

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 63-32287
Date Received: 4/20/2006
Receipt No: W034072
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUSTY FOREMAN Phone: (208)459-7130
21395 W CHICAGO ST
CALDWELL ID USA 83607

KELLIE FOREMAN Phone: (208)459-7130
21395 W CHICAGO ST
CALDWELL ID USA 83605

2. Date of Priority: 02/14/2006

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	16	NE SE 8	CANYON	

5. Description of diverting works:

Well

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	16	NE SE	8	DOMESTIC	

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:

15. Basis of Claim: Beneficial Use

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. ALB-32287
Date Received 4-20-06
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NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Rusty / Kellie Foreman Phone (208) 459-7130
Mailing Address 21395 W. Chicago St. Caldwell ID Zip 83607

2. Date of Priority (Only one per claim) 1929-1930-2006 Month/Day/Year

3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 4 North Range 3 West
Section 16, _____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot 8, BM.,
County of Canyon

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from January 1 ^{Month/Day} to December 31 ^{Month/Day} amount 0.04 cfs ^(cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - Single Residence

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 4 North Range 3 West
Section 16, NE 1/4 of SE 1/4, Govt. Lot 8, B.M.,
County of Canyon for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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.

~~Beneficial Use Irrigation diversion of water from Boise River - Claim # 63-19763~~

14. Remarks: Please See attached legal description of Land.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X 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) [Signature] Date 4-20-06

[Signature] Date 4-20-06

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 20th day of April 2006

Notary Public A. Michelle Davis

Residing at Caldwell Idaho

My Commission Expires 4-15-10

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant



It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.





*Skinner Land
Survey Co. Inc.*

2512 S. Georgia Ave.
Caldwell, Idaho 83605
(208) 454-0933
Fax (208) 454-9492

Greg L. Skinner, PLS
Michael Byrns, PLS
Rodney Kahle-Clark, PE

**Boundary Description
of Parcel 2
for Todd Foreman**
Job No. AU1105

/ Rusty & Kellie Foreman

A parcel of land situate in Government Lot 8, Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

Commencing at a brass cap marking the east quarter-section corner of Section 16, Township 4 North, Range ~~4 North~~ ^{3 West}, Boise Meridian;
Thence S00°17'00"W, 1,280.82 feet along the east line of Government Lot 8;
Thence S77°56'20"W, 119.10 feet to a set 1/2" rebar;
Thence continuing S77°56'20"W, 201.18 feet to a set 1/2" rebar, the POINT OF BEGINNING:

Thence continuing S77°56'20"W, 195.78 feet to a set 1/2" rebar;

Thence N27°15'00"W, 240.00 feet to a set 1/2" rebar;

Thence N02°43'55"E, 67.10 feet to a set 1/2" rebar;

Thence N50°42'00"W, 198.38 feet to a set 1/2" rebar;

Thence S73°56'30"E, 253.60 feet to a set 1/2" rebar on the south bank of the Boise River Slough;

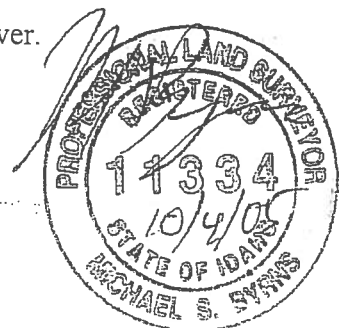
Thence N85°07'00"E, 142.85 feet along the south bank of the Boise River Slough to a set 1/2" rebar;

Thence S12°03'40"E, 314.07 feet to the POINT OF BEGINNING.

The above-described parcel contains 1.94 acres, more or less.

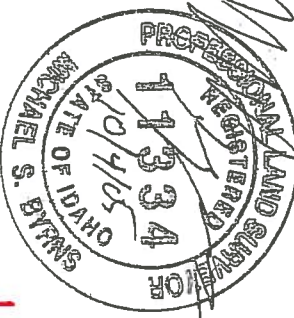
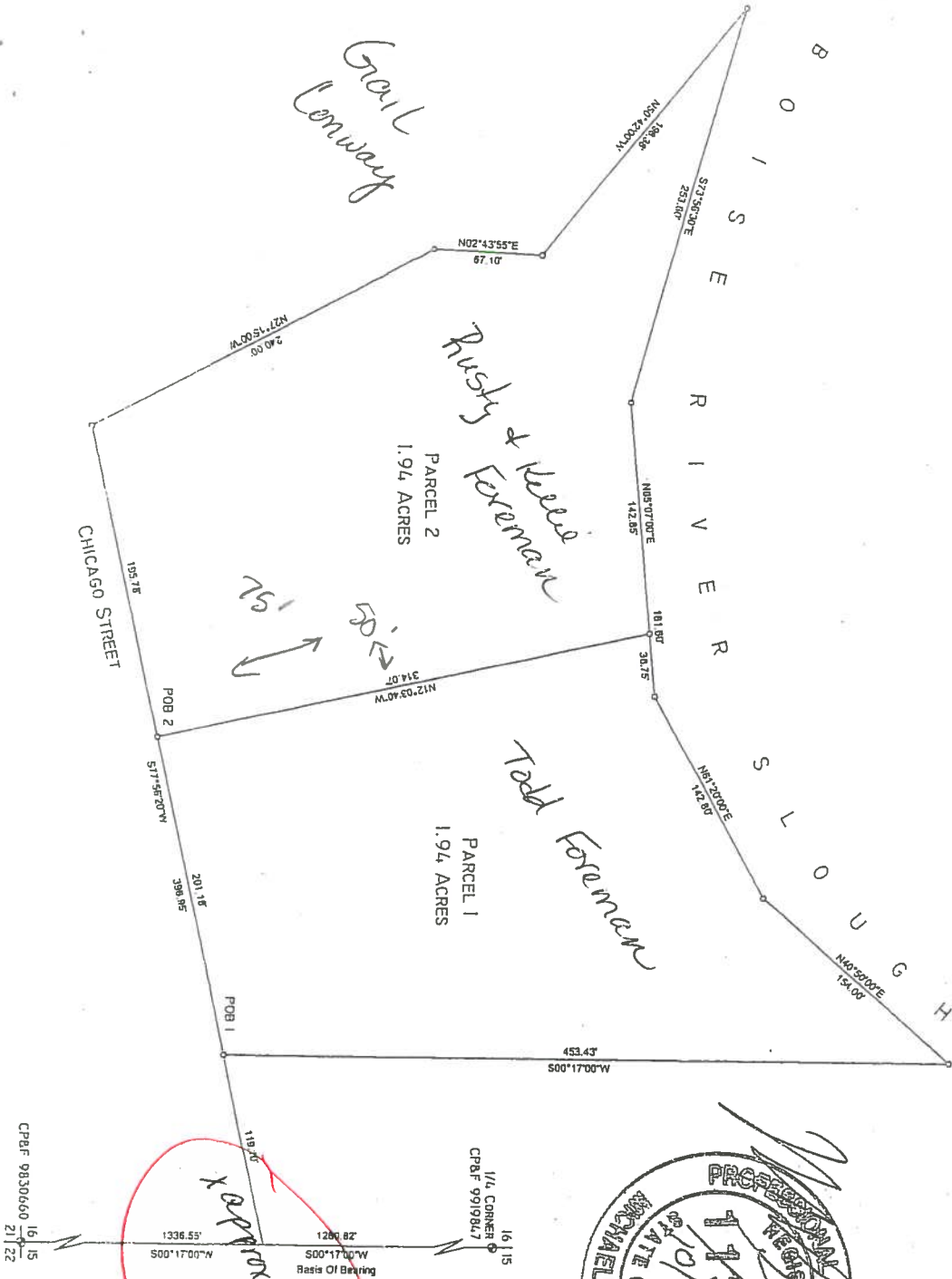
Subject to any easements or rights-of-way of record or apparent.

Subject to claims by the State of Idaho regarding the limits of the Boise River.



RECORD OF SURVEY

Situate in Government Lot 8, Section 16,
Township 4 North, Range 3 West, Boise Meridian,
Canyon County, Idaho



LEGEND

- Φ FOUND BRASS CAP
- SET 1/2" REBAR

SCALE 1" = 50'



5/31/06:
this POD depiction refers
to 63-19763 (63-32288)
from the
Boise River, I believe. So, it is
not applicable to #63-32287.

- Kimberly Brown

INDEX No. 434-16-2-1-0-00-00

Foreman

Drawn By	MSB
Date	Oct. 2, 2005
Book	
Job No.	AU1105

Skinner Land
Survey Co. Inc.
2012 S. Georgia Ave.
Coeur d'Alene, ID 83814
(208) 764-0920

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Well ID No.			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat:	:	Long:	:

1. WELL TAG NO. D 0042566
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:

Name DUGGER CONSTRUCTION
Address 14774 BEACH CHERRY
City NANPA State ID Zip 83651

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 4 North ☒ or South ☐
Rge. 3 East ☐ or West ☒
Sec. 16 1/4 NE 1/4 SE 1/4
Gov't Lot _____ County Canyon
Lat: _____ Long: _____
Address of Well Site 21395 W Chicago
City Caldwell
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____ (Replacement etc.)

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
Dry Granular Bentonite + cuttings	0	18	450 lbs	Over bore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 86Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+2	86	1/4	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe 7' Length of Tailpipe 0Packer ☒ Y ☐ N Type figure R

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation Pull Back

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
91	96	14		5	SS	☒	☒
						☐	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

4' ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

Sanitary Well Cap

12. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
30	11/4	20	15 min

Water Temp. 59° Bottom hole temp. N/AWater Quality test or comments: ClearDepth first Water Encounter 16

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	3	Sandy Soil		☒
10	3	5	Gravel		☒
10	5	16	Sandy Clay + Gravel		☒
10	16	18	Gravel	☒	
6	18	30	Gravel	☒	
6	30	38	Sandy Clay		☒
6	38	48	Brn Clay		☒
6	48	90	fine sand	☒	
6	90	96	Med Sand	☒	
6	96		Brn Clay		☒

Completed Depth 96' (Measurable)Date: Started 2-8-06 Completed 2-9-06

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed. SYLVAN ADAMSONCompany Name DOMESTIC PUMP + DRILL Firm No. 483Principal Driller S Adamson Date _____and Driller or Operator Cur M Date 2-14-06

Operator I _____ Date _____

Principal Driller and Rig Operator Required.

Operator I must have signature of Driller/Operator II.

05/31/2006

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

RIGHT NUMBER: 63-32287

NAME AND ADDRESS: RUSTY FOREMAN
21395 W CHICAGO ST
CALDWELL ID 83607

KELLIE FOREMAN
21395 W CHICAGO ST
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 02/14/2006

POINT OF DIVERSION:

T04N R03W S16 NESE Lot 8 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within CANYON County

T04N R03W S16 Lot 8 NESE

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

The quantity of water decreed for this water right 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32287

WATER RIGHT NUMBER: 63-32287 ✓

Owner Type

Current Owner

Name and Address ✓RUSTY FOREMAN
21395 W CHICAGO ST
CALDWELL, ID 83607
(208)459-7130 ✓

Current Owner

KELLIE FOREMAN
21395 W CHICAGO ST
CALDWELL, ID 83607
(208)459-7130 ✓← This is not the property address
of the new house built on
Parcel No. R 3495901000.

Priority Date: 02/14/2006 ✓

Basis: Beneficial Use ✓

Status: Active

30 gal./min. = 0.067 cfs

Source

GROUND WATER ✓

TributaryBeneficial Use

DOMESTIC ✓

From To ✓

01/01 to 12/31 ✓

Diversion Rate ✓

0.040 CFS ✓

Annual VolumeTotal Diversion: 0.040 CFS ✓Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

L8 (NE1/4SE1/4) ✓

Sec. 16, Twp 04N, Rge 03W, B.M. ✓

Place of Use

DOMESTIC ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	03W	16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				
															L 8				

Conditions of Approval:ADD X01 - Domestic use is for 1 home.Remarks:ADD N11 & N13 -Comments:

Parcel No: R 3495901000 (1.81 AC) 1.94 AC

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: 63-32287

RUSTY FOREMAN
21395 W CHICAGO ST
CALDWELL ID 83607
Telephone Number: (208)459-7130

KELLIE FOREMAN
21395 W CHICAGO ST
CALDWELL ID 83607
Telephone Number: (208)459-7130

RECEIVED
OCT 19 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:

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

DATE: 10-11-06

SIGNATURE: Kellie Foreman

Please print your name: Kellie Foreman

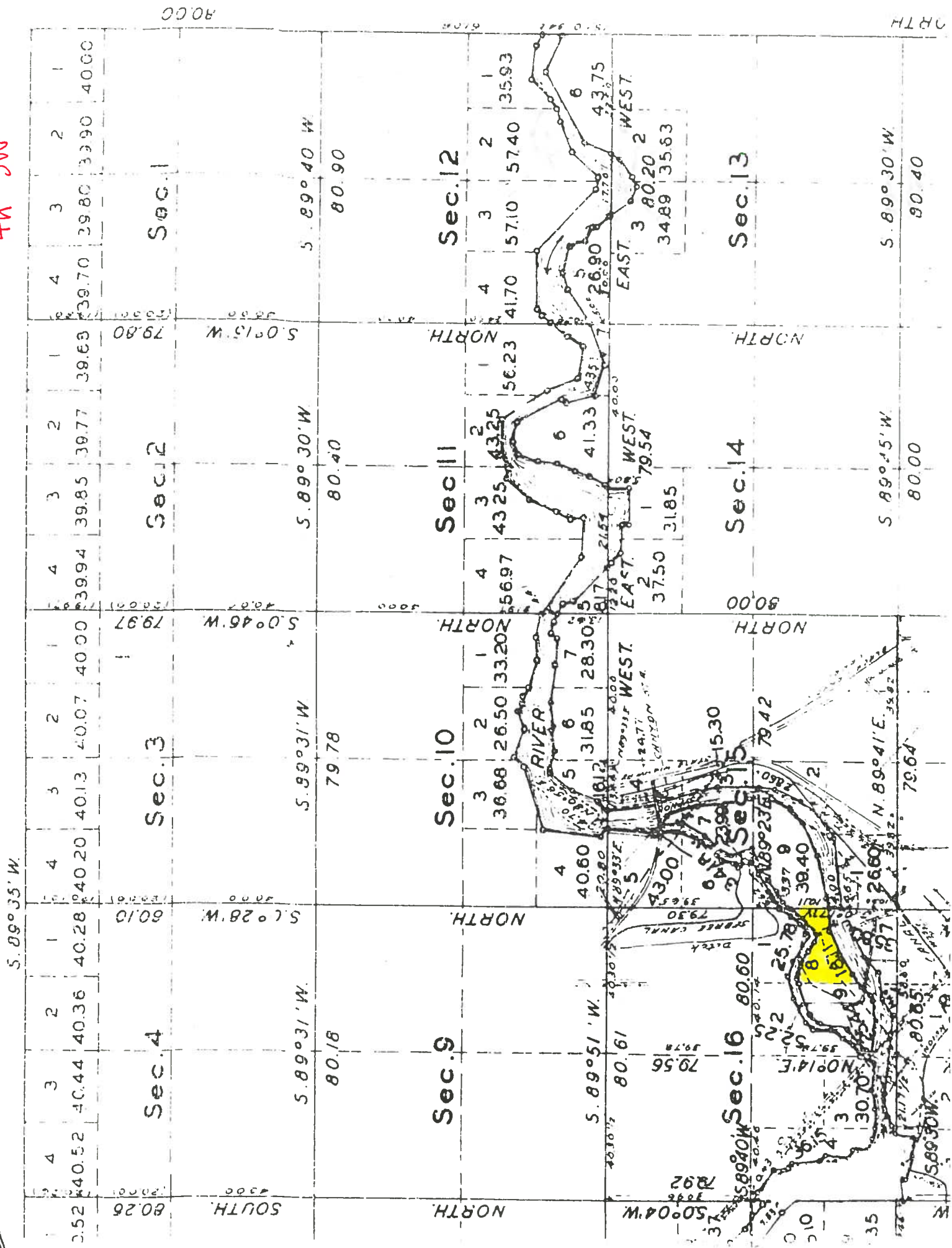
IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

NESE

#63-32287 2004 NAPP

I assume the home is located in this general vicinity.





REAL PROPERTY INQUIRY

+++++

01 6R34959-000- -0 122-00 G SCH132+ 12 5,830

+++++ 12 24,000

FOREMAN TODD H

+

+

+

+

+

120 CRESTLINE AVE

+

CALDWELL ID 83605

+

+++++

16-4N-3W SE + TOTAL 29,830 1.81

TAX 6 IN LOT 8 LESS HWY

+++++

+ SURVEY INST 9827510

+ DRAIN DR VALUE APPR TAM

+ CLASS REAP 05 MAN UNIT 0

21395 W CHICAGO ST, CA

+ PARCEL 6R04N03W167300 H/O N C/B N

+ PRIOR ACCOUNT 5R34959-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R34959000 0 UNIT 001 TOTAL UNITS

SITE E CHICAGO ST CA SEC/TWN/RNG 16-4N-3W

ASSESSED VALUE 29,830 ACREAGE 1.81

SUB/PARK NAME YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO