence of said ditch, bridges, culverts or other structures and their appurtenances, or to the use and operation of said ditch, or to the water therein or therefrom, or to the construction, maintenance, repair and renewal of said ditch and said bridges, culverts, or other structures and their appurtenances, PROVIDED, however, that the Licensee shall not be held liable under the provisions of this section, for any injury, death, loss or damage which is directly due to the performance of any of the work contemplated hereunder when such work is performed by the Railroad Company.

11. DISUSE OF DITCH:

Disuse of said ditch for the purpose for which it was originally constructed, continuing at any time for a period of one year, shall constitute an abandonment thereof by the Licensee and of the grant herein made, and in case of such an abandonment or of the breach by the Licensee of any of the conditions, covenants and agreements herein contained, the Railroad Company shall have the right to terminate this agreement at any time by giving thirty (30) days notice in writing to the Licensee of its intention to terminate the same, and at the expiration of said thirty (30) days notice the license herein granted shall terminate and be at an end, and the Licensee shall be without recourse or redress of any character against the Railroad Company by reason thereof.

12. REMOVAL OF PROPERTY OF LICENSEE:

Within fifteen (15) days after the termination of this agreement howsoever, the Licensee shall remove all property of the Licensee herein provided for, from that portion of the right of way and premises of the Railroad Company not occupied by said roadbed and track, and shall restore the same to their original condition to the satisfaction of the Railroad Company; and if the Licensee fails so to do the Railroad Company may do such work of removal and restoration at the cost and expense of the Licensee. The Railroad Company

RECEIVED

AUG 02 1995

Department of Water Resources

may, at its option, upon such termination, at the entire cost and expense of the Licensee, remove that portion of said ditch, bridges, culverts or other structures and their appurtenances, located underneath said roadbed and track, from the premises of the Railroad Company and restore said roadbed to its original condition.

In the event of the removal by the Railroad Company of the property of the Licensee as herein provided, and of the restoration of the premises of the Railroad Company to their former condition, the Railroad Company shall in no manner be liable to the Licensee for any damage sustained by the Licensee for or on account thereof, and such removal and restoration shall in no manner prejudice or impair any right of action for damages or otherwise, that the Railroad Company may have against the Licensee.

13. AGREEMENT NOT TO BE ASSIGNED:

The Licensee shall not assign this agreement or any of the rights hereunder without the consent, in writing, of the Railroad Company endorsed hereon.

14. EFFECTIVE DATE:

This agreement shall be effective from and after the day and date first herein written and shall continue in full force and effect until terminated as provided; and all of the conditions, covenants and agreements herein contained on the part of the Licensee to be kept, observed and performed, shall attach to and run with the system of which said ditch is a part.

15. SUCCESSORS AND ASSIGNS:

This agreement shall be binding upon and inure to the benefit of the Railroad Company, its successors and assigns, the Licensee and the heirs, executors, administrators, successors and assigns of the Licensee.

MICROFILMED

OCT 07 1996

IN WITNESS WHEREOF, the parties hereto have caused
this agreement to be executed on the day and year first herein
written.

Witness:

H. Smith

OREGON SHORT LINE RAILROAD COMPANY,

By

W. H. Smith
Its Vice President

Attest:

C. B. Mankai
ASSISTANT Secretary.

Witness:

Howard Livingston Mrs. Ida B. Ince
Licensee.

| | |
|-------------------|--------------------|
| ASST. CHIEF CLERK | <u>W. H. Smith</u> |
| CHIEF CLERK | <u>W. H. Smith</u> |
| ASST. CHIEF CLERK | <u>W. H. Smith</u> |
| CHIEF CLERK | <u>W. H. Smith</u> |

A.C.E.O.
3-31-26.

MICROFILMED
OCT 07 1996

RECEIVED

AUG 02 1995

Department of Motor Vehicles

STATE OF Nebraska
County of Douglas ss.

On the 18th day of May, 1926, before me, a Notary Public in and for said County, personally appeared E. E. Calvin, to me personally known to be the Vice President of the OREGON SHORT LINE RAILROAD COMPANY, who being duly sworn did say that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed, sealed and executed in behalf of said corporation by authority duly conferred according to law, and acknowledged to me said instrument to be the free act and deed of said corporation.

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

[Signature]
Notary Public.

My commission expires:

Residing at Omaha, Neb.

September 7, 1926

STATE OF Idaho
County of Canyon ss.

I [Signature], a Notary Public, do hereby certify that MRS. IDA B. MANSELL, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this 26 day of April, 1926.

[Signature]
Notary Public.

My commission expires:

Residing at Notas Idaho

Sept 29-1927

MICROFILMED

OCT 07 1996

POOR ORIGINAL

RECEIVED
AUG 02 1995

Install Syphon for
Mrs. Ida B. Mansell

OREGON SHORT LINE R. R. CO.

OFFICE OF ENGR. MAINTENANCE OF WAY
POCATELLO, IDAHO

IDAHO DIVISION

M.P. 47.144

NEAR NOTUS

SCALE 400 FT. = 1 IN.

Per R. W. E.

MAR 12 1926

MICROFILMED
OCT-07-1996

**RINGERT
CLARK**
CHARTERED
LAWYERS

RECEIVED

JUN 05 1995

Department of Water Resources

May 31, 1995

William F. Ringert
D. Blair Clark
James G. Reid
Jeffrey R. Christenson
James P. Kaufman
Laura E. Burri
Allyn L. Sweeney
Patrick D. Furey
Michael J. Doolittle
David Hammerquist
Daniel V. Steenson
Steven C. Mahaffy

Samuel Kaufman (1921-1986)

RECEIVED

JUN 08 1995

WATER RESOURCES
WESTERN REGION

Patrick D. Madigan
Attorney at Law
P.O. Box 2139
Boise, ID 83701-2139

Re: WIA-FDF

Dear Pat:

963-04530
6/01/1985

*file in
A63-30224
(per Shaw.)*
5-10-1926

Before your clients decide to get embroiled in some litigation which will cost everybody more time and money, I thought I should share with you some documents which I finally received. I am also sending a copy of them to IDWR to put in our claim file for the claim which we filed in the SRBA. If your clients would like to amend their SRBA claim accordingly, we will not have to protest it.

First of all, please review the document from Oregon Short Line Railroad, which is the agreement with Ida Mansell for the construction of the ditch in question. Obviously, this ditch was constructed in 1926. Please recall that this is the **same** ditch which furnishes both your clients and us our water. Therefore, your claim for an earlier date for that ditch cannot be sustained. More importantly, it gives your clients exactly the same priority date as we have claimed for the ditch rights.

Secondly, please review the deed from Ida Mansell and her husband to Ralph and Grace Grimmer. That deed shows where the Mansells sold the property which is now the WIA tract. **Please note specifically that the deed conveys water and ditch rights and rights of way for water and ditch rights.** The deed also specifically is subject to the Oregon Short Line agreement, which is how we found that document. In discussing the agreement with UPRR, we confirmed that this is indeed the ditch in question and so shows on their maps.

Therefore, your clients' claims that we have no rights to the ditch, no easements, and no rights to keep and maintain the ditch are without merit. The ditch is for **both** properties, provides water for **both** of our uses with the same priority date, and has been so for almost 70 years. As we have specific ditch rights and rights of way, we have the right to maintain and clean the ditch.

[Handwritten signature]

MICROFILMED

OCT 07 1996

Patrick D. Madigan
May 31, 1995
page 2

We told you we will fix the area which was damaged with the tractor when you tell us what you want us to do, provided that is reasonable. If your clients are insistent on our putting back up the fence corner, we will do that. The gate was never used at all and appears to be surplus.

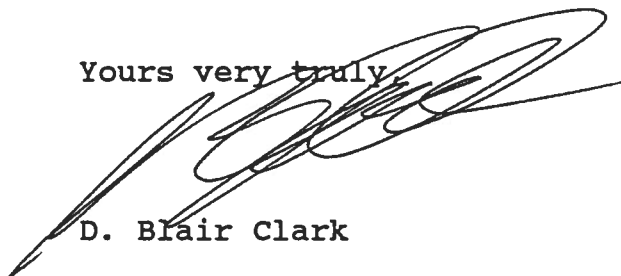
We have no intention of moving the road. Likewise, since the flooding is caused by your clients' inactions in maintaining the ditch or a rerouting of the ditch, the solution to the flooding is, as I stated, digging a small ditch from their lower pond back to the upper culvert. They lose no water rights that way, and have a nice set of ponds to hunt.

We will also seek to avoid confrontations with your clients, because it is apparent that we will both own our properties indefinitely. We would like to discuss with them the alleviation of the weed problem so we could all put in some cover more conducive to bird habitat. However, the last few times we tried to discuss things, it was, shall we say, futile.

We have no intention of signing any agreements which will eliminate any of our rights whatsoever. We will, however, try and be cooperative with your clients, provided that they meet us halfway.

I would like to consider the matters concerning the water and ditch rights closed. To that end, would you please amend your SRBA claim and furnish a copy to me. A copy of our claim is enclosed for your reference.

Yours very truly,

A handwritten signature in black ink, appearing to read "D. Blair Clark", written over the typed name.

D. Blair Clark

cc: Bob Farris

MICROFILMED
OCT 07 1996

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

April 6, 1995

John Westra
Water Right Agent
Idaho Department of Water Resources

Boise, ID

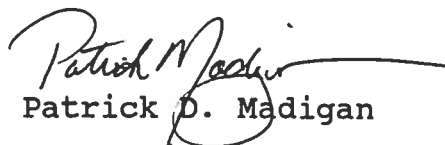
Re: Transfer Application for WR# 63-04530

Dear John:

Pursuant to our phone conversation this morning, applicant FDF, Inc. is filing the attached transfer application. The changes in the nature of use and places of diversion were accomplished several years ago. The applicant believes it filed its SRBA claim for # 63-04530 consistent with the changes. The applicant is now filing this transfer application in response to a downstream users indication that he may protest the applicant's SRBA claim alleging forfeiture. According to the downstream user, a technical forfeiture is warranted because the applicant did not previously file a transfer application even though the applicant's SRBA claim and actual use evidence the contrary. The same downstream user has also stated that he may file an application to appropriate the same water he claims has been forfeited. Therefore, as a matter of procedure, the applicant is filing the attached transfer application at this time pursuant to I.C. § 42-222 in order to protect the 1885 priority date of the transferred right.

I have also enclosed a copy of both the SRBA notice of claim, the previous property owner's notice of statutory claim, a tax statement for the FDF, Inc. property proving ownership, as well as a check for the transfer application fee. Please let me know what, if any, additional information is necessary to further process this application. Thank you for your assistance.

Very truly yours,


Patrick D. Madigan

MICROFILMED
OCT 07 1996

COPIED FROM TRANSFER FILE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that BETH TRUMBULL (name of claimant)
of Route 5, Box 5048 Caldwell, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed drains, tributary to, Boise River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------------------|----|--------------|
| Amount | <u>3.2 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>3-15</u> | To | <u>11-15</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | (both dates inclusive) | | |

- (3) Total quantity of water claimed: 3.2 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1885

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 2 Twp. 4N Rge. 4W B. M. County of Canyon
Additional points of diversion: NW ¼ NE ¼ Sec 2 T4N-R4W

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. headgate and open ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

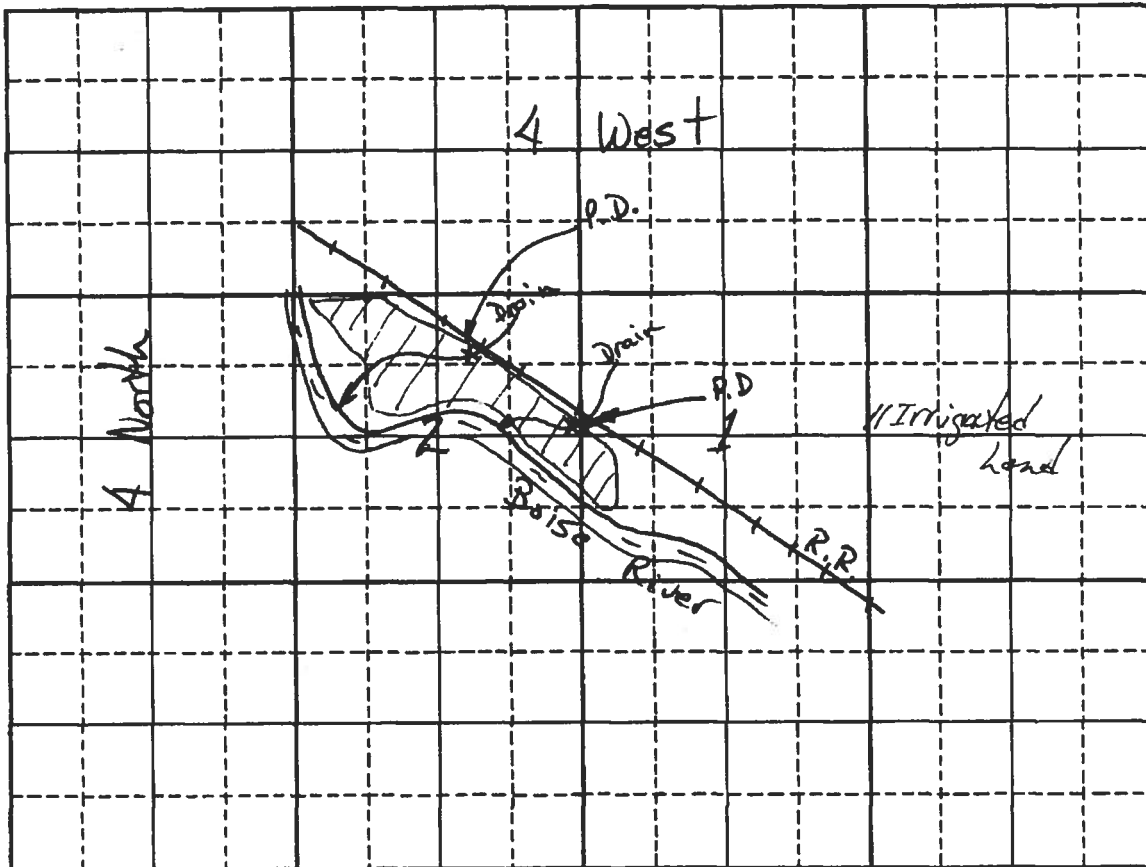
[illegible]

Total No. of acres 160

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 12th day of July, 19 77.

X. Beth Krumholz
(Claimant)

Gita Bendale
Notary Public

Residing at Boise, Idaho

My commission expires March 8, 1980

For Department Use Only

| | | | | |
|---|---------------------|---------------------|--------------|------|
| Received by <u>WKM</u> | Date <u>7-12-77</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>GLS</u> | Date <u>7/13/77</u> | | claimant by: | |
| \$10.00 fee received by <u>WKM</u> | Date <u>7-12-77</u> | # <u>8132</u> | | |
| Approved for publication by <u>Gita Bendale</u> | | | | |
| Published in <u>Boise Tribune</u> | | | | |
| Dates <u>July 21 & 28, 1977</u> | | | | |

IN THE MATTER OF:)

AFFIDAVIT

Claim to a Water Right)

State of Idaho)
County of Ada)

Roy A. Seebree being first duly sworn,

deposes and says: I have been acquainted with the ranch now owned by
Beth Trumbull since 1943. I know that it has been irrigated out of drain
ditches that run through the ranch since I have known of the ranch. This
ranch is part of the old Seidenberg Ranch.

Roy A. Seebree
(Signature)

Subscribed and sworn to before me this 12th day of July, 1977.

Rita Bendale
(Notary Public)

Residing at Boise, ID
My Commission Expires March 8, 1980

RECORDED