

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: A63-23336
Date Received: 3/12/1990
Receipt No: W010833
Received By: DE JON

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JEFF CONRAD 208-585-3592
Address: 9169 FOOTHILL RD.
MIDDLETON, ID 83644

AND/OR
Name: ROBIN CONRAD 208-585-3592
Address: 9169 FOOTHILL RD.
MIDDLETON, ID 83644

2. Date of Priority: APR 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02W	4	SW	NE	NE		CANYON

5. Description of diverting works:
WELL DEPTH UNKNOWN, 12" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	0.150		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK 1-5 HEAD CATTLE, 1-5 HEAD HORSES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02W	4	NE NE		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:

IRRIGATION WATER FROM NEWMAN DITCH/MIDDLETON MILL DITCH CO.

14. Remarks:

ABOVE IS USED AS A SUPPLEMENTAL SUPPLY.

15. Basis of Claim: BENEFICIAL USE

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)
County of _____) SS.

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: 463-23336³⁹⁵⁷⁶
Ident. Number 3-12-90
Date Received W010833
Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JEFF & ROBIN CONRAD Phone (208) 585-3592
Mailing Address 9169 FOOTHILL RD. MIDDLETON, IDAHO Zip 83644

2. Date of Priority (Only one (1) per claim) APRIL 1, 1962

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4 NORTH Range 2 WEST Section 4,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CANYON

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as,
constructed and as enlarged and the depth of each well. 12" well casing, depth unknown,

MICROFILMED

SEP 09 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION (SUPP.) purposes from 3-1 to 11-15 amount 0.15 or _____

For STOCKWATER purposes from 1-1 to 12-31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.17 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1-5 HEAD CATTLE, 1-5 HEAD HORSES (ALSO SUPPLEMENTAL)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
~~4N~~	~~2W~~	~~4~~	~~20~~	~~20~~	~~40~~	~~40~~	~~20~~	~~20~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	~~580~~
4N	2W	4	5																5

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

IRRIGATION WATER FROM NEWMAN DITCH IS ALSO USED, or None ()

ABOVE IS USED AS A SUPPLEMENTAL SUPPLY TO NEWMAN DITCH / MIDDLE TON MILL DITCH CO. WATER.

14. Remarks:

Supplementary Water.

MICROFILMED

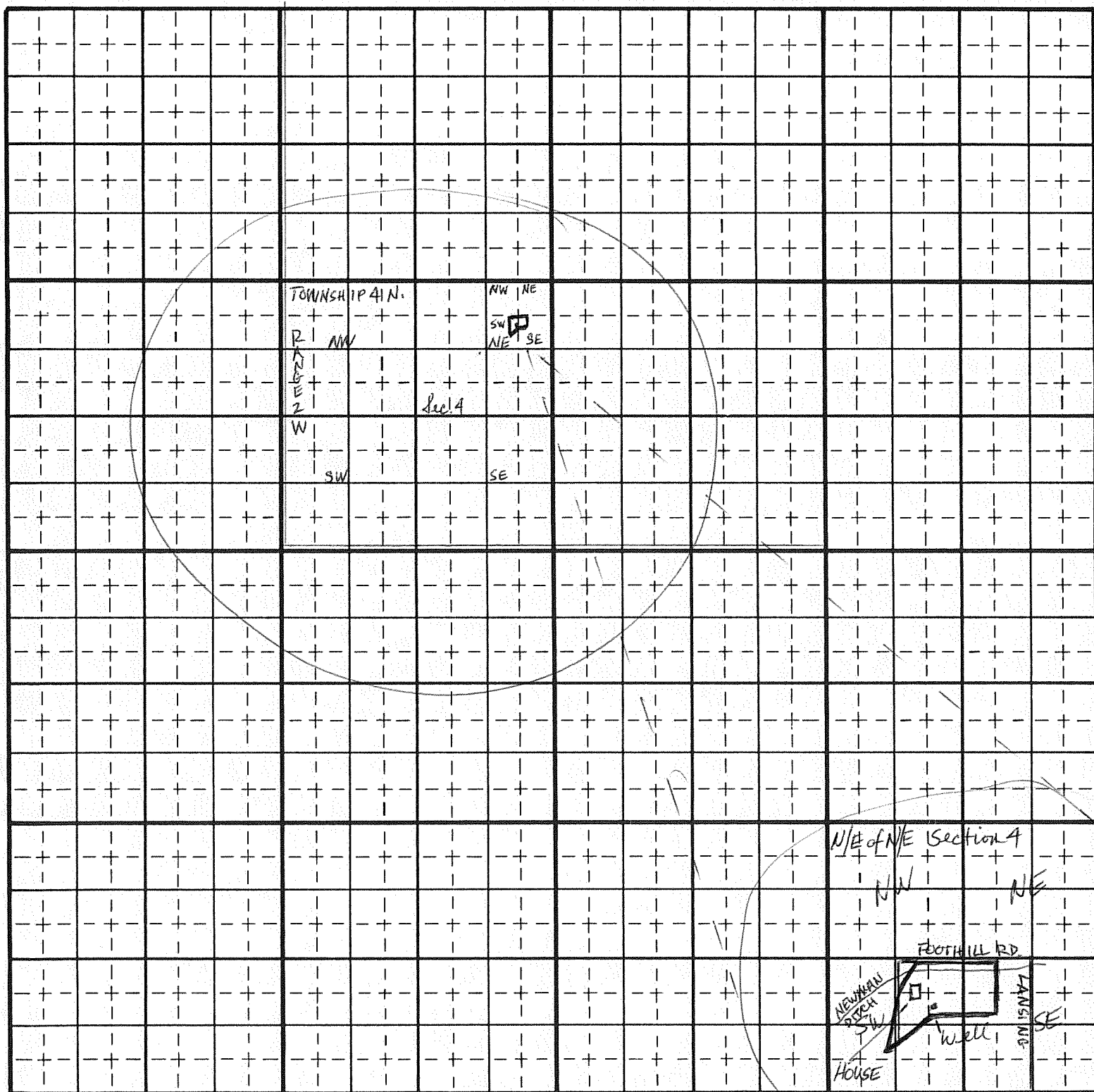
SEP 09 1992

Last Name CONRAD Ident No. 9169

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Enlargement at 8" / mile
MICROFILMED

Last Name CONRAD Ident No. 9169

SEP 09 1992
Copies: White-State, Yellow-Claimant

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

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) *Jeff Conrad* Date *3-12-90*

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *12* day of *March* *1990*
SEAL Notary Public *Bruce A. Smith*
Residing at *Boise Idaho*
My Commission Expires *11/1/95*
Please Print Name

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

Signature _____
Address _____
Date _____

Last Name *CONRAD* Ident. Number *9169*

MICROFILMED
SEP 09 1992
Copies White-State, Yellow-Claimant

03/30/2006

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

RIGHT NUMBER: 63-23336

NAME AND ADDRESS: ROBIN CONRAD
9169 FOOTHILL RD
MIDDLETON ID 83644

JEFF CONRAD
9169 FOOTHILL RD
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.110 CFS
13.500 AFY

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

PRIORITY DATE: 12/31/1954

POINT OF DIVERSION:

T04N R02W S4 NENE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.090 CFS 13.50 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T04N R02W S04 Lot 1 NENE 3.00

STOCKWATER Within CANYON County

T04N R02W S04 Lot 1 NENE

3 ACRES TOTAL

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

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

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

Stockwater use is for up to 10 head mixed stock.

Use of this right is combined with water from Middleton Irrigation
Association.

Idaho Department of Water Resources

**T04N, R02W,
SEC 4**

Claim No: 63-23336

Prepared By: Kimberly Brown

Date: March 30, 2006



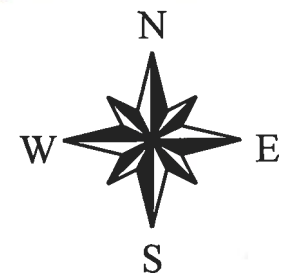
 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion

Irrigated Acres = 3.0



1987 NAPP

0

0.4 Miles



09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 63-23336

ROBIN CONRAD
9169 FOOTHILL RD
MIDDLETON ID 83644
Telephone Number: (208)585-3592

JEFF CONRAD
9169 FOOTHILL RD
MIDDLETON ID 83644
Telephone Number: (208)585-3592

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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

PLACE OF USE SHOULD BE 4 ACRES

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

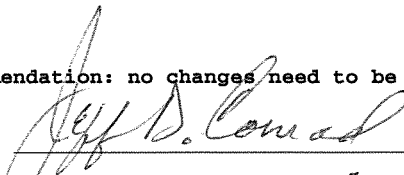
4 ACRES

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

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

DATE: 10-28-06

SIGNATURE:



Please print your name:

JEFF D. CONRAD

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-23336

WATER RIGHT NUMBER: 63-23336 ✓

Owner Type ✓

Current Owner

Property Address:Name and Address ✓ROBIN CONRAD
9169 FOOTHILL RD
MIDDLETON, ID 83644
(208)585-3592 ✓

Current Owner ✓

JEFF CONRAD
9169 FOOTHILL RD
MIDDLETON, ID 83644
(208)585-3592 ✓Priority Date: ~~04/01/1962~~ ✓

Basis: Beneficial Use ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

STOCKWATER ✓

IRRIGATION ✓

From To

1/01 to 12/31 ✓

3/01 to 11/15 ✓

Diversion Rate

0.020 CFS ✓

~~0.150 CFS~~ ✓

0.09 ✓

Total Diversion:~~0.170 CFS~~ ✓

0.11

Annual Volume

13.5 AF

13.5 AFA

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

L1

SW 1/4 NE 1/4 NE 1/4 ✓

Sec. 4, Twp 04N, Rge 02W, B.M. ✓

Remove QQQ.

ADD: Lot 1Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	02W	4	5.0				5.0
			3.0				3.0

Total Acres: 3.0

STOCKWATER same as IRRIGATIONADD Stockwater to POU in eCVRConditions of Approval:

1. ABOVE IS USED AS A SUPPLEMENTAL SUPPLY.

(supplemental)

Remarks:ADD W50 - Use combined with water from
Middleton Irrigation Ditch Co.Comments:ADD X02 - Stockwater use is for 5 range cattle
and 5 horses.ADD N05 & N08 - Stockwater use

Parcel No: R3384700000. (4.2 AC)

* Domestic use & its
1/2-acre of lawn irrigation
is covered by #63-23335.
(decreed)

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 55.00
- ☐ 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) A63-23336Owner: Robin & Jeff Conrad Phone No. _____Current Address: 9169 Foothill Rd., Middleton

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: N/A**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: 4/01/1962

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

The affidavit alludes to irrigation use back to the early 1930's and Mr. Conrad located an aerial photo from 1954 showing irrigated pasture. Since Mr. Conrad could not remember how he came up with the claimed 1962 priority date, I will recommend 12/31/54 (see Conversation Memorandum).

Source: Ground Water Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☒ POD found is different than claimed: (SW) NENE claimed, but according to the Notice of Claim project map's depiction of the POD & its subsequent location input into ArcView, it appears to be located in the SENENE instead.
- ☐ If different, when did POD change? _____

(+ ADD: Govt. Lot 1

Remove QQQ – Recommend NENE –

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
	1		NE	NE	4	4N	2W		

Description of diverting works

well, 12" casing

OVERLAP REVIEW

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From _____ To _____ Amount 0.09 CFS 13.5 AFA 0.09 ^{3 AC 0.03 cfs/acr}

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

✓ Correct season of use claimed for irrigation.
(no change)

3.0 AC x 4.5 af/acre = 13.5 af/annum (V) 0.09 cfs x 1.9835 x 260 days = 46.4 af/ann

TOTAL VOLUME - Groundwater only

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☒ Changes found, the new total is, Amount 0.11 CFS 13.5 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 # _____

Types _____ Additional comments: _____

Stockwater use is for 5 range cattle and 5 horses.

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Parcel No: R3384700000.

ADD: Gov't. lot 1

5 acres of irrigation were claimed, however, 3.0 acres are being recommended based on ArcView calculation and POU boundary after the unirrigated "items" (such as outbuildings, gravel driveways, well, etc.) are removed. In addition, the claimant's home

[illegible]

no overlap, expect supplemental - uses
Moldleton Irrigation water,

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

[illegible]

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ 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: 3-30-06 (in office review)

FIELD EXAMINER: Kimberly Brown

NENE

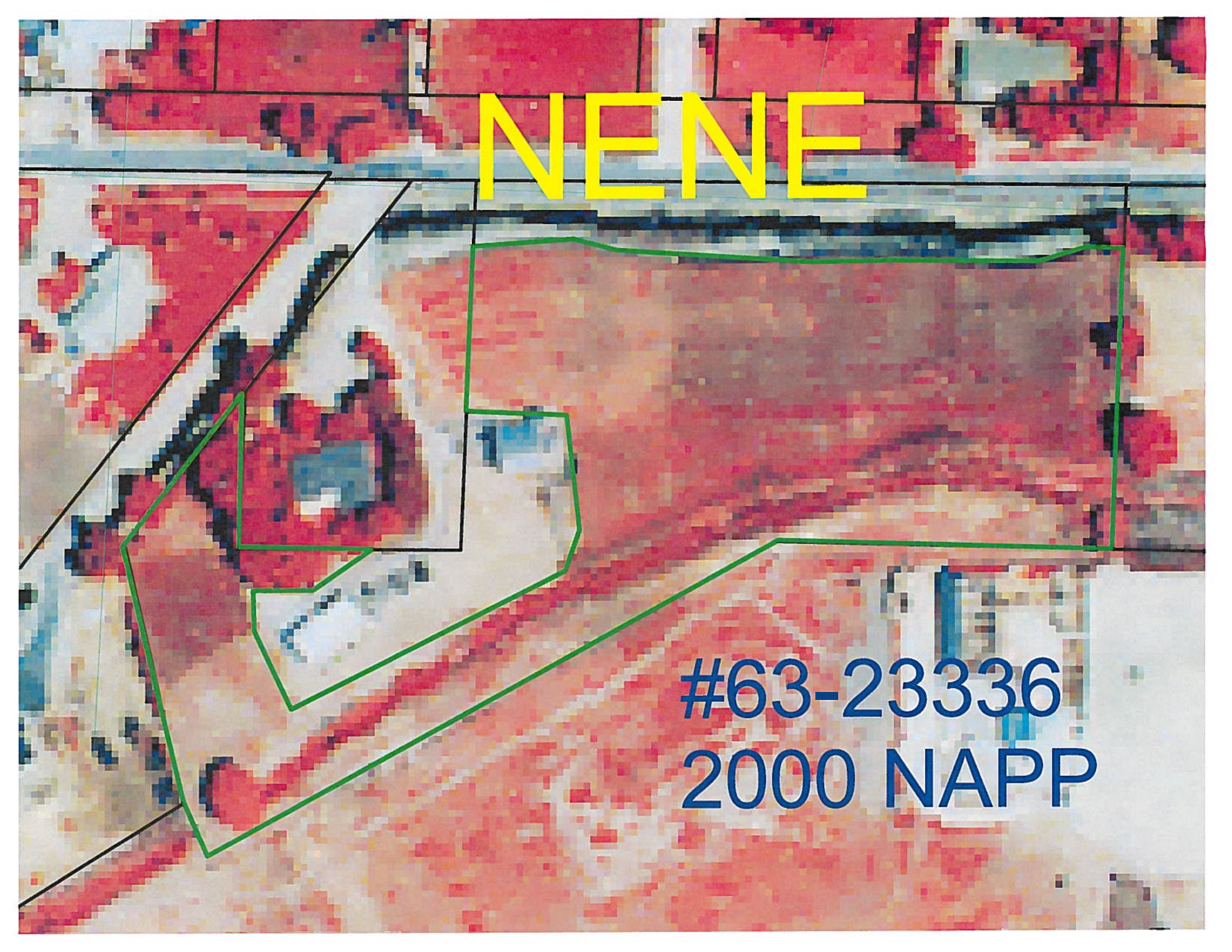
Conrad's domestic use
covered by 63-23335-
1/2 acre of lawn irrigation

#63-23336
1987 NAPP

An aerial photograph of a coastal area. A large red building is visible in the center-right. A green outline highlights a specific area within the red building and the surrounding terrain. The word "NENE" is written in large yellow letters at the top. The text "#63-23336" and "1994 NAPP" is written in blue at the bottom right.

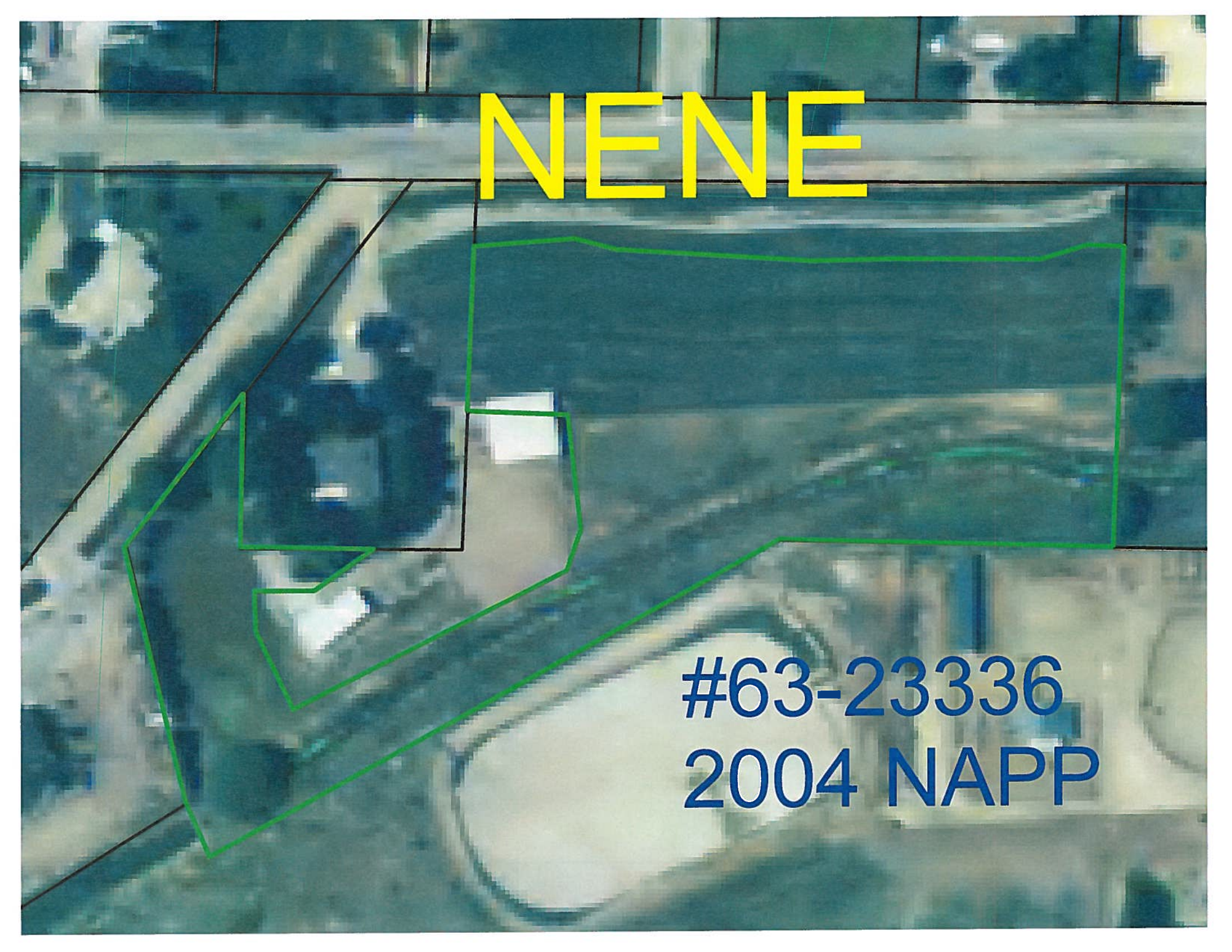
NENE

#63-23336
1994 NAPP

An aerial photograph of a coastal area, likely a beach or dune system. The image is heavily pixelated. A large area of the beach is highlighted in red, while other areas are in blue. Black lines outline specific regions, and green lines outline a larger, irregular area. The word "NENE" is written in large yellow letters at the top.

NENE

#63-23336
2000 NAPP

An aerial photograph of a landscape, possibly a coastal or wetland area, with various shades of green and brown. A large, irregular green outline is drawn on the left side, and a smaller, more regular green outline is on the right. A black line runs diagonally across the top left. The word "NENE" is written in large yellow letters at the top.

NENE

#63-23336
2004 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-23336

03/01/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	02W	4	NE	NE		IRRIGATION	32/29248	✓ DRAINAGE DIST NO 2
~~23336~~	~~Claim~~	~~04N~~	~~02W~~	~~4~~	~~NE~~	~~NE~~		~~IRRIGATION~~	~~5/5~~	~~ROBIN CONRAD~~
2900	Claim	04N	02W	4	NE	NE		IRRIGATION ?		
2406	Water Right	04N	02W	4	NE	NE		IRRIGATION	32/29248	✓ DRAINAGE DIST NO 2
23335	Water Right	04N	02W	4	NE	NE		STOCKWATER		JEFF CONRAD
27545	Water Right	04N	02W	4	NE	NE		STOCKWATER		JEANNIE LAW
21429	Water Right	04N	02W	4	NE	NE		DOMESTIC		ADRIENNE PETERSON
23335	Water Right	04N	02W	4	NE	NE		DOMESTIC		JEFF CONRAD
26270	Water Right	04N	02W	4	NE	NE		DOMESTIC		MAYNARD LEWIS
27545	Water Right	04N	02W	4	NE	NE		DOMESTIC		JEANNIE LAW
28196	Water Right	04N	02W	4	NE	NE		DOMESTIC		IVA OSWALD
25772	Water Right	04N	02W	4	NE	NE	1	DOMESTIC		DOROTHY MIDDLETON
30073	Water Right	04N	02W	4	NE	NE	1	DOMESTIC		RONALD A JENSEN

D & S

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-23335

WATER RIGHT NUMBER: 63-23335

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFF CONRAD 9169 FOOTHILL RD MIDDLETON, ID 83644 (208)585-3592
Current Owner	ROBIN CONRAD 9169 FOOTHILL RD MIDDLETON, ID 83644 (208)585-3592

Parcel No: R3385100000
= 0.74 AC
 - home, driveway, etc.
⇒ 0.5 AC

Priority Date: 06/19/1972

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>
DOMESTIC	1/01 to 12/31	0.050 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 4, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	02W	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	02W	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-23335

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PARCEL NO. 1R33851-000-0 STOCKWATER, 5 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.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Comments:

Water Supply Bank:

overlap review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2900

WATER RIGHT NUMBER: 63-2900

Owner Type Name and Address

Original Owner ABRAHAM BARBERIS

Original Owner PARMA, ID 83660

Original Owner RONALD SMITH
RURAL RT 2
PARMA, ID 83660

Original Owner CALVIN E MARSHALL
11051 PAYETTE HEIGHTS RD
PAYETTE, ID 83661
(208)642-4854

Current Owner HENGGELE PACKING CO INC
PO BOX 313
FRUITLAND, ID 83619
(208)452-4212

Original Owner LEILA SMITH
RURAL RT 2
PARMA, ID 83660

2

Priority Date: 04/10/1952

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.480 CFS	
	<u>Total Diversion:</u>	1.480 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4SW1/4 Sec. 27, Twp 06N, Rge 05W, 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	
06N	05W	27										37.0	37.0						74.0

Total Acres: 74

Conditions of Approval:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2900

1. OWNERSHIP CHANGED BY DB 4/14/98.

Remarks:

Comments:

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22719

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

1. Name of applicant Abraham Barberis

2. Source of water supply: Subterranean floor from 2 wells

3. Location of point of diversion: Is in the _____ of Section 27

T. 6 N. R. 5 W. B. M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

75 hp. H.S. Motor #1032949 440V
Laguerre B. Turbine 22206 5'x5' case, base shed roof shade
no walls. Open delivery through 7 1/2" pipe to south. Flows
almost full. Open ditches to fields.
Extreme lift 272 feet.

5. Water is used for: irrigation and domestic

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

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

N 1/4 SW 1/4 of Sec. 27, and N 1/4 SE 1/4 of Sec. 28, all in Twp. 6 N., Rge. 5 W., B. M.

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

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

Remarks: This is a rough steep farm and difficult to
gravity irrigate yet he has a good stand of alfalfa
water was not measured
It was determined by observation and checked
by calculation.

This examination was made on the 1 day of Dec, 1928

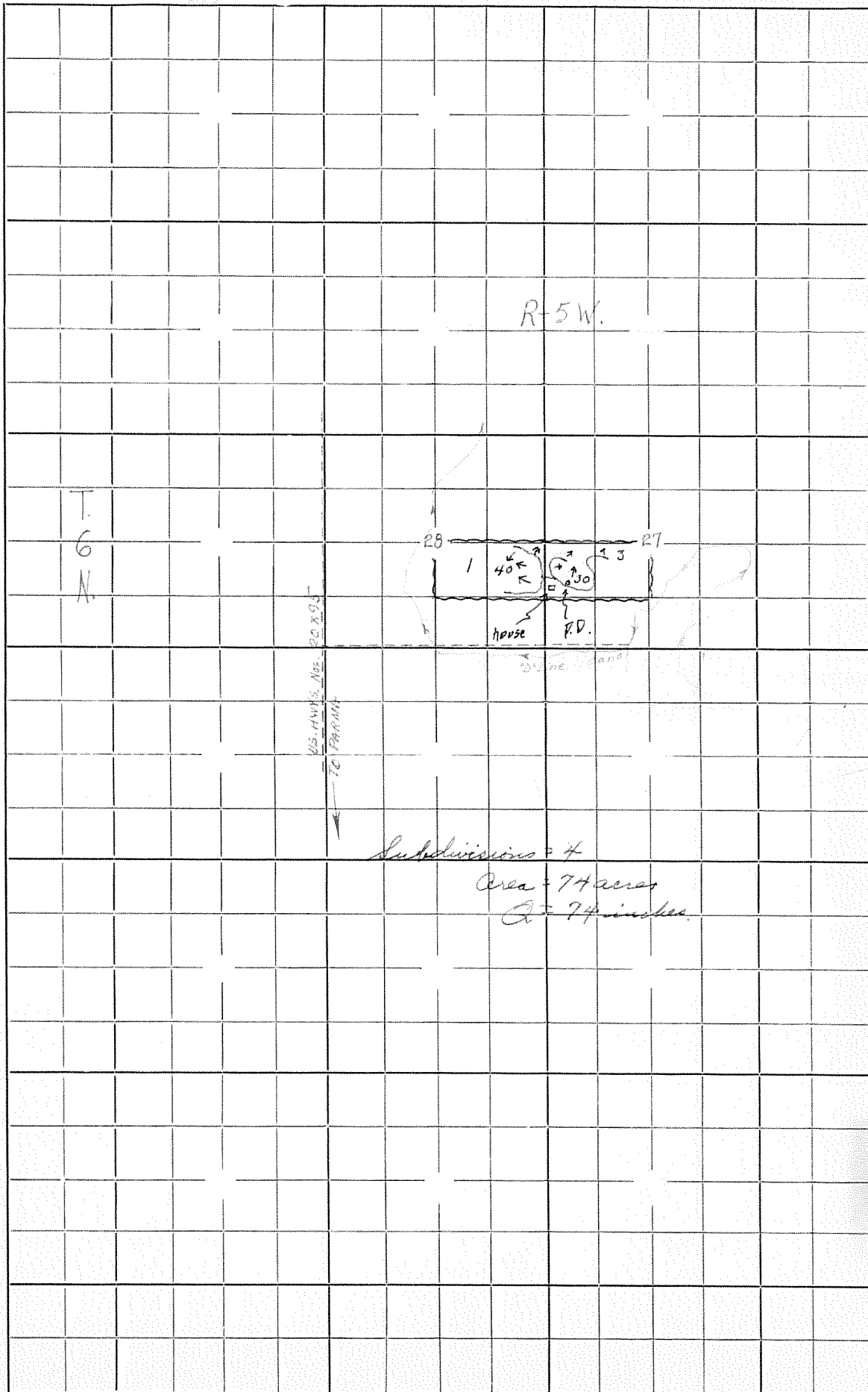
(Signed) E. H. Humphrey Examiner.

22719

1958	DEI
אלטע	ל'ר

Paris
dwell.
G-2271

Paris
dwell.
G-2271



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

22719

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22719

REPORT ON PROOF OF Completion of Works & Beneficial Use

Abraham Barberis, Rt. #1, Caldwell, Idaho

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

APPROVED

To Change the Point of Diversion and/or the Place of Use

Name of applicant Ronald &/or Leila Smith Phone Parma 722-5845Post office address Rural Route, Parma, ID 83660**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 63-2900 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Property sold by widow of Abraham Barberis, to Don Williams, then to A. V. Capps, then to Ronald and Leila Smith

3. Source of water Groundwater tributary to _____4. Date of priority 4/10/52**5. Water is used for the following purposes:**

amount 1.48 for Irrig. purposes from 3/15 to 11/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.48 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27
Township 6N Range 5W, B.M., in Canyon County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	5W	27									3	30							33
		28													40	1			41

Total number of acres to be irrigated 74

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

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____
Applicant desires to irrigate entire 80 acres in Section 27. Will provide
new source in future for 80 acres in Section 28 from more practical location.

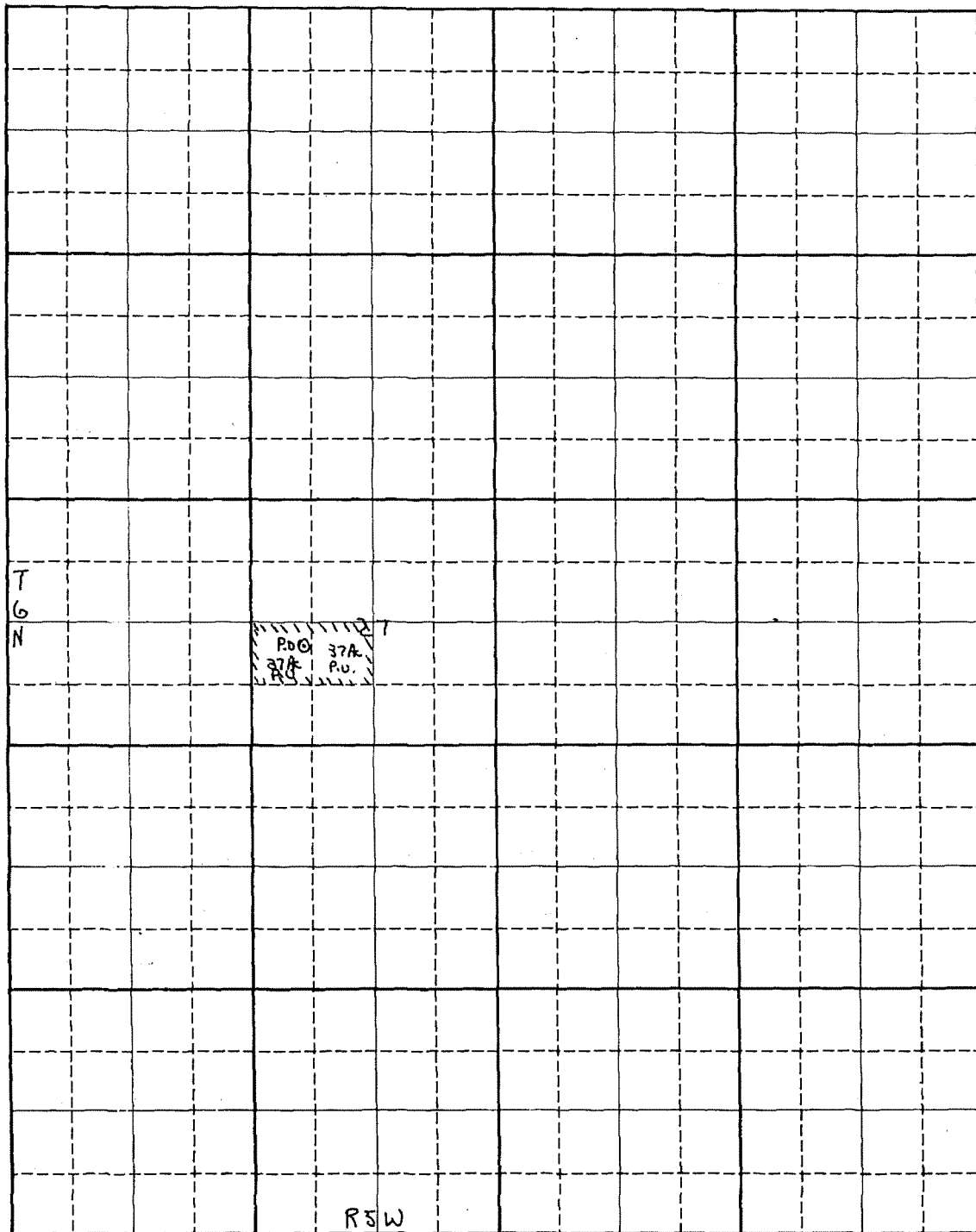
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	5W	27									37	37							74

Total number of acres to be irrigated 74

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 18th day of September, 19 79.

 (Signature of applicant)

 (Notary public)
 My commission expires Aug 16, 1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2900 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 17th day of December, 19 79.

 NORMAN C. YOUNG
 Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>SEL</u>	Date <u>9/20/79</u>	Protest filed by _____
Prelim. check by <u>645</u>	Fee <u>35</u>	_____
Receipted by <u>SEL</u>	Date <u>9/20/79</u> # <u>14559</u>	_____
Published in <u>Idaho Free Press</u>	Copies of protest forwarded by _____	
Pub. dates <u>10/11 + 10/18/79</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>DSS</u> <u>Jim</u>	

REAL PROPERTY INQUIRY

```

+++++
01 6R33851-000- -0 030-00 SCH134+ 10 34,400 .74
+++++
CONRAD, JEFFERY D + 32 1,200
+
+
+
+
9169 FOOTHILL RD +
MIDDLETON ID 83644 +
+++++
04-4N-2W NE + TOTAL 115,400 .74
TX 4-A LESS TX 4-A-1 IN LT 1 ++++++
+ SURVEY INST
+ DRAIN 2 DR VALUE 17.37 APPR CTR
+ CLASS 2 REAP 01 MAN 00 UNIT 1
+ PARCEL 6R04N02W040300 H/O N C/B N
+ PRIOR ACCOUNT 5R33851-000- -0
+ 02 MH on Property NO
9169 FOOTHILL RD, MI
SEE R33847-000--0
MODE:F ACTION: TRAITS INQUIRY TRQK318

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ACCOUNT NUMBER R33851000 0 UNIT 001 TOTAL UNITS 1
SITE 9169 FOOTHILL RD MI SEC/TWN/RNG 04-4N-2W
ASSESSED VALUE 115,400 ACREAGE .74
SUB/PARK NAME YEAR/MAKE
CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK
+++++
YR BUILT 1991 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT
FIRST SQ FT 1714 EXTERIOR WOOD SIDING DECK/PATIO? N
SECOND SQ FT ROOF WOOD SHINGLES POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT
+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

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MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101
System User- IDWRR Date 03/01/2006 Time 11:49
REAL PROPERTY INQUIRY

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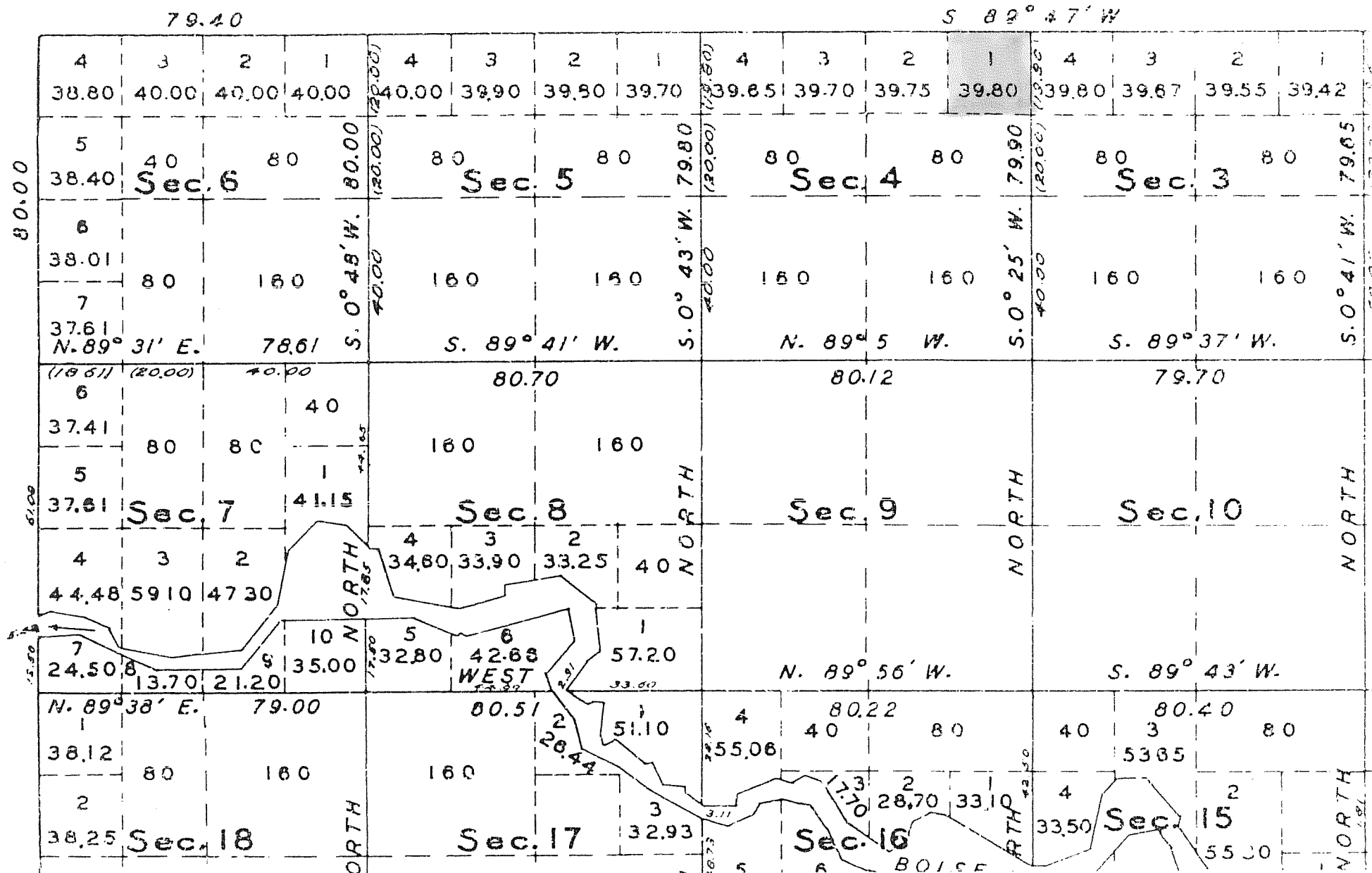
```

+++++
01 6R33847-000- -0 030-00 SCH134+ 02 1,300 4.29 AC
+++++
CONRAD, JEFFREY D +
+
+
+
+
9169 FOOTHILL RD +
MIDDLETON ID 83644 +
+++++
04-4N-2W NE + TOTAL 1,300 4.29
TX 4 LESS TX 4-A, 4-B, 4-C & 4-D ++++++
IN LOT 1,, TX 4-D + SURVEY INST
+ DRAIN 2 DR VALUE 100.73 APPR CTR
+ CLASS REAP 01 MAN UNIT 0
+ PARCEL 6R04N02W040455 H/O N C/B N
+ PRIOR ACCOUNT 5R33847-000- -0
+ 02 MH on Property NO
FOOTHILL RD, MI
SEE R33851-000--0

```

COPY OF

SHIP N° 4 NORTH, RANGE N° 2 WEST OF



April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02	0.7	0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3				

(1) The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

a) for livestock use @ 12 gpd/hd, N (0.0134).

b) for dairy use @ 35 gpd/hd, N (0.0391).

12 gal/day/head

Rate

a) for livestock use @ 12 gpd/hd, N (0.00022).

b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

A. Kenneth Dunn

Receipt Details for ID W010833

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/12/1990 1:53:09 PM	3/12/1990	Western	\$80.00	Check
Payer	CONRAD, JEFF/ROBIN			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8230			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$80.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	23335		\$55.00	Claim
63	23336		\$25.00	Claim

Print Report

RECEIVED

MAR 24 2006

WATER RESOURCES
WESTERN REGION

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

A 63-23336

AFFIDAVIT

State of Idaho)
County of Canyon)

deposes and says: I am fortunate to have known Mr. G. Albert Harvey whose family has owned this, and surrounding property since the early 1930's. Mr. Harvey farmed this property as a young man and conveyed to me on numerous occasions on how it was irrigated back then, unfortunately Mr. Harvey has since passed away or I'm sure he would have furnished additional information for this affidavit. I have also conversed with Mr. Torres Gjerdie who owned said property after the Harvey family and he confirmed the shallow well use for irrigation while he lived on the property (1964 to approx. 1999) - Harvey's owned from 1930's to 1964. Both have given me knowledge of this well's use but not exact date of its beginning - accompanying aerial photo dated 1954 shows Canyon County notations as IA (Irrigated agriculture) and the number ② circled showing - irrigated pasture.

Jeff D. Conrad
(Signature)

since tax notice record keeping only goes back 10 yrs. this is only proof available, and since Mr. Harvey has passed away, and Mr. Gjerdie moving to somewhere in Mexico, after 16 years it becomes difficult at best to obtain needed documents.

CANYON COUNTY - Assessor's Department
CATEGORY WITH DESCRIPTIONS

RECEIVED

MAR 24 2006

WATER RESOURCES
WESTERN REGION

11/08/2004

Page 1

48 MANF HSG -NON REVOC
57 EQUITIES STATE LAND

REAL PROPERTY LANDS

01 IRRIGATED AGRICUL
- 02 - IRRIGATED PASTURE -
03 NON-IRRIGATED AGRI
04 IRRIGATED MEADOW
05 DRY GRAZING
0A RES CITY OVER 1 ACRE
10 HOMESITE RUR LANDS
11 RECREATIONAL SITE
12 RUR RESIDENT TRACT
13 RURAL COML TRACT
14 RURAL INDUST TRACT
15 RUR RES SUB LT/ACRE
16 RUR SUB COML LT/ACR
17 RUR SUB IND LTS/ACR
18 RURAL LAND(NON-FARM)
19 WASTE
20 RES LTS/ACR-IN CITY
21 COML LTS/ACR
22 IND LTS/ACR-IN CITY
23 GRAVEL PIT
25 COMMON AREAS
2A RUR RES TR OVER 1 AC
5A RUR SUB OVER 1 ACRE
67 OPERATING PROPERTY
70 MINERAL RIGHT RESER

REAL PROPERTY IMPROVEMENTS

26 RESID CONDO/TOWNHSE
30 IMP ON CITY LT/ACR
31 IMPR RUR HOMESITE
32 IMPROVEMENT ON LAND
33 IMPROV ON REC SITE
34 RES IMP-RUR RES TR
35 IMPR ON RUR COML TR
36 IMPR ON RUR INDS TR
37 RES IM-RUR SUB LT
38 IMP ON RUR SUB COML
39 IMPR RUR SUB INDS
41 RES IMP-CITY LT/ACR
42 IMPR COM LT/AC CITY
43 IMP IND LT/ACR CITY
44 IMP ON EXEMPT LAND
46 MOBILE HOME
49 Manf Hsg afx'd lease
52 Dairy-Bldg & Improv
54 IMP ON RUR TRACT
60 IMPR ON R/R RGT-WAY
61 IMPR BY LESSEE

IA - indicates -
Irrigated
Agricultural

② - indicates
Irrigated pasture

this from Canyon
Cty. Assessor's
office - plat
room.

X marks center
of Conrad property
and approx. location
of house

this was owned
by Harvey family
back to early 30's
evidence 1938 aerial
canyon Cty.

MAP

TOO

LARGE

TO

SCAN

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-23336
Evidence of Priority**

March 10, 2006

Claimant, Jeff Conrad, called in response to the evidence of priority request he recently received. Mr. Conrad began the conversation by stating, "I am a little bit confused." When I explained my request for evidence, Mr. Conrad said that he has "no idea" how he came up with the 1962 priority date. He surmised that perhaps he had spoken to a neighbor, but again stated that he could not honestly remember how he came up with that date. Mr. Conrad said that he would speak with a neighbor or go to the Assessor's office. He requested more time to submit evidence, so I gave him an additional 10 days. During our conversation, Mr. Conrad informed me that the house was built in 1972 and he mentioned the use of the well for stockwatering purposes.

March 17, 2006

Jeff Conrad called to let me know that he found an aerial photo from 1954 that shows irrigated agriculture. He will send this aerial and an affidavit to me as evidence of priority.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBIN & JEFF CONRAD
9169 FOOTHILL RD
MIDDLETON ID 83644

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-23336

Dear Claimants,

In the past, you 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. You 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 27, 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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.

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-23336

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.