

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 63-32098
Date Received: 4/21/2005
Receipt No: W032830
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAWN A ZABEL Phone: (208)454-0132
19727 WAGNER RD
CALDWELL ID USA 83607

TERRY A ZABEL Phone: (208)454-0132
19727 WAGNER RD
CALDWELL ID USA 83607

2. Date of Priority: 12/31/1935

3. Source: WASTE WATER Trib. to: PHYLLIS CANAL

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	30	SE NE	CANYON	

5. Description of diverting works:

Initial delivery, Phyllis Canal to the Smilley lateral to irrigation ditches and then to flood irrigation of 6 acres of land then to canal drainage with waste water.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/15	0.12	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	30	SE	NE	IRRIGATION	6
					Section Acres	6
					Total Acres	6

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This land has been flood irrigated since early 1930s and is still flood irrigated from same maintained ditches on property.

15. Basis of Claim: Beneficial Use

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 AL3-32098Date Received 4-21-05Receipt Number W032830

RECEIVED

APR 21 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Dawn a or Terry a Zabel Phone (808) 454-0132Mailing Address 19727 Wagner Rd Caldwell, Id Zip 836072. Date of Priority (Only one (1) per claim) 1935 (will provide proof)3. Source of water supply (a) waste water
which is tributary to (b) philis canal4. a. Location of existing point of diversion is: Township SE 4N Range 3W Section 30,
SE 1/4 of NE 1/4 of _____ 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.Initial delivery philis canal
to the Smiley lateral to irrigation ditches and
the to flood irrigation of leaders of land then to
canal drainage with waste water

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3-15-05 to 10-15-05 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 cfs (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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	3W	30				10													10.

Total number of acres irrigated 10

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

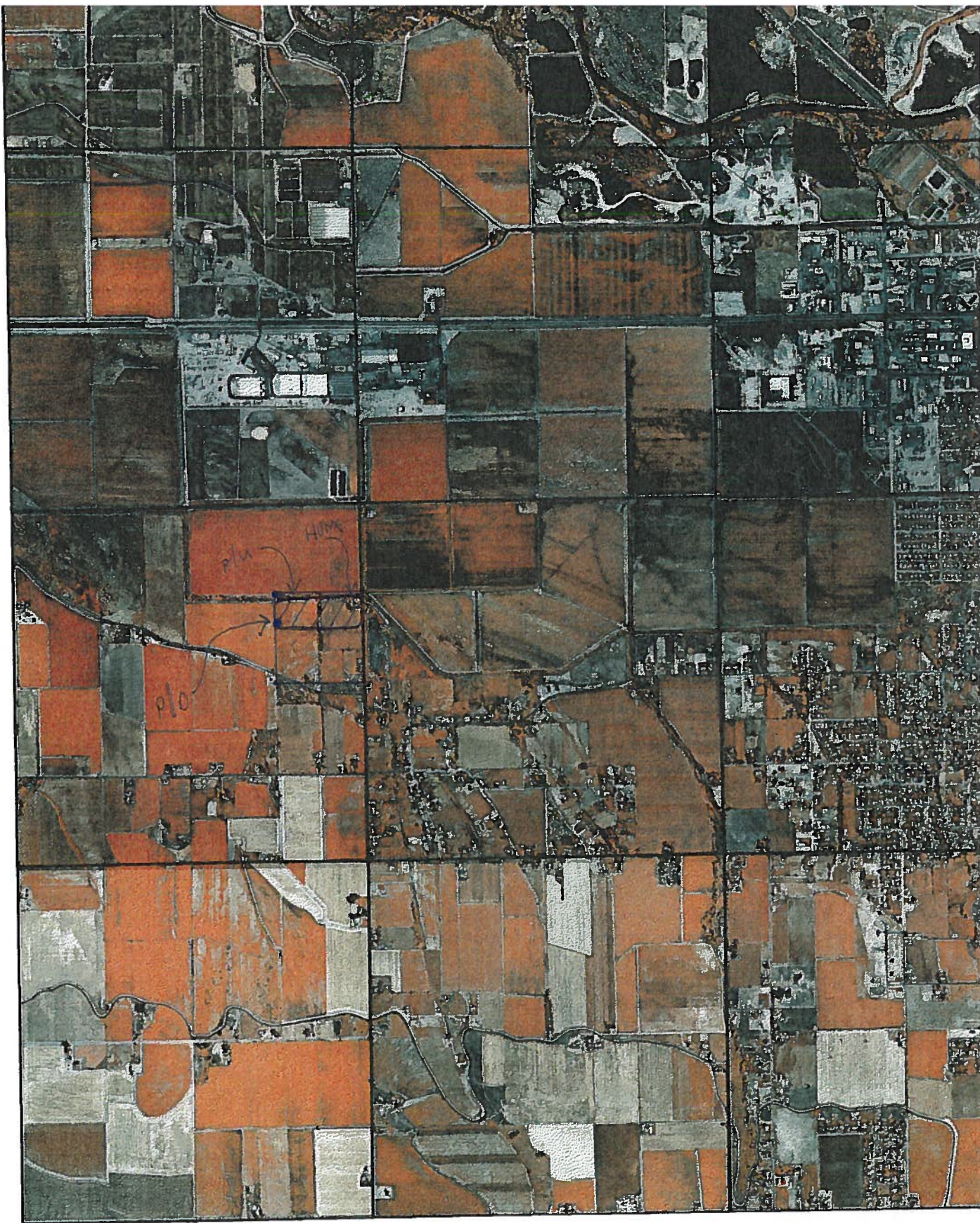
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None X

14. Remarks:
this land has been flood irrigated since early 1930's and is still flood irrigated from same maintained ditches on property. Property was bought in 1998 please waive lot fee.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant



TUN
R3W
S.30
SE 1/4 NW 1/4

p10 H10
p11

Image produced from scanned, map registered, and mosaicked
1:12,000-scale color infrared airphotos (July 1994)

1

1

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a grid of smaller squares within each cell. The pattern is consistent across all 256 squares in the grid.

SEE Attached map

Copies: White-State, Yellow-Claimant

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

(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.

Signature of Claimant (s) Laura Agard Date 4-21-2005

Title and Organization _____ **Date** _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 21 day of Apr 1997

Notary Public *Wm. G. Gorman*

Residing at Banc

My Commission Expires 6/18/10

Please Print Name

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 Ident. Number

Copies White-State, Yellow-Claimant

Idaho Department of Water Resources Receipt

Receipt ID W032830

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$56.00	ADJUDICATION FILING FEE	0337	42503	1155	



Signature Line (Dept. Representative)

12/10/2006

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

RIGHT NUMBER: 63-32098
NAME AND ADDRESS: DAWN A ZABEL
19727 WAGNER RD
CALDWELL ID 83607

TERRY A ZABEL
19727 WAGNER RD
CALDWELL ID 83607

SOURCE: WASTE WATER TRIBUTARY: PHYLLIS CANAL

QUANTITY: 0.120 CFS
27.00 AFY

PRIORITY DATE: 12/31/1935

POINT OF
DIVERSION: T04N R03W S30 SENE 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	0.120 CFS 27.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S30 SENE 6.00

6 ACRES TOTAL

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

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.

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

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

11/21/2006

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

RIGHT NUMBER: 63-32098

NAME AND ADDRESS: DAWN A ZABEL
19727 WAGNER RD
CALDWELL ID 83607

TERRY A ZABEL
19727 WAGNER RD
CALDWELL ID 83607

SOURCE: WASTE WATER

TRIBUTARY: PHYLLIS CANAL

QUANTITY: 0.120 CFS
27.000 AFY

PRIORITY DATE: 12/31/1935

POINT OF DIVERSION:

T04N R03W S30 SENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.120 CFS
27.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S30 SENE 6.00

6 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

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

Idaho Department of Water Resources

T04N, R03W, SEC 30

Claim No: 63-32098

Prepared By: Kimberly Brown

Date: April 19, 2006



Place of Use



Section Lines

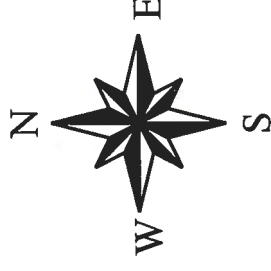
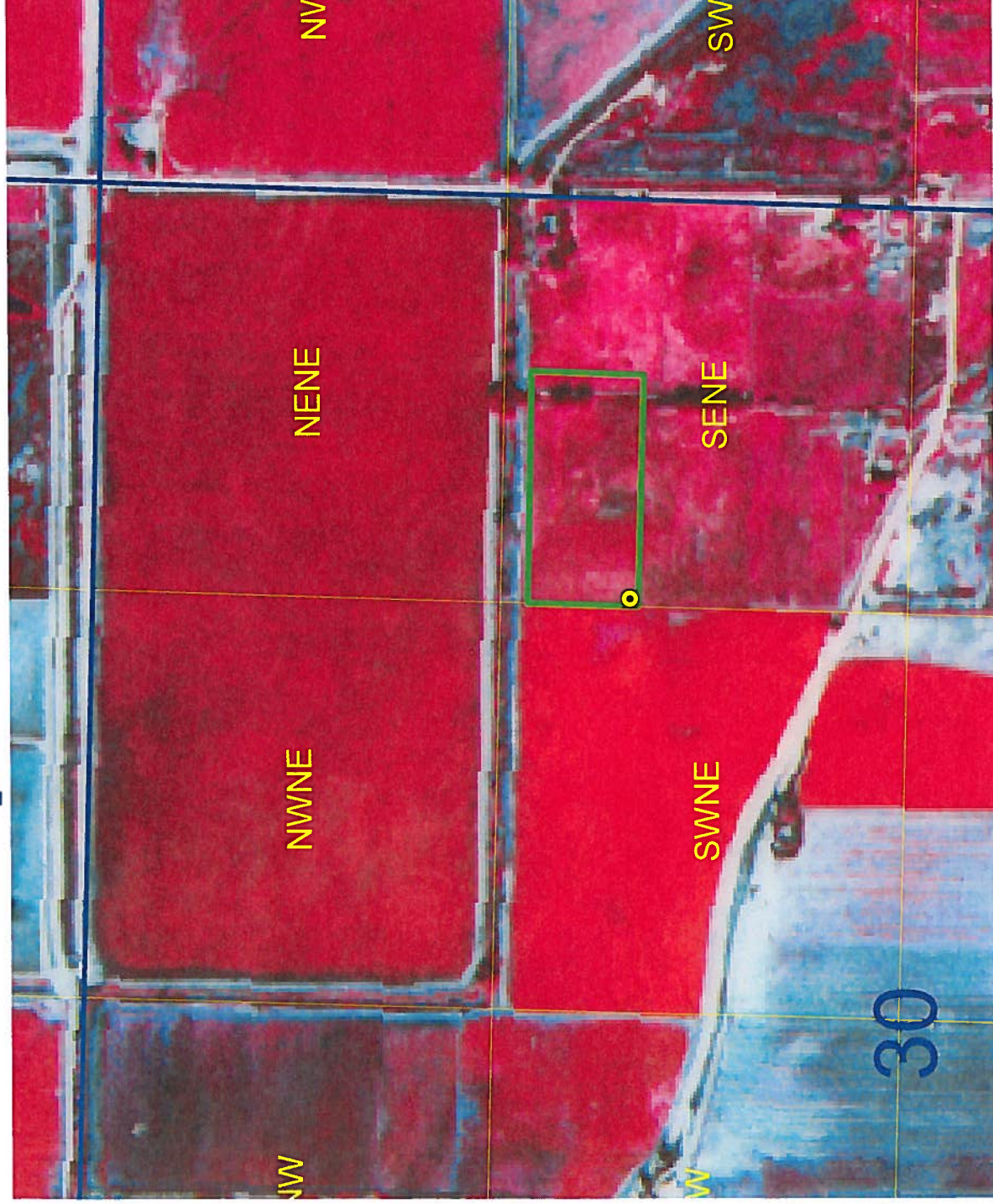


1/4 1/4



Point of Diversion

Irrigated Acres = 6



0 0.2 Miles

1987 NAPP

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: 63-32098

DAWN A ZABEL
19727 WAGNER RD
CALDWELL ID 83607
Telephone Number: (208)454-0132

TERRY A ZABEL
19727 WAGNER RD
CALDWELL ID 83607
Telephone Number: (208)454-0132

RECEIVED

OCT 23 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):

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

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

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

DATE: 10-12-06 SIGNATURE: *Dawn A Zabel*

Please print your name: DAWN A ZABEL

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32098

WATER RIGHT NUMBER: 63-32098 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAWN A ZABEL ✓ 19727 WAGNER RD CALDWELL, ID 83607 (208)454-0132
Current Owner	TERRY A ZABEL ✓ 19727 WAGNER RD CALDWELL, ID 83607 (208)454-0132

Priority Date: 12/31/1935 ✓
 Basis: Beneficial Use ✓
 Status: Active

Property Address:
 19727 Wagner Rd.

<u>Source</u>	<u>Tributary</u>
WASTE WATER ✓	PHYLLIS CANAL ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15	10/15 ✓	0.120 CFS ✓	27.0 AF
	change to 3/1-11/15		Total Diversion: 0.120 CFS ✓	27.0 AF

Location of Point(s) of Diversion

WASTE WATER SE1/4NE1/4 ✓ Sec. 30, Twp 04N, Rge 03W, B.M. ✓
 CANYON County ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	30				6.0													6.0

Total Acres: 6 ✓

Conditions of Approval:

REMOVE 1. ~~This land has been flood irrigated since early 1930s and is still flood irrigated from same maintained~~
 from eCUR ~~ditches on property.~~
 Remarks:

Comments:

a portion of
 Parcel No: R3550301000. (10.8 AC)

Field Exam Date 4.19.06

(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 \$56.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in SENE
- ☒ 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 complete

Claim No(s) A63-32098

Owner: Dawn & Terry Zabel Phone No.

Current Address: 19727 Wagner Rd., Caldwell

- ☒ 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: 12/31/35

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

An Affidavit was signed by James H. Smit the son of Loyd & Hel Smith, and submitted on 4/18/06.

Source: Waste Water Tributary to Phyllis Canal

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

POINT OF DIVERSION

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

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

Description of diverting works

*See Notice of Claim.***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: _____

WATER USES*Season of use is 3/1 to 11/15.*☐ No change☐ Different UsesUse _____ From 3/1 To 11/15 Amount _____ CFS 27.0 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

6 acres x 4.5 af/acre = 27.0 af/annum (✓) 0.12 cfs x 1.9835 x 260 days = 61.89 af/annum

TOTAL VOLUME - Groundwater only☒ Incomplete on claim, the total is, Amount _____ CFS 27.0 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:***None*☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Since the claimants own 10 acres and only claimed 6 acres, the POU boundary cannot include all of their property.

Parcel No: a portion of R3550² N1000. (10.8A)

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: 63-2293, 63-2319, 63-21484 + Pioneer Irr. District water

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

63-3454, 63-2293, & 63-2319 were not filed in SRBA, so no overlap. No overlap with 63-21484, since it covers 5 acres at 019497 Wagner Rd. #

Delivery System Narrative: See Notice of Claim.

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

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

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: _____

FIELD EXAMINER: _____

REAL PROPERTY INQUIRY

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+++++
01 6R35503-010- -0 059-00 SCH139+ 02 3,700 7.83
+++++
10 30,000 1.00
ZABEL, TERRY A + 19 2.00
& ZABEL, DAWN A H/W +
+
+
+
19727 WAGNER RD +
CALDWELL ID 83607 +
+++++
30-4N-3W NE + TOTAL 33,700 10.83
TX 99466 IN SENE +
+ SURVEY INST 9931110
+ DRAIN DR VALUE APPR TAM
+ CLASS REAP 05 MAN UNIT 0
19727 WAGNER RD, CA + PARCEL 6R04N03W301806 H/O N C/B N
+ PRIOR ACCOUNT 5R35503-010- -0
+ 02 MH on Property YES

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MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R35503010 0 UNIT 001 TOTAL UNITS

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SITE 19727 WAGNER RD CA SEC/TWN/RNG 30-4N-3W
ASSESSED VALUE 33,700 ACREAGE 10.83
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 DECK/PATIO? N
SECOND SQ FT ROOF 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

```

+++++
+                MANUFACTURED HOUSING INQUIRY                +
+++++
+ 01 6T71587-000- -0 059-00 FIRE- FLOOD- APPR TAM CLASS +1 REAP 02 DECL N +
+++++
+ NAMES AND MAILING ADDRESS          + DESCRIPTION          +
+ ZABEL, TERRY A OR                  + R35503-010- -0 SECTION 30-4N-3W NE +
+ ZABEL, DAWN A                      +                        +
+                                     + SPACE      LOT      BLOCK      +
+                                     + VAN DYKE          (24 X 60) ( X )+
+                                     + 9758              +
+ 19727 WAGNER RD                    + VANDY-72-24-M1P TITLE A 429475 +
+ CALDWELL ID 83607                  +                        +
+++++                                + VALUES              +
+ SITE 19727 WAGNER RD              CA      +                        +
+++++                                + 46      29,900      +
+ STATUS- COMB N TRAN N DEL N PPD N +                        +
+ PRIOR ACCOUNT 5T71587-000- -0      +                        +
+ PARCEL 6T4N3W30R71587              +                        +
+ H/O N C/B N                        SCH 139 +                        +
+ 02 TRAITS INQUIRY                  + TOTAL      29,900      +
MODE:F ACTION:                      TRAITS INQUIRY                      TRQK318

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ACCOUNT NUMBER          UNIT          TOTAL UNITS

SITE                    SEC/TWN/RNG
ASSESSED VALUE          ACREAGE
SUB/PARK NAME           YEAR/MAKE
CLASS                   SPACE      LOT      BLOCK
+++++
YR BUILT                AIR COND                CARPORT
STORY                   HEATING                CARPORT SQ FT
FIRST SQ FT             EXTERIOR                DECK/PATIO?
SECOND SQ FT            ROOF                   POOL?
BEDS                   BSMT SQ FT             SPA?
BATHS                  % BSMT FIN             LOT SIZE
FRPLC                  GARAGE                 NEIGHBORHOOD
                        GARAGE SQ FT

+++++
COMMENTS                MOBILE HOME ONLY
                        WIDTH/LENGTH
                        EXPANDO
                        REAL ACCOUNT

```

I'm not sure what
parcel this is — (?)
K. Brown

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-32098

03/27/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1484	Claim	04N	03W	30	SE	NE		IRRIGATION	5/5	MARYETTA WILSON
2098	Claim	04N	03W	30	SE	NE		IRRIGATION	6/6	DAWN A ZABEL
2293	Water Right	04N	03W	30	SE	NE		IRRIGATION	25/80	SARAH MORROW
2319	Water Right	04N	03W	30	SE	NE		IRRIGATION	40/40	JOHN M EARNER
3454	Water Right	04N	03W	30	SE	NE		IRRIGATION	6/6	HENRY W PHILLIPS
6359	Water Right	04N	03W	30	SE	NE		DOMESTIC		LOYAL H SMITH SR
6439	Water Right	04N	03W	30	SE	NE		DOMESTIC		LOYAL H SMITH SR

no overlap —

overlap review

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-21484

WATER RIGHT NUMBER: 63-21484

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARYETTA WILSON 2615 E CHICAGO CALDWELL, ID 83605 (208)459-1222
Current Owner	ERNEST L WILSON 2615 E CHICAGO CALDWELL, ID 83605 (208)459-1222

Priority Date: 04/10/1955
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NW1/4SW1/4	Sec. 29, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	30				5.0													5.0

Total Acres: 5

Conditions of Approval:

1. ADDRESS CHANGE, ROUTE AND BOX TO GRID. 2/11/99 SS.

Remarks:Comments:

overlap review

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26359

WATER RIGHT NUMBER: 63-26359

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOYAL H SMITH SR 19727 WAGNER RD CALDWELL, ID 83605 (208)459-0913

no overlap

Priority Date: 07/01/1934

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

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	03W	30				X													

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. PARCEL NO. 1R35507-000-0 STOCKWATER, 4 RANGE CATTLE

Remarks:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-26439

WATER RIGHT NUMBER: 63-26439

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOYAL H SMITH SR 19727 WAGNER RD CALDWELL, ID 83605 (208)459-0913

no overlap

Priority Date: 07/01/1934

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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 30, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

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	03W	30				X													

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. PARCEL NO. 1R35507-000-0
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. 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.

Remarks:

overlap review

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3454

WATER RIGHT NUMBER: 63-3454

Owner Type Name and Address
Current Owner HENRY W PHILLIPS
RT 2 BOX 52
CALDWELL, ID 83605

not filed in
SRBA

Priority Date: 06/23/1965

Basis: License

Status: Active

Source Tributary
UNNAMED STREAM EAST END DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM SW1/4NE1/4 Sec. 30, Twp 04N, Rge 03W, B.M.
CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	30				6.0													6.0

Total Acres: 6

Conditions of Approval:

Remarks:

Comments:

overlap review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2319

WATER RIGHT NUMBER: 63-2319

Owner Type Name and Address
Current Owner JOHN M EARNER
 CALDWELL, ID 83605

Priority Date: 07/18/1918

Basis: License

Status: Active

Source Tributary
WATSON GULCH CREEK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.800 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WATSON GULCH CREEK NW1/4SW1/4 Sec. 29, Twp 04N, Rge 03W, B.M.
CANYON County

Place of Use

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	03W	30				40.0													40.0

Total Acres: 40

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:

not filed in SRBA

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2319

Water Supply Bank:

State of Idaho
License and Certificate of Water Right

Water License No. 13689
Water District No. 22

Amount 0.8 sec.ft
Priority 7 - 18 - 18

THIS IS TO CERTIFY that John M. Earner
of Jaldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 18, 19 18; that Permit No. 13689
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.8
second feet, was issued thereunder on June 19, 19 19, showing that said works
were completed on the 13th day of June, 19 19; and that on the 18th
day of August, 19 19.

John M. Earner
of Jaldwell, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation
State Engineer of Idaho, of a right to the use of the waters of Watson Gulch
a tributary of Snake River, for the purpose of irrigation and domestic use
under Use Permit No. 13689 of the Commissioner of Reclamation
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2560, on the 26th
day of May, 19 20;

The right hereby confirmed dates from July 18, 19 18;

The Point of Diversion is located
in the NW 1/4 or SW 1/4, Sec. 29, Tp. 4 N, R. 3 W, B. M.
County of Lanyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>4 N</u>	<u>3 W</u>	<u>30</u>	<u>SE 1/4</u>	<u>40</u>	<u>40</u>

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

WITNESS the seal and signature of the Commissioner of Reclamation
State Engineer, affixed at Boise, Idaho, this 26th
day of May, 19 20

(SEAL)

W. G. SWERDSEN
Commissioner of Reclamation State Engineer.

63 2319

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 19437
Permit No. 13689
District No. 22

63-2319

1. Name of Applicant: **JOHN M. EARNER**
 Postoffice address: **Caldwell** County: **Canyon** State: **Idaho**
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: **Four-fifths (4/5)** cubic feet per second.
3. Source of water supply: **Watson Gulch** which is a tributary of **Boise River**
4. Location of point of diversion: _____ feet distant from the
 corner of Section _____, T. _____, R. _____, B. M., and is in the **NW $\frac{1}{4}$** of **SW $\frac{1}{4}$**
 of Section **29**, T. **4 N.**, R. **3 W.**, B. M., County of **Canyon**
5. Water is to be used for: **Agricultural and domestic use**
6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: _____ feet distant from _____ corner of Section _____
 T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.
 (b) Amount of power generated: _____ H. P., under _____ feet head.
 (c) Water is to be returned to _____ at a point _____ feet
 distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the
 _____ of Section _____, T. _____, R. _____, B. M.
7. Estimated cost of works: \$ **20.00**
8. Kind of works: **Dam & ditch**
9. Height of dam **1 $\frac{1}{2}$** feet; length of dam at top **2 $\frac{1}{2}$** feet; length of dam at bottom **2**
 feet; material used in dam **earth**
10. Size of headgate: Width **two** feet; height **one and one-half** feet.
11. Ditch: Width at bottom **2 $\frac{1}{2}$** feet; width at water line **3** feet; depth of water **one**
 feet; dimensions of flume
 Diameter of pipe _____ inches; length of conduit **1/4** miles.
 Average grade per mile **30** feet.
12. The time required for the completion of such work is **one** years.
13. The time required for the complete application of the water to the proposed use is **no** additional years.
14. The land to be irrigated is described in the following tabulation: **See Remarks.**

15. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

JOHN M. EARNER

Applicant.

By

Agent.

Date of first receipt at office of State Engineer **3 P. M. July 18, 1918**

Returned to applicant for correction **July 27, 1918**

Corrected application received **August 1, 1918**

APPROVAL OF STATE ENGINEER

The number of this permit is **13689**

Recorded in Book **48** Page **13689** Approved **August 20, 1918**

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

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

Work to begin on or before **October 19, 1918** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **February 20, 1919**

The whole of said work to be completed on or before **August 20, 1919**

Beneficial use of water appropriated in accordance herewith, to be made on or before **August 20, 1919**

Witness my hand this **20th** day of **August, 1918.**

FRED A. WILKIE

State Engineer.

Remarks: **This water is to be used in conjunction with water received in permit number 12299 when water is very low**

14	Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
				NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4 N 3 W 30 40

40

Works completed June 13, 1919.
 Certificate issued June 19, 1919.

Permit No. 13689

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that John M. Earner, of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 13689, issued upon Application No. 19437, bearing date of priority of July 18th, 1918, authorizing the diversion of 0.8 second feet of the waters of Watson Gulch, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.8 second feet of the waters of Watson Gulch; that the point of diversion of said waters is in the NW¼SW¼, Sec. 29, T. 4 N., R. 3 W. B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: **SW¼NE¼, Sec. 30, T. 4 N., R. 3 W. B. M.**

Witness my hand this 19th day of June, A. D. 1919.

W. G. Swendsen.

Commissioner of Reclamation.

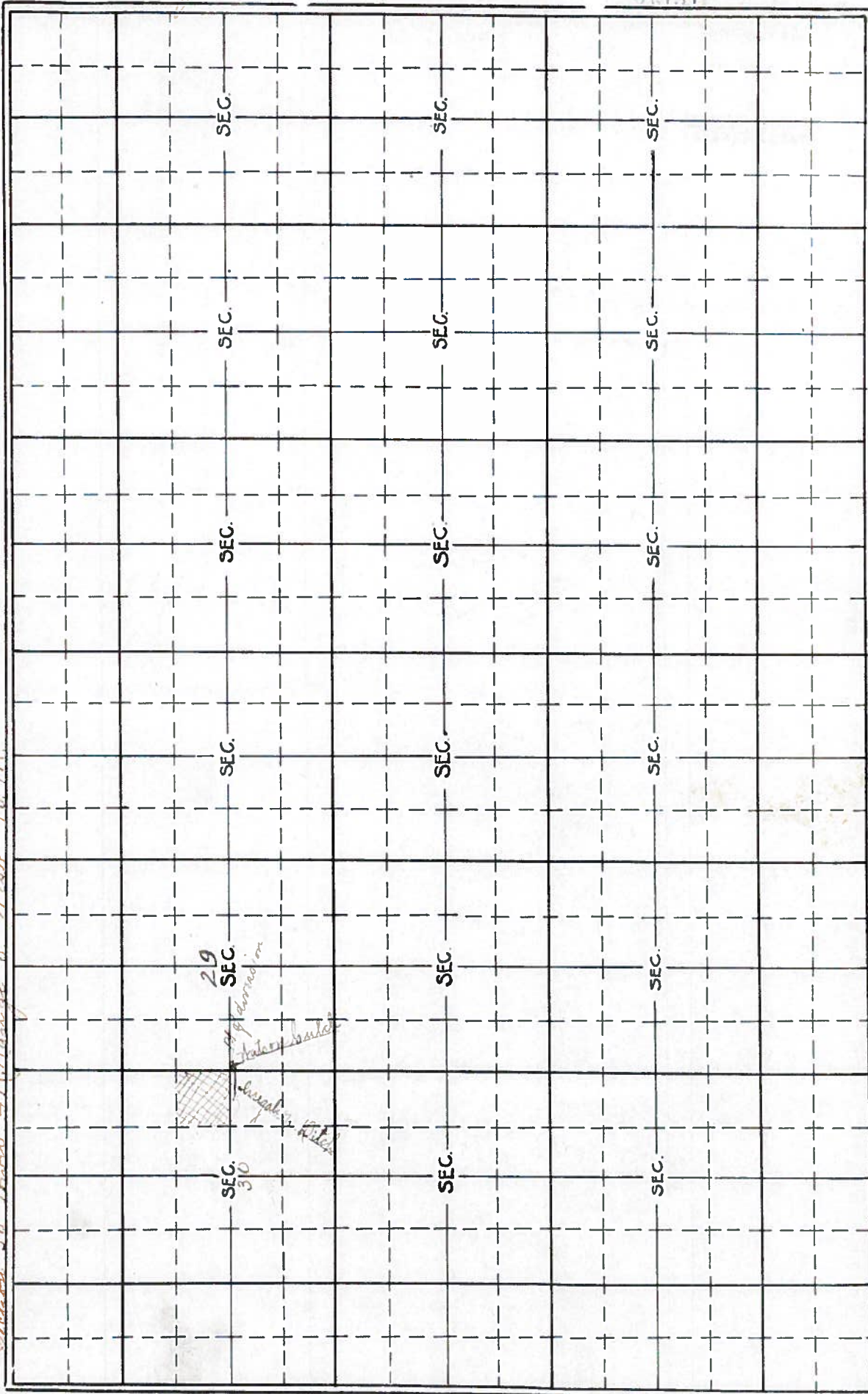
By S. T. Baer.

License issued for **0.8** second feet

Page 2560

Name of Applicant John M. Coomes, Caldwell, Idaho

Section 30 "Low HN/Pange 3 West BM



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

13689

REPORT OF ENGINEER

This proof is for beneficial useIn Water District No. 22

1. State name of applicant and number of permit: John M. Garner. Permit: 13689
2. State source of water supply: Waison Gulch
3. Location of point of diversion: NW 1/4 Sec. 29, T. 4 N., R. 3 W. B. M.
4. Describe works as they exist, giving dimensions and capacities of same:
No dam, no head-gate. Ditch 2 ft. wide, 1 ft. deep. Cap. 1 sec. ft
To irrigate 20 acres. - E 1/2 SE 1/4 NE 1/4 sec. 30, T. 4 N. R. 3 W.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location 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 for other than irrigation):
SE 1/4 NW 1/4 Sec. 30 T. 4 N., R. 3 W. B. M.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One
9. Give names and amount of each right: John M. Garner.
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
Thru drains to Boise River to Snake River.

Remarks: Land in cultivation.This examination was made on the 8 day of Apr. 19 20

(Signed)

L. R. Bennett

Examiner.

13689

In

136

136

In

1. I

2. Al

3. Fu

4. W

5. Mi

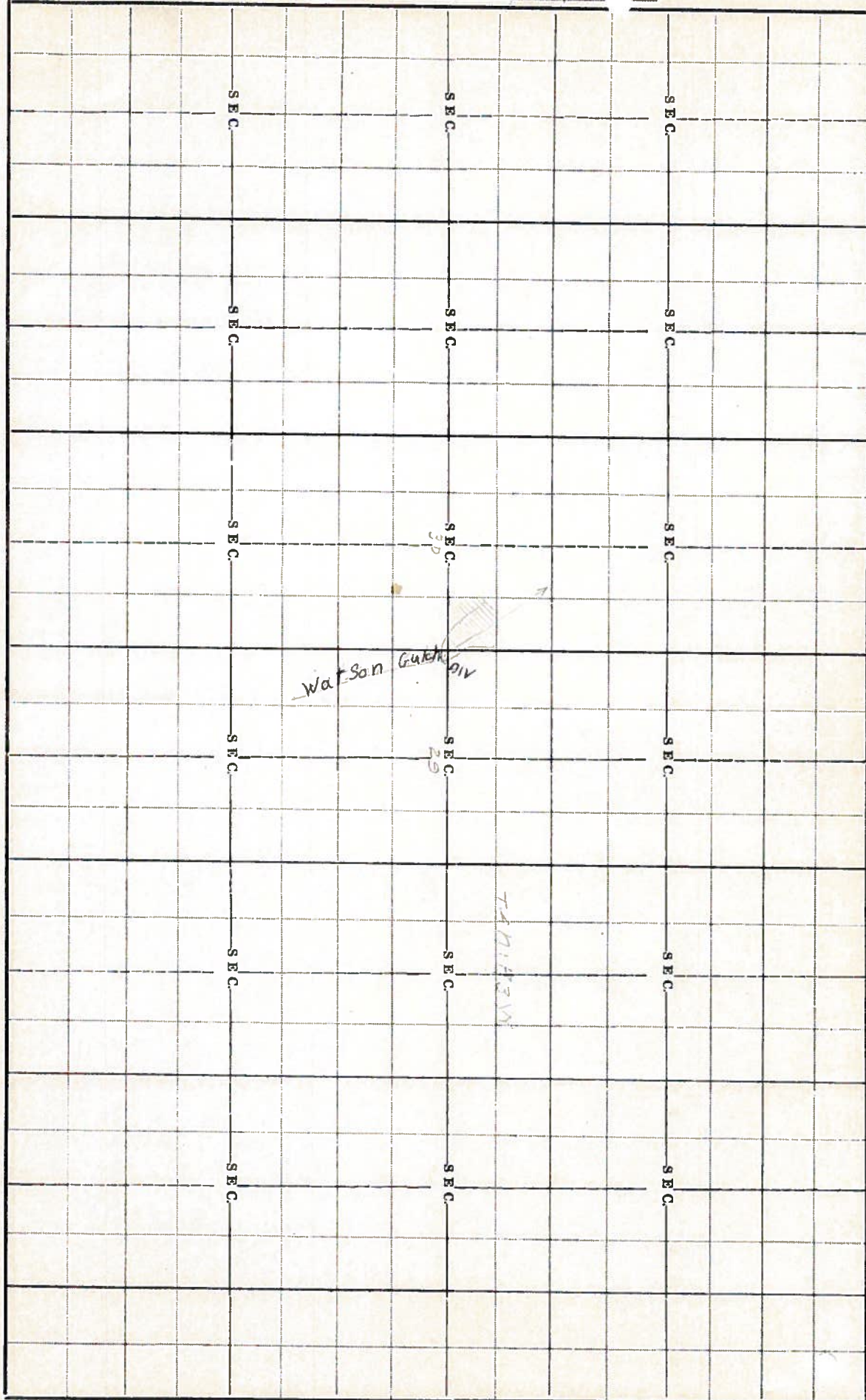
6. If

7. Al

being first duly sworn, deposes and says that the

Subscribed and sworn to before me this day of 19

NAME OF APPLICANT John M. Eavner Long 13629



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

13689

PERMIT No. 13689**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John M. Earner age 30 years former
Coldures Idaho Rte #2.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Individual owner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 13689 August 20, 1918

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Metcum Gulch N. 1/4 37 1/4 Section 29
Range 4 North of Range 3 West of B. M. Corner Sec 22

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditch made of earth - 4 1/2 cu ft.
No name of ditch

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation SE 1/4 NE 1/4 Section 30
Township 4 North of Range 3 West of
Range Meridian Natural meadow
land Construction of ditch to irrigate land

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. No other use

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. One inch per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. 13689

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. For past 20 yrs. to my knowledge
to irrigate the land & the amount
has varied from 1 inch to nothing as the
water well has varied.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Used in connection with
permit no 12299 which is also
water well.

(Sign) John M. Earnes

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell, County of Canyon State of Idaho, on this 18th day of August A. D. 1914.

John E. Buckner
Notary Public for Idaho
Residence Caldwell Idaho

13689

Permit No. 13689

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. J. E. Monland - age 62 yrs
Laurel, Caldwell IdahoQues. 2. Are you acquainted with John M. Loebe, the holder of Permit No. 13689? How long have you known him and where does he reside?Ans. Yes, about 18 yrsQues. 3. Have you read or heard read said Permit No. 13689, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. water from Nelson Gulch
in NW 1/4 Sec 29 Twp 4 N R 37 W B M
earthwork in dam and ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2 cfs. about 1 1/2 cfs.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation SE 1/4 NW 1/4 Sec 30 Twp
4 N R 37 W B M - Natural
meadow land.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land
one inch to the acre

13689

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.

No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans.

Have seen water water running on said land for past 15 yrs in various amount

(Sign)

J. E. Moseland

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Blodgett*, County of *Canyon*, State of Idaho, on this *18* day of *August*, A. D. 19*19*.

Notary Public

My commission expires

Jan 5 1921

13689

Permit No. 13689

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Thomas C. Dwyer - 43 - Caldwell
Idaho - RancherQues. 2. Are you acquainted with John M. Eames, the holder of Permit No. 13689? How long have you known him and where does he reside?Ans. YesQues. 3. Have you read or heard read said Permit No. 13689, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Water made from Water Right
in the N¹/₄ Sec 29 Twp 4 N R 3 E B M
Canyon County Idaho - Ditch constructed
of earth.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2 cfs. I've seen 2 cfs so conveyed

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation Sec 20 Twp 4
N R 3 E B M Canyon County Idaho
Natural meadow land. No improvements
except the ditch.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Natural meadow land
One inch per acre or 4 cfs.

13689

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Each year for past 5 seasons thru
ditches from 1 inch per acre
and less until water ceased to
run down the ditch

(Sign)

Thomas B. Lesley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 18th day of August, A. D. 1919

Thos E. Burkhead

Notary Public for Idaho

My commission expires

Jan 5 1921

Residence Caldwell, Idaho

13689



overlap review-

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2293

WATER RIGHT NUMBER: 63-2293

Owner Type Name and Address
Current Owner SARAH MORROW

 CALDWELL, ID
Current Owner WARREN CULVER

 , ZZ

not filed in SRBA

Priority Date: 04/08/1916

Basis: License

Status: Active

Source Tributary
HORRACE CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion
HORRACE CREEK NW1/4SE1/4 Sec. 30, Twp 04N, Rge 03W, B.M.
CANYON County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	30			25.0	25.0	20.0			10.0									80.0

Total Acres: 80

Conditions of Approval:

Remarks:

Comments:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2293

Water Supply Bank:

State of Idaho License and Certificate of Water Right

Water License No. 12299
Water District No. 22

Amount 1.5 ccs.ft
Priority 4 - 8 - 16

THIS IS TO CERTIFY that Sarah Morrow and Warren Gulver
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 8, 19 16; that Permit No. 12299
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.5
second feet, was issued thereunder on July 7, 19 17, showing that said works
were completed on the 21st day of June, 19 17; and that on the 16th
day of July, 19 18,

Sarah Morrow and Warren Gulver

of Caldwell, State of Idaho, made proof to the satisfaction of the
~~Commissioner of Reclamation~~
~~State Engineer of Idaho~~, of a right to the use of the waters of Horrace Creek,
a tributary of Boise River, for the purpose of irrigation and domestic use,
under Use Permit No. 12299 of the ~~State Engineer~~ Commissioner of Reclamation, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
~~Commissioner of Reclamation~~
~~Engineer of Idaho~~ and entered of record in Volume 5 of Licenses, at page 2557, on the 26th
day of May, 19 20;

The right hereby confirmed dates from April 8, 19 16;

The Point of Diversion is located
in the NW ¼ of SE ¼, Sec. 30, Tp. 4 N, R. 3 W, B. M. County of Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	S W	30	NE 1/4 NW 1/4	40	20
			SE 1/4 NW 1/4	40	10
			SW 1/4 NE 1/4	40	25
			SE 1/4 NE 1/4	40	25
					Total 80

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

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 26th
day of May, 19 20

(SEAL)

W. G. SWENDSEN
Commissioner of Reclamation State Engineer.

Application No. 17411

Permit No. 12299

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

63-2293

District No. 12-A.

1. Name of applicant: Sarah Morrow and Warren Culver,

Postoffice address: Caldwell

County: Canyon

State: Idaho

- I. If applicant is a corporation, give

- (a) Date and place of incorporation:
 (b) The amount of capital stock:
 (c) The amount paid in:
 (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is one and one-half cubic feet per second.

3. Source of water supply: Horrace Gulch which is a tributary of Boise River.

4. Location of point of diversion: In the NW
- $\frac{1}{4}$
- SE
- $\frac{1}{4}$
- of Section 30, T. 4 N., R. 3 W.B.M.

County of Canyon.

5. To be used for: Irrigation and domestic purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 80 acres.
 (b) In the following legal subdivisions:

- II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

- I. Kind of works: Ditch

- II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acres feet. (c) Size of headgate, width 1 $\frac{1}{2}$ feet,Height 1 feet. (d) Conduit Ditch: width at bottom 1 $\frac{1}{2}$ feet,

width at water line two feet, depth of water one feet; diameter of pipe

inches; average grade per mile is feet. Length of conduit is miles,
and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is one years.

9. Time required for the complete application of the water to the proposed use is one additional years.

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

Sarah Morrow, Warren Culver, Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. April 8, 1916.

Returned to applicant for correction May 6, 1916.

Corrected application received June 27, 1916.

APPROVAL OF STATE ENGINEER

The number of this permit is 12299

Recorded in Book 42 Page 12299 Approved July 15, 1916.

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

Bond in the sum of _____ to be filed on or before
Work to begin on or before September 13, 1916. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 15, 1917

The whole of said work to be completed on or before July 15, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 15, 1918.

Witness my hand this 15th day of July, 1916.

J. H. Smith.

State Engineer.

Remarks:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
4 N.	3 W.	30	-20-	-10-	Owner, Warren Culver	30	
4 N.	3 W.	30	25-25-		Owner, Sarah Morrow	50	

Total Number of Acres to be irrigated -80

15(a) Is reservoir to be used? No.

Proof of Completion of Works made June 21, 1917. Certificate of Completion issued July 7, 1917.

Permit No. 12299

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Sarah Morrow and Warren Culver, of Caldwell, County of Canyon, and State of Idaho, the holders of Permit No. 12299, issued upon Application No. 17411, bearing date of priority of April 8, 1916, authorizing the diversion of 1.5 second feet of the waters of Horrace Gulch, a tributary of Boise River, County of Canyon, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.5 second feet of the waters of said Horrace Gulch; that the point of diversion of said waters is in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 30. T. 4 N., R. 3 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 20 acres in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 10 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 30; 25 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and 25 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 30, T. 4 N., R. 3 W., B.M.

Witness my hand this 7th day of July, A. D. 1917.

J. H. SMITH,

State Engineer of the State of Idaho.

License issued for 1.5 second feet
Page 4357

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 12 A1. State name of applicant and number of permit: Sarah Morrow & Warren Culver-Permit 12299.2. State source of water supply: Horrace Gulch3. Location of point of diversion: NW¹ SE¹, Sec. 30, T. 4 N., R. 3 W., B.M.

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

Earth and wood dam, 6 ft. long, 2 ft. high.Ditch running north on property line is 1 ft. wide, 1 ft. deepDitch running N.W. is same dimensions.5. State whether or not water has been turned into works of diversion: Yes.

6. Give exact location 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 for other than irrigation):

NE¹ NW¹, SE¹ NW¹, SW¹ NE¹ & SE¹ NE¹, Sec. 30, T. 4 N., R. 3 W.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Two.9. Give names and amount of each right: Sarah Morrow and Warren Culver.Each entitled to half the water.10. What large stream would the water here appropriated finally reach? Beise River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Thru drain ditch to Beise River.Remarks: Land plowed and seeded.This examination was made on the 8 day of Apr. 1920

(Signed)

L.R. Annett

Examiner.

County of _____
SS. }

statements contained in the within report are correct to the best of his knowledge and belief.

My commission expires _____
Notary Public _____

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12259

PERMIT NO. 12299

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Sarah Morrow, age 63, farmer, Caldwell, Idaho.
 Warren Culver, age 58, farmer, Caldwell, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Appears in person.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 12899, dated July 15, 1916. Date of priority April 8, 1916.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Horrace Gulch, a tributary of Boise River, diverted in the
 NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 30, Twp. 4, N. R. 3W. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. A dam made of earth and boards, ditches will carry in excess
 of 1.5 second feet of water. One ditch carries water for 20 acres
 in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and 10 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Twp. 4N. 3W. B.M.
 and the other ditch carries to 25 acres in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and
 25 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 30. The ditches have been given
 no name.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use. Used on the following cultivated
 lands, 20 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec.
 30, Twp. 4, N. R. 3W. B. M. and used upon the following natural meadow
 land, 25 acres in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 25 acres SE $\frac{1}{4}$ of NE $\frac{1}{4}$ said
 Sec. 30.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. No other.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.5 second feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Identical persons.

12299

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. ~~In the summer of 1916 and continuously since have used the entire~~
~~water coming down the Gulech.~~

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. ~~Have no other water for the lands upon which said water has been~~
~~applied.~~

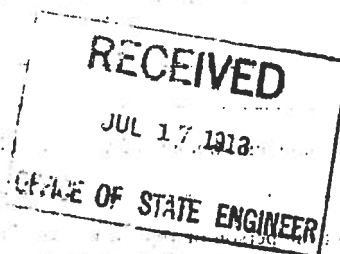
(Sign) *Warren Gulcher*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ^{each} him to be the person ^{he} represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell, County of

Canyon State of Idaho, on this 16th day of July
A. D. 1918.

W. E. Quamner
Notary Public for State of Idaho
Residence: Caldwell, Idaho.

12299



Permit No. 12299

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. ^{M.} John Berner, age 49, Caldwell, Idaho, a farmer.

Ques. 2. Are you acquainted with Sarah Morrox and Warren Culyer, the holder of Permit No. 12299? How long have you known him and where does he reside?

Ans. Yes. About 19 years.

Ques. 3. Have you read or heard read said Permit No. 12299, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horrace Gulch, diverted in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 Twp. 4 N. 3W. B. 1. d. Water diverted by earth and plank dam in said gulch and carried through ditches to place of use.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.5 second-feet. Have seen that amount running through ditches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic. Used on the following cultivated lands, 20 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 30 Twp. 4 N. 3W. B. 1. and used upon the following natural meadow land, 25 acres in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 25 acres SE $\frac{1}{4}$ of NW $\frac{1}{4}$ said Sec. 30.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No other.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Agricultural land. 1.5 second-feet.

12299

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen cultivated crops growing on part and natural meadow
grass growing on part as a result of irrigation.

(Sign) John M. Earner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 15th day of July, A. D. 1918.

W. E. Buell

My commission expires January 5, 1921. Notary Public for State of Idaho.
Residence: Caldwell, Idaho.

12299

RECEIVED

JUL 17 1918

OFFICE OF STATE ENGINEER

Permit No. 12299

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Homer Morrow, age 22, a Farmer, Caldwell, Idaho.

Ques. 2. Are you acquainted with Sarah Morrow and Warren Culver, the holder of Permit No. 12299? How long have you known him and where does he reside?

Ans. Yes. About 15 years.

Ques. 3. Have you read or heard read said Permit No. 12299, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horrage Gulch, diverted in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 30 Twp. 4N R. 3W B.M. Water diverted by earth and plank dam in said gulch and carried through ditches to place of use.

Ques. 5. How many second-feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.5 second-feet. Have seen that amount running through ditches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic. Used on the following cultivated lands, 25 acres in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 30 Twp. 4N R. 3W B.M. and used upon the following natural meadow land, 25 acres in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 25 acres SE $\frac{1}{4}$ of NE $\frac{1}{4}$ said Sec. 30.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No other.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Agricultural land. 1.5 second-feet.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

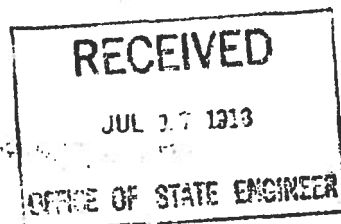
Ans. Have seen cultivated crops growing on part and natural meadow
grass growing on part as a result of irrigation.

(Sign) Homer Morrow

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell, County of Canyon, State of Idaho, on this 16th day of July, A. D. 1918.

Thos E. Bishop
Notary Public for State of Idaho.
My commission expires Jan. 5, 1921 Residence, Caldwell, Idaho.

12299



NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 11th day of July, 1916,
 at Caldwell, County of Canyon, State of Idaho,
 before Thos. E. Buckner, notary public, proof will be submitted
 of the application to beneficial use of 1.5 cubic feet per second of the
 waters of Herrace Gulch in accordance with the terms and conditions of
 Permit No. 12299, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Sarah Morrow and Warren Culver, Caldwell, Idaho.
2. The use to which said water has been applied is irrigation and domestic use.
3. The amount applied to beneficial use is 1.5 cubic feet per second.
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 & SE 1/4 NE 1/4, Sec. 30, T. 4 N., R. 3 W., B.M.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
6. The right to take water from such works is based upon Permit No. _____
7. The source of supply from which such water is diverted is _____
8. The date of the priority which said user is prepared to establish is April 6, 1916.

Fred A. Wilkie,

State Engineer.

Receipt Details for ID W032830

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/21/2005 12:08:18 PM	4/21/2005 2:58:48 PM	WESTERN	\$56.00	Check
Payer	ZABEL, TERRY A (OR) DAWN A			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
119			
Card Expiration Date	Credit Card Transaction #		

Comment NOTICE OF CLAIM TO A WATER RIGHT - WASTER WATER

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$56.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

RECEIVED

APR 18 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
W3-32098)
_____)
_____)
State of Idaho)
County of Canyon)

AFFIDAVIT

deposes and says: I James N Smith Son of Loyal + Helen Smith previous owners of 19727 wagner Rd know and have irrigated said parcel from flood irrigation since 1935 and untill 1999 irrigated from the same maintained ditches on the property which consisted of 1 accross the back to about 3/4 the distance the 1 ditch which headed East to where it feed into 3 additional feeder ditches to flood irrigate the remaining 6 acers of land located at 04N 03W 30 SE 6.0 SE 1/4 NE 1/4 Sec. 30 Twp 04N Rge 03W, B.M. the total amount of diversion consisted of 0.1200 cfs to my knowledge it is still irrigated in this manner.

James N Smith
(Signature)
4-14-2006

Dawn A. Zabel
19727 Wagner Rd
Caldwell, Idaho

Alt.: Kimberly Brown

Idaho Department of Water Resources,
Western Region
2735 Airport Way
Boise, Idaho 83705-5082





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAWN & TERRY ZABEL
19727 WAGNER RD
CALDWELL ID 83607

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-32098

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 April 19, 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.

Memorandum

To: Adj. Claim File #63-32098

From : J. Westra,

Date: 3/20/06

RE: Request for Field Examination of Claim #63-32098

This memo is the result of a complaint received from Mrs. Zabel regarding the lack of waste water that she is entitled. Her complaint letter discusses issues with a neighbor Sanchez taking her waste water and applying it to their fields. There are many unanswered questions regarding the Zabel's claim. The validity of this claim needs to be verified to establish a foundation for our office to follow-up the complaint.

From initial review, it appears neither Zabel or Sanchez are in the Pioneer Irrigation District. Possibly, Sanchez may not have any water rights.

Enclosure—3/14/06 Zabel Complaint letter.

John Westra

March 14, 2006

RECEIVED

MAR 16 2006

WATER RESOURCES
WESTERN REGION

John Westra
Idaho department of water resources
2735 airport way
Boise, Idaho 83705

My name is Dawn Zabel I am writing you with some concerns I have with our water rights

system and enforcement there of. Last year I applied for Federal water rights to my property and upon receiving it have had nothing but trouble in getting someone to enforce them.

I bought my home in 1999 and at the time it was all one parcel however it was split and sold to a Josephen and Enreque sanchez this property I know was sold with no water rights because none were given. My place the original home site had the only water rights available. In March of 2002 My husband and I were confronted by a Felipe ubva who spoke very little english and stated we had to many ditches on his property. We informed them that this property had been irrigated like this since 1935 or better and that we were not willing to change our ditches as that would create problems for our back 6 acers which was and had been in pasture land for many years. He then stated that he was going to remove our ditches (3) and leave us with none. We informed him that he could not do that as we had what is called a prescriptive use easment of thier property and that these ditches carried waste water to and away from farmers crops and to a main drainage point. He stated that we were wasting his land . At the time of his purchase. They were informed there was no water rights to this said property. That spring we watered but not with out problems if we began watering they would steal the water. We had the sheriff come out on more than one occasion to deal with the issue. Then the next spring 2004 they hired a man to come in and tear out all the ditches which brought water to us" the down stream user" Then we got with the farmer who has a very large farm next to us and convinced them to put back in a ditch which would give us water. This ditch ran along the center fence which divided the two properties. They were angry and felt we should pay to have the ditches put back in and thier ground leveled. We said no you tore them out you fix it. They did but not with out further problems from them. Once again they would steal the water from us prevent us from getting it. Then last year in March they went in and cut out the last ditch at the center and prevented us from watering at all until September when I went out to find they were watering there pasture while preventing us from watering ours. Mind you my back 6 acers were burnt up I had pulled all

livestock off of it and began feeding hay. It was at this point I crossed the fence dug out the ditch.. I was not able to save the pasture at that point. I however was forced to sell 10 head of cattel and 3 horses due to lack of winter feed. I generally due not feed till after the first snow however I began feeding in September. Now mind you I had applied for my water rights, was given the go ahead for them informed the neighbors of it and was still unable to water with my federal water rights. We had the sheriff come out inform them of this and the neighbors refused to do anything.

I must inform you that these people do not own the property, it is thier cousin that does. The Felepha Ubva and Felepha Mora who are causing the damage have made threats to us and our livestock. We have had the sheriff out on more then one occasion and yet are still unable to get water to our property. I can not afford to have a second year of loss on this property due to a angry Hispanic who does not understand the Law and how it applies to them further more who does not even own it. They have Gopher problems and holes the size of 5 gallon buckets in the ditches which have caused problems not only for me but the farmer next to them. They do not take care of the ditches instead they put black plastic in them tirers you name it you'll find it.

. We are approching another year and in about 30 day will or should recieve water. However I will not because they once again will not allow us to do so.. They have placed cattel as well as goats on the ditch banks destroying the ditch which I dug out last september. At this time I am enclosing thier names and address as well as my water right numbers location and plot as well as point of diversion in hopes this will assist your office in dealing with this problem. I am disabled and earn a living raising livestock off this property and am hopefull your office can be of assistance in getting this resolved.

Thank You
Dawn A Zabel
19727 wagner rd
Caldwell Idaho 83607
208-454-0132 or 695-0306

(said Owners)

Enrique and Josephanie Sanchez
606 19th Ave
Nampa Idaho

Felepha Mora Cell 571-0593 home 455-1752
510 west Hazel
Caldwell Idaho

Felepha Ubva
address unknow.

My address is

Dawn Zabel
19727 wagner rd
Caldwell Idaho 83607
208-454-0132 or 208-695-0306
water right #63-32098
claim date 4-21-2005 new
original date on property 07-01-1934
parcel No.1R35507-000-0
township 1/4 of 1/4 of 1/4 lot of 04N 03W 30 SE of NE Canyon