

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5367
Date Received: 2/21/1990
Receipt No: W009290
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRYAN R CULBERTSON SR Phone: (208) 459-9602

20047 LOWER PLEASANT RIDGE RD
CALDWELL ID USA 83607-9059

GLORIA DONNA CULBERTSON Phone: (208) 459-9602

20047 LOWER PLEASANT RIDGE RD
CALDWELL ID USA 83607-9059

2. Date of Priority: 01/01/1906

3. Source: SPRING Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	04W	27	SE	NE	NE	CANYON	

5. Description of diverting works:

DIVERSION DAM & DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.03	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.06 C.F.S.

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
04N	04W	27	NE	NE	IRRIGATION	3
Section Acres						3
Total Acres						3

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

ACTUAL IRR. ACRES IS 2.5 AC.

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.

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-5367					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner Claimant(s) TED D. SUTHERLAND
- PO Box 43, Caldwell ID 83606
4. New Owner Claimant(s) BRYAN R. CULBERTSON SR.
- Name Claimant (Check one) ☒ Individual ☐ or ☐ Partnership
- GLORIA DONNA CULBERTSON
- New Mailing Address 20047 LOWER PLEASANT RIDGE RD
- City, State and ZIP Code CALDWELL, IDAHO 83607-9059
- New Telephone Number 208 459 9602
5. Date you acquired the property June 28, 1990

RECEIVED
MAR 17 2006
 DEPARTMENT OF
 WATER RESOURCES

ATT: Kimberly Brown

Form 42-210 (2-1409) July, 2000

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

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

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Bryan R. Culbertson Sr.
Gloria D. Culbertson

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by KLBDate 3/17/06Fee 0

Receipted by _____

Date _____

Receipt No. _____

Processed by _____

(AJ)

Date 3-21-06

WR _____

Date _____

PC011074

Culbertson
att: Kimberly BrownINSTRUMENT NO. 9012071
WARRANTY DEED

FOR VALUE RECEIVED TED D. SUTHERLAND, an unmarried person

the Grantor, does hereby grant, bargain, sell and convey unto BRYAN R. CULBERTSON, SR. and GLORIA DONNA CULBERTSON, husband and wife

the Grantees, whose address is Lower Pleasant Ridge Rd., Caldwell, ID 83605

the following described premises, to-wit:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1990 and subsequent years, covenants, conditions, restrictions and easements of record;

and that he will warrant and defend the same from all lawful claims whatsoever.

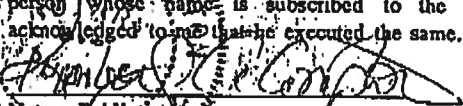
DATED: June 12, 1990


TED D. SUTHERLAND

STATE OF IDAHO

COUNTY OF CANYON

On this 12th day of June in the year 1990, before me, a Notary Public, personally appeared Ted D. Sutherland known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at Caldwell

My commission expires 1-27-93

PIONEER TITLE COMPANY
OF CANYON COUNTY100 10TH AVE SOUTH
NAMPA, IDAHO 83651423 SOUTH KIMBALL
CALDWELL, ID 83605

*Culbertson
Kennedy Bros*

EXHIBIT "A"

A part of the Northeast Quarter of the Northeast Quarter, Section 27, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter of the Northeast Quarter (section corner) monumented with a rebar 30 inches long, 5/8 inches in diameter, with a plastic cap marked LS 832, which is set over a brass cap monument; thence

South 89° 19' 56" West 326.01 feet (of record as South 89° 33' 30" West on Alpha Drawing No. 76-2) along the North boundary of said Northeast Quarter of the Northeast Quarter to the POINT OF BEGINNING; thence continuing

South 89° 19' 56" West 50.00 feet (of record as South 89° 33' 30" West on Alpha Drawing No. 76-2) along the North boundary of the Northeast Quarter of the Northeast Quarter; thence

South 0° 29' 36" East 553.81 feet parallel with the East boundary of said Northeast Quarter of the Northeast Quarter; thence

South 4° 09' 16" East 309.39 feet; thence

South 24° 27' 24" East 209.38 feet; thence

South 2° 55' 07" East 275.40 feet; thence

North 89° 21' 49" East 259.56 feet along the South boundary of said Northeast Quarter of the Northeast Quarter; thence

North 0° 29' 36" West 772.84 feet (of record as North 0° 16' 20" West on Alpha Drawing No. 76-2) along the East boundary of said Northeast Quarter of the Northeast Quarter; thence

South 89° 46' 26" West 326.00 feet (of record as West on Alpha Drawing No. 76-2); thence

North 0° 29' 36" West 554.20 feet (of record as North 0° 16' 20" West on Alpha Drawing No. 76-2) parallel with the East boundary of said Northeast Quarter of the Northeast Quarter to the POINT OF BEGINNING.

This parcel is subject to a right of way for Lower Pleasant Ridge Road along the North 25 feet.

9012071

RECORDED

90 JUN 29 PM 2 49

NED J KERR

CANYON CNTY RECORDER

BY

C. J. Kerr

REQUEST PIONEER - CALDWELL

TYPE *Lead* FEB 16 '07

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: A63-05367
Date Received: 2/13/1990
Receipt No: W009290
Received By: _____

RECEIVED

FEB 21 1990

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

Department of Water Resources
Western Regional Office

1. Name: TED D. SUTHERLAND
Address: P.O. BOX 43
CALDWELL, ID

208-459-8669

83606

2. Date of Priority: JAN 01, 1906

3. Source: SPRING

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04W	27	SE	NE	NE		CANYON

5. Description of diverting works:
DIVERSION DAM & DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.030		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/15 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	27	NE	NE		IRR	3.0

Section Acres 3.0

A63-05367

Page 1

Date: 02/13/90

MICROFILMED
AUG 21 1992

\$53⁰⁰ Due

10. Place of Use: Continued

Total Acres 3.0

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:
ACTUAL IRR. ACRES IS 2.5 AC.

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): [Signature] Date: 2-13-90

Date: _____

State of Idaho)
County of Lanyon) SS.

Subscribed and sworn (or affirmed) before me this 13 day

of Feb. 19 90

John D. Larson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94

ALB3-05367



MICROFILMED
AUG 21 1992

03/21/2006

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

RIGHT NUMBER: 63-5367

NAME AND ADDRESS: BRYAN R CULBERTSON SR
20047 LOWER PLEASANT RIDGE RD
CALDWELL ID 83607-9059

GLORIA DONNA CULBERTSON
20047 LOWER PLEASANT RIDGE RD
CALDWELL ID 83607-9059

SOURCE: SPRING TRIBUTARY: BOISE RIVER

QUANTITY: 0.060 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1906

POINT OF DIVERSION:

T04N R04W S27 SENENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.030 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S27 NENE 2.50

STOCKWATER Within CANYON County

T04N R04W S27 NENE

2.5 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R3644600000.

Stockwater use is for 15 range cattle &/or horses.



Idaho Department of Water Resources

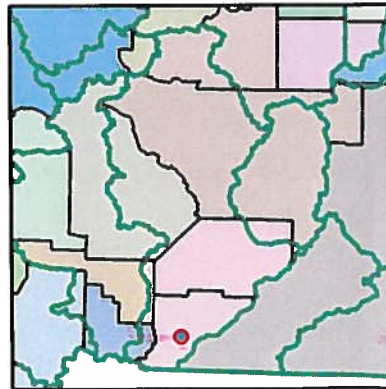
Adjudication Claim:

63-5367

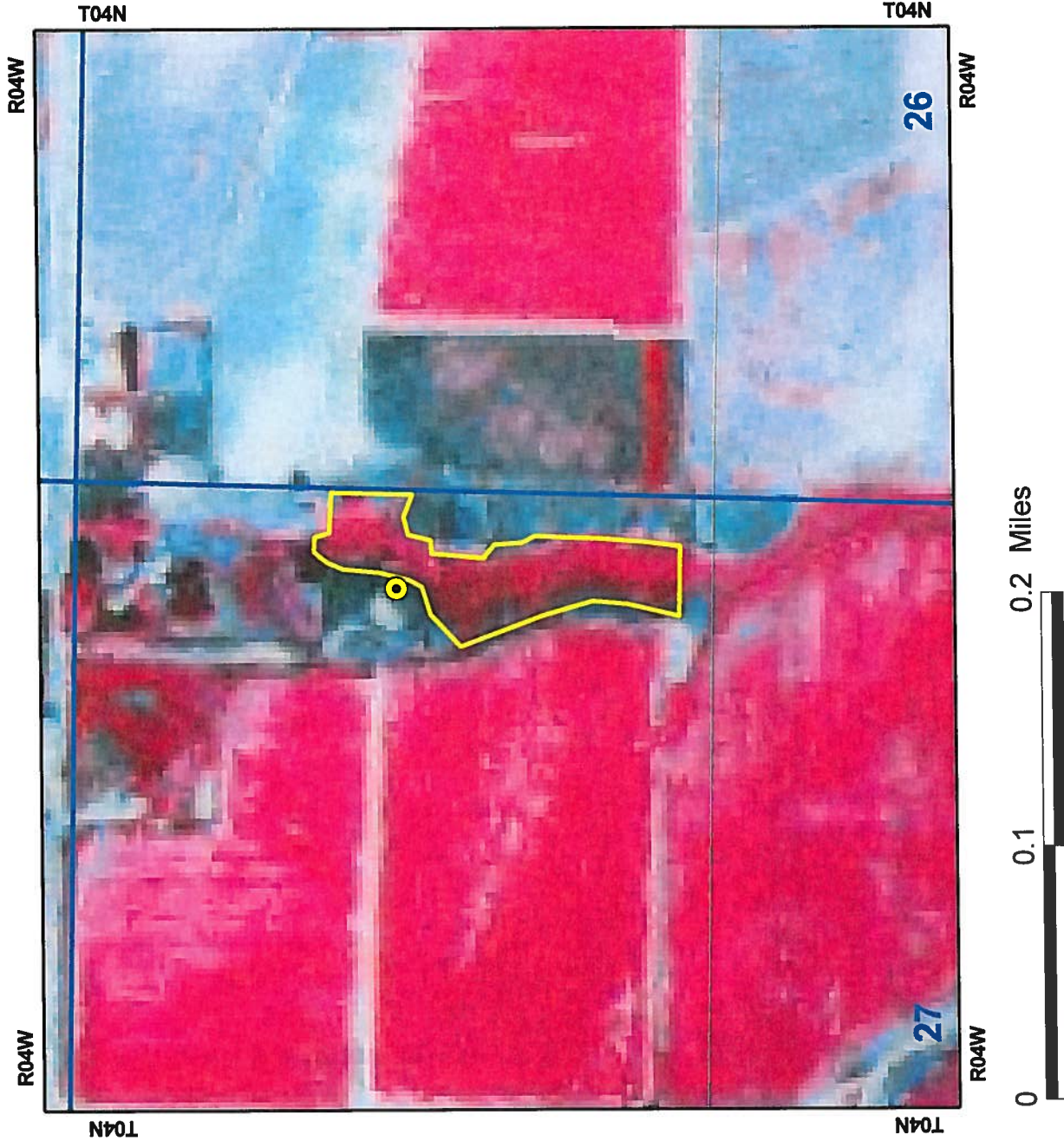
Acres = 2.5

Legend

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



Canyon County
IDWR Basin 63



Prepared by K. Walker
On Tuesday, March 21, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-5367

1. No Change NAME IS SAME
NEW OWNER: ownership change processed 3/21/06
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 1-1-1906
(If the priority date, based on your exam, seems questionable, explain below.)

3. No Change - SAME SOURCE
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION -added 10ac tract
Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

6. No Change - WATER USES
Different uses, (list uses found):

Use Irrig From 3/15 To 11/15 Amount 0.03 CFS N/A AFA
Use Stock From 1/1 To 12/31 Amount 0.03 CFS AFA
Use From To Amount CFS AFA

per standard season for area

7. No Change - TOTAL VOLUME N/A - surface water

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: Stock # 15 List types: range - per claim

Additional comments:

9. No Change — PLACE OF USE: (If changed, list below.)

Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4
Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 3/21/2006

FIELD EXAMINER:

Ray Walker

Print Name

Ray Walker

Signature

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-5367

WATER RIGHT NUMBER: 63-5367

Owner Type Name and Address
Current Owner ~~TED D SUTHERLAND~~
 PO BOX 43
 CALDWELL, ID 83606
 (208)459-8669
Original Owner ~~SUE E JONES~~
 RT 2 BOX 158
 CALDWELL, ID 83605
Original Owner ~~DOUGLAS A JONES~~
 RT 2 BOX 158
 CALDWELL, ID 83605

Priority Date: 01/01/1906 ✓
Basis: ~~Statutory Claim~~ **BIU**
Status: Active

Source

SPRING ✓

Tributary

BOISE RIVER ✓

Beneficial Use

IRRIGATION ✓

STOCKWATER

3/1 - 11/15

From To

Diversion RateAnnual Volume~~4/15 to 10/15~~

0.030 CFS

1/01 to 12/31

0.030 CFS

Total Diversion:

0.060 CFS

Location of Point(s) of Diversion

SPRING

SE1/4NE1/4NE1/4

Sec. 27, Twp 04N, Rge 04W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	27	3.0																3.0

Total Acres: 3

STOCKWATER same as IRRIGATIONConditions of Approval:

1. ACTUAL IRR. ACRES IS 2.5 AC.

Remarks:

N05
N08

Parcel No: R3644600000.

ownership change processed -
KW
3/21/06

Current Owner: Bryan Albertson
20047 lower Pleasant
Ridge Rd.
Caldwell 83605

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-05367

Date: 1-9-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	27	3																3
-GIS				6.3																6.3
Claim																				
-GIS																				
Claim																				
-GIS																				
Claim																				
-GIS																				
Claim																				
-GIS																				

Number of POD's 1

Total Claimed Acres: 32.5

Total GIS Acres: 6.3 ^{per claim}

Overlapping POU Claim #'s:

COMMENTS:

Per county boundaries and claim map.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5367

WATER RIGHT NUMBER: 63-5367

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUE E JONES RT 2 BOX 158 CALDWELL, ID 83605
Current Owner	DOUGLAS A JONES RT 2 BOX 158 CALDWELL, ID 83605

Priority Date: 01/01/1906

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/15 to 10/15	0.020 CFS	
DOMESTIC	4/15 to 10/15	0.040 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4NE1/4	Sec. 27, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	26						1.0											1.0
04N	04W	27	10.0																10.0

Total Acres: 11

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5367

02/02/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5367	Claim	04N	04W	27	NE	NE		IRRIGATION	3/3	TED D SUTHERLAND
5367	Water Right	04N	04W	27	NE	NE		IRRIGATION	10/11	SUE E JONES
27120	Water Right	04N	04W	27	NE	NE	D&S	STOCKWATER	separate POU	GLORIA J TEN HULZEN

no overlap -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-27120

WATER RIGHT NUMBER: 63-27120

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLORIA J TEN HULZEN 20149 LOWER PLEASANT RIDGE RD CALDWELL, ID 83605 (208)454-1153
Current Owner	STEVEN D TEN HULZEN 20149 LOWER PLEASANT RIDGE RD CALDWELL, ID 83605 (208)454-1153

Priority Date: 04/01/1979

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.060 CFS	

⇒ no overlap

Location of Point(s) of DiversionGROUND WATER
CANYON County

NE1/4NE1/4NE1/4

Sec. 27, Twp 04N, Rge 04W, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	27	X																

DOMESTIC same as STOCKWATERConditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. PARCEL NO. 1R36446-010-0 STOCKWATER, CATTLE AND HORSES
3. 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.

* house located to
the west of
20047 lower Pleasant
Ridge.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-27120

4. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

Comments:

1. AJU10-DS 6/22/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

Receipt Details for ID W009290

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/22/1990 11:44:10 AM	2/22/1990	Western	\$53.00	Check
Payer		SUTHERLAND, TED		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1541			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$53.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5367		\$53.00	Claim

Print Report

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Department of Water Resources
Western Regional Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

DOUGLAS A. & SUE E. JONES

(Name of Claimant)

RT#2 Box 158 CALDWELL, ID.

(Mailing Address)

83605

(Zip Code)

Telephone No. 454-3515

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) APRIL 1966

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

UNNAMED SPRING tributary to BOISE RIVER

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.04 CFS</u>	Use	<u>DOMESTIC</u>	Period of Use From <u>APR 15</u>	To <u>OCT 15</u>
Quantity	<u>.02 CFS</u>	Use	<u>IRRIGATION</u>	Period of Use From <u>APR 15</u>	To <u>OCT 15</u>
Quantity	<u>.02 CFS</u>	Use	<u>STOCK</u>	Period of Use From <u>JAN 1</u>	To <u>JAN 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .08 CFS TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 27 Twp. 4N Rge. 4W B.M., County of CANYON

Additional points of diversion:

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. Describe any changes in the system and give the date of the change.

SMALL DIVERSION DAM 1/8 MILE OF DITCH (.04 CFS)
PUMP (.02 CFS) IN POND

- (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.

T	R	SEC.	NE1/4			NW1/4			SW1/4			SE1/4			TOTAL
			NEX	NW1/4	SW1/4	NEX	NW1/4	SW1/4	NEX	NW1/4	SW1/4	NEX	NW1/4	SW1/4	
<u>4N</u>	<u>4W</u>	<u>26</u>													<u>1</u>
		<u>27</u>	<u>10</u>												<u>10</u>

No. of acres 11 acres approx.

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

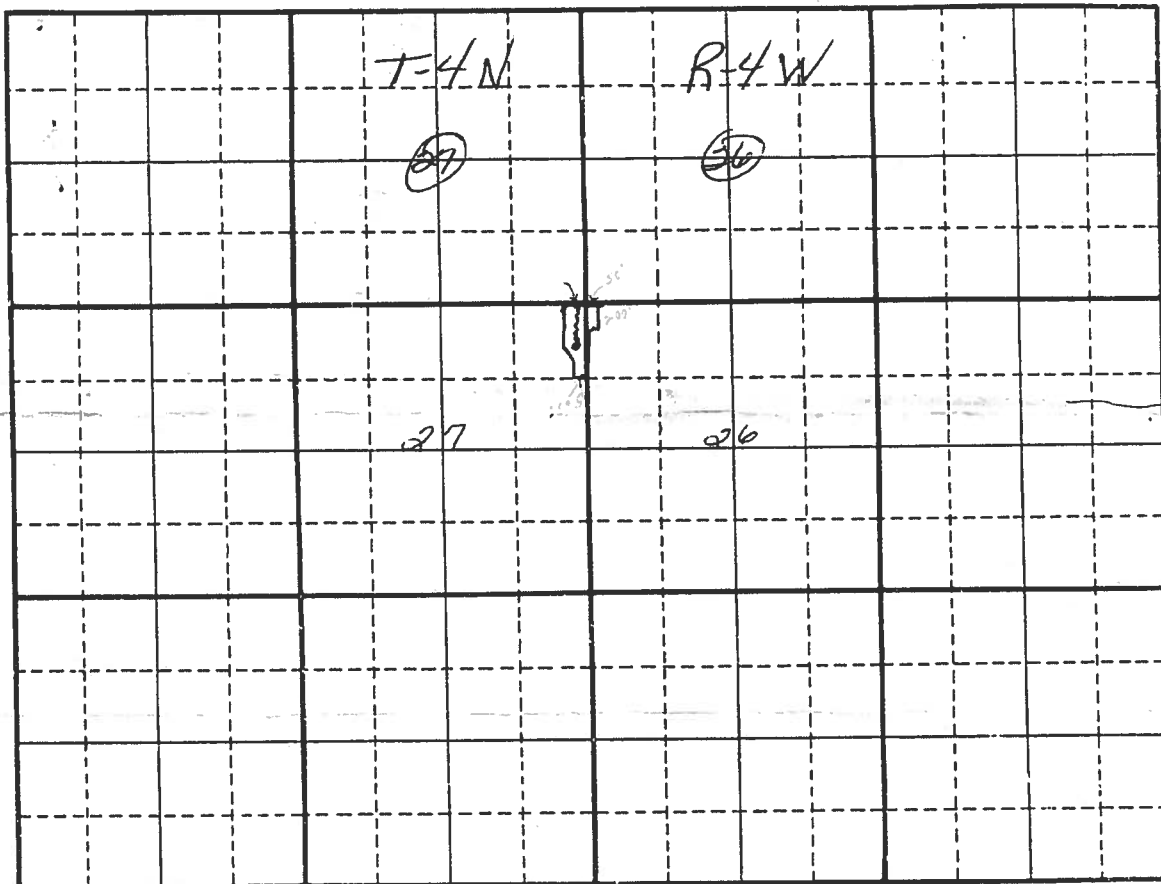
STOCK WATERING ALL YEAR

NOTE: Include here the type and number of stock watered: HORSES OR CATTLE UP TO 20 head

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

MICROFILMED

(8) Remarks *Spring surface as shown on blow-up map
+ form shall stream that flows through property
providing irrigation water & stock water.*



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 *Canyon*) 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 affiant's knowledge.

Sworn to before me this *27* day of *June*

Mr. Eric J. Jones
(Claimant)

Notary Public
Residing at *711 N. 2nd St.*

My commission expires *3/31/85*

FOR DEPARTMENT USE ONLY
Received by *ma* Date *7-1-83* Exception filed by: _____ Date _____
Prelim. check by *JP* Date *9-24-84* #32534
\$30.00 fee received by *JP* Date *11/19/84* 10/26/83
Published in *Boise Tribune*
Dates *10 25 8 11/1/84*

Forwarded to
claimant by: _____

Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2006

BRYAN R CULBERTSON SR
GLORIA DONNA CULBERTSON
20047 LOWER PLEASANT RIDGE RD
CALDWELL ID 83607-9059

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. 63-5367

Dear Claimants:

We have processed your change in ownership of the Notice of Claim referenced above. Enclosed is a copy of the Notice of Claim for your file. Please refer to this claim number in any future inquiries or correspondence.

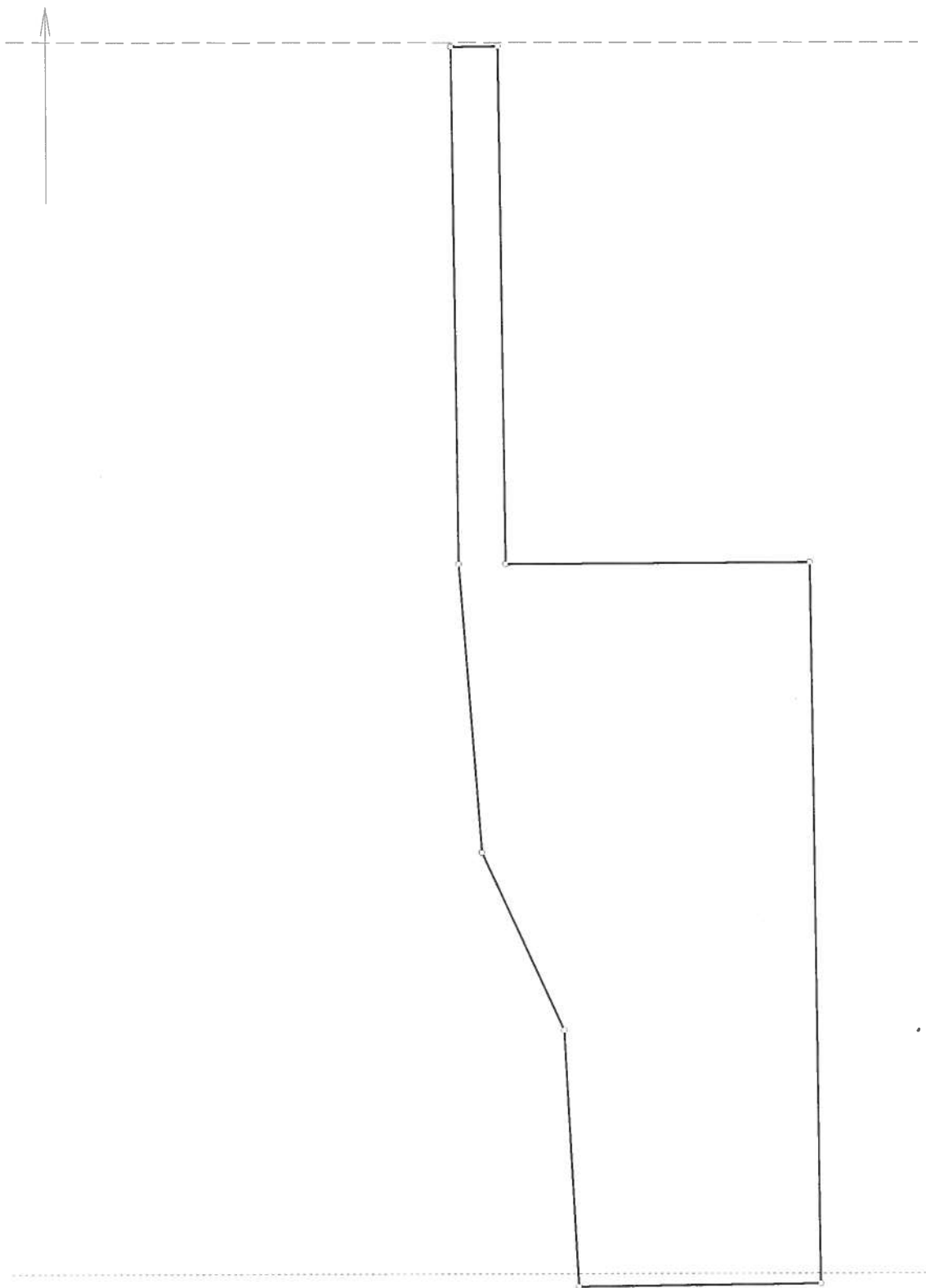
If your mailing address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure: Copy of Notice of Claim 63-5367



Title:		Date: 03-21-2006
Scale: 1 inch = 168 feet	File:	

Data and Deed Call Listing of File:

Tract 1: 6.276 Acres: 273379 Sq Feet: Closure = s81.5412w 0.01 Feet: Precision =1/250547: Perimeter = 3311 Feet

001=/NE,NE,NE,27,4N,4W

002=/S89.1956W 326.01

003=S89.1956W 50.0

004=S00.2936E 553.81

005=S04.0916E 309.39

006=S24.2724E 209.38

007=S02.5507E 275.40

008=N89.2149E 259.56

009=N00.2936W 772.84

010=S89.4626W 326.00

011=N00.2936W 554.20

Walker, Kay

From: Brown, Kimberly
Sent: Friday, March 17, 2006 9:30 AM
To: Walker, Kay
Subject: Evidence of Priority

Kay,

I received evidence of priority for **63-5367**; which I have attached for you.

In addition to the evidence of priority, Mr. Culbertson also faxed a change in ownership form and the necessary legal documents. I gave this information to Liberty, who processes the changes in ownership for Basin 63.



2006031710230067
2.pdf

-Kimberly

Culbertson
att: Kimberly Brown.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
63-09367)

AFFIDAVIT

State of Idaho)
County of Canyon)

Bryan R. Culbertson SR.

deposes and says: when I Bought the property NE 1/4 NE 1/4 Section 27-4-4
Sec 27, TWP 04N, RNg 04W, BM. Farm TED Sutherland in June of 1990

we walked the property together he showed me the spring and point of diversion.
He said (TED Sutherland) the water has been used for irrigation since January of 1906.
The water rights have been used since this date by subsequent owners of
the property.

I also talked with the Daughter of the man ^(A MR. BRYAN) that built my house in 1903.
She said this was the original Homestead property and the home was located
here (20047 Lower Pleasant Ridge Rd) because of the Natural Spring (located at "EXHIBIT A")
IT was used for irrigation and stock water when she was a little girl. (this was
about 1996. She was 87 or older when we talked.)

The water from the spring has been in continued use as irrigation by
myself from 1990 to present time.

Bryan R. Culbertson SR.
(Signature)

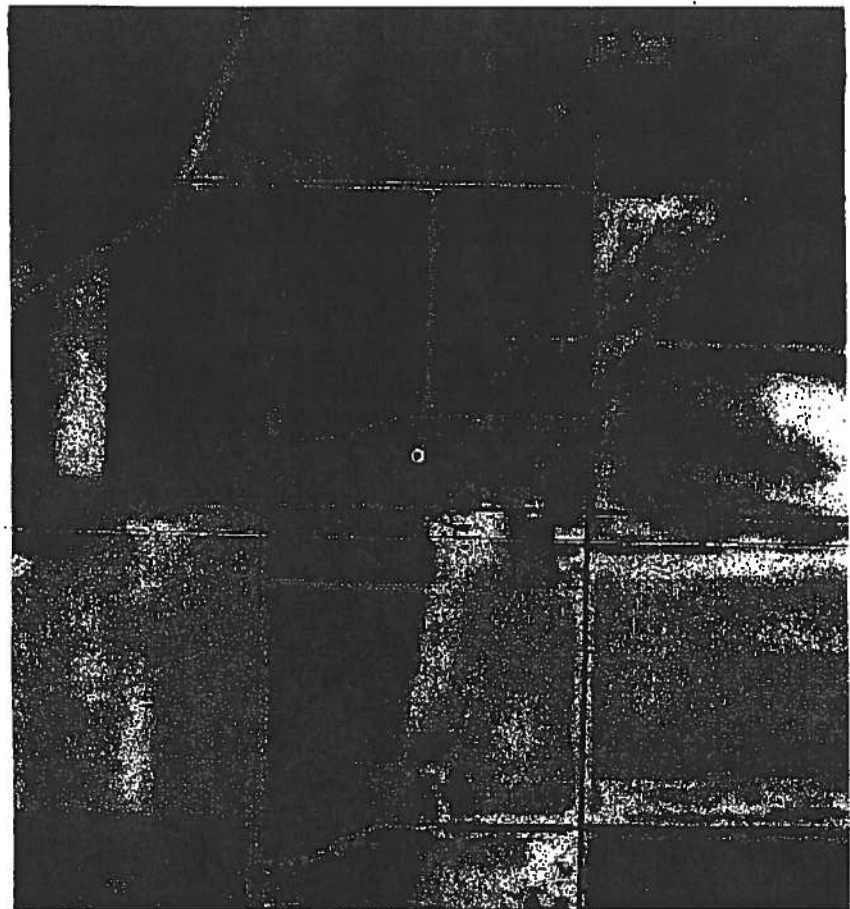
*Culbertson
Kennedy Brown*

Idaho Department of Water Resources

Claim Number: 63-05367
Legal: T04N, R04W, S27

Reviewed By:

- ☒ Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 Miles

*3/17/06 This box does not convey that
Mr. Culbertson initialed the
POD & POU shapes ~ meaning?
he agreed with our
shape file.
-K. Brown*

Culbertson
 ATT: Kimberly Brown

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5367

WATER RIGHT NUMBER: 63-5367

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TED D SUTHERLAND PO BOX 43 CALDWELL, ID 83608 (208)469-8669
Original Owner	SUE E JONES RT 2 BOX 158 CALDWELL, ID 83605
Original Owner	DOUGLAS A JONES RT 2 BOX 158 CALDWELL, ID 83605

Priority Date: 01/01/1906

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.030 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4NE1/4NE1/4	Sec. 27, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	27	3.0				3.0

Total Acres: 3

STOCKWATER same as IRRIGATIONConditions of Approval:

1. ACTUAL IRR. ACRES IS 2.5 AC.

Remarks:

ATT: Kimberly Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 24, 2006

DIRK KEMPTHORNE
GovernorKARL J. DREHER
DirectorBRYAN CULBERTSON
20047 LOWER PLEASANT RIDGE RD
CALDWELL ID 83605RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-5367

Dear Claimants,

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

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

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

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 17, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you may be receiving a call from us in order to set-up an appointment for a field exam.

2/27/06

Brian Culbertson—

9:54 am —

#63-5367

homestead house is the
one that Brian bought —
house built in 1903
bought 6 acres

POB is good "exactly"
spring



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 24, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRYAN CULBERTSON
20047 LOWER PLEASANT RIDGE RD
CALDWELL ID 83605

*+ sent
shape file*

RE: EVIDENCE OF PRIORITY

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State of Idaho

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FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5367

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TED SUTHERLAND
PO BOX 43
CALDWELL ID 83606

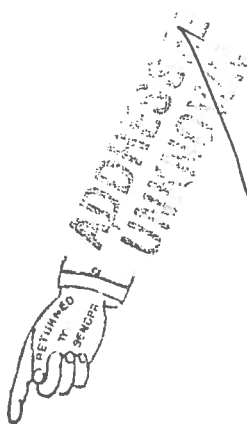
2/24/06

resent to:

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-5367

Bryan Culbertson
20047 lower Pleasant Rdy.
Caldwell

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082



add to files

RECEIVED

FEB 16 2006

WATER RESOURCES
WESTERN REGION

LAAGTME 5367 5082



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TED SUTHERLAND
PO BOX 43
CALDWELL ID 83606

+ sent shape file

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-5367

Dear Claimants,

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

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5367

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