

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: 63-21511

EDWARD MC NELIS
621 N ROBINSON RD
NAMPA ID 83687
Telephone Number: (208)466-9107

VONZAE MC NELIS
621 N ROBINSON RD
NAMPA ID 83687
Telephone Number: (208)466-9107

RECEIVED

OCT 13 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:

OCT 10 - 2006

SIGNATURE:

Edward I Mc Nelis

Please print your name:

Edward I Mc Nelis

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

12/10/2006

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

RIGHT NUMBER: 63-21511
NAME AND ADDRESS: EDWARD MC NELIS
621 N ROBINSON RD
NAMPA ID 83687

VONZAE MC NELIS
621 N ROBINSON RD
NAMPA ID 83687

SOURCE: WEST HARTLEY GULCH DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.580 CFS
9.50 AFY

PRIORITY DATE: 04/15/1965

POINT OF
DIVERSION: T05N R03W S22 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	9.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	9.50 AFY
IRRIGATION	03/01 11/15	0.580 CFS

PLACE OF USE: IRRIGATION in CANYON County
T05N R03W S27 NWNE 29.00
IRRIGATION STORAGE in CANYON County
T05N R03W S22 SWSE
IRRIGATION FROM STORAGE in CANYON County
T05N R03W S27 NWNE 29.00

29 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



Idaho Department of Water Resources

63-21511

05N 03W S22

05N 03W S27



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 29.0

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 09-19-06
1986-87 Photography

Adjudication Recommendation Report 63-21511 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES F COTTER 1070 GRAVENSTEIN S SEBASTOPOL, CA 95472 (707)823-4808
Current Owner	EDWARD MC NELIS 621 N ROBINSON RD NAMPA, ID 83687 (208)466-9107
Current Owner	VONZAE MC NELIS 621 N ROBINSON RD NAMPA, ID 83687 (208)466-9107

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		9.50 AF
IRRIGATION FROM STORAGE	03/01	to 11/15		9.50 AF
IRRIGATION	03/01	to 11/15	0.580 CFS	
		<u>Total Diversion:</u>	0.580 CFS	9.50 AF

Place of Use
IRRIGATION STORAGE

[illegible][illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21511 V1

Total Acres: 29

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	03W	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	29.0
				29.0															

Total Acres: 29

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. Igraves 9/19/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3802900000.

2. Igraves 9/19/2006 Pond Volume

Comment: Claimant estimated the pond size at 9.5 af (115 ft x 600 ft x 6 ft deep) when he amended this claim to include a storage component for the pond. The field examiner calculated the surface area at 2.3 acre based on ArcView technology. The claimant told the examiner that the pond was 8 ft deep. The examiner stated that the pond was shallow along the edges. Using a coefficient factor of .4 to account for slopes, 2.3 ac x 8 ft x .4 = 7.4 af. Based on this information, 9.5 af listed on the claim was recommended since pond depth and slopes are variable and cannot be determined without as built plans.

3. Igraves 9/19/2006 Source

Comment: Source was clarified to West Hartley Gulch Drain based on the field exam and topo map.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Adjudication Claim Report 63-21511

WATER RIGHT NUMBER: 63-21511

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES F COTTER 1070 GRAVENSTEIN S SEBASTOPOL, CA 95472 (707)823-4808
Current Owner	EDWARD MC NELIS 621 N ROBINSON RD NAMPA, ID 83687 (208)466-9107
Current Owner	VONZAE MC NELIS 621 N ROBINSON RD NAMPA, ID 83687 (208)466-9107

Priority Date: 04/15/1965

Basis: Beneficial Use

Status: Active

Source

~~WASTE WATER~~

Tributary

BOISE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION STORAGE

01/01 to 12/31

~~0.800 CFS~~

9.50 AF

IRRIGATION

03/01 to 11/15

IRRIGATION FROM STORAGE

03/01 to 11/15

9.50 AF

Total Diversion:

~~0:800 CFS~~

9.50 AF

Location of Point(s) of Diversion

~~WASTE WATER~~

SW 1/4SE1/4

Sec. 22, Twp 05N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

[illegible]

Total Acres: ~~40~~

IRRIGATION FROM STORAGE same as IRRIGATION

Inn stor SWSE 522

Conditions of Approval:

1. Ownership changed by DH 6/16/2003

Remarks:

MEMORANDUM

TO: ADJUDICATION FILES 63-21511

FROM: DANIEL A. NELSON

DATE: 9/9/06

SUBJECT: FIELD EXAMINATION

This claim was filed on a wastewater for the irrigation of 40 acres. However, I found that the source for this claim is actually West Hartley Gulch. Therefore, the source should be corrected on the recommendation. This water is the only water available for this ground, so this is a primary source of irrigation.

The water for this claim is collected in a pond that has 2.3 acres of surface area and is 8 feet deep. This gives the pond a total volume of 18.4 afa. The claim is only requests 9.5 afa of irrigation storage, so this should also be corrected on the recommendation.

I measured the flow into the pond at 0.67 cfs. The flow may be higher at times and lower at others, but this seemed to be an average flow for this drainage. There is only 29 acres being irrigated out of this pond, so at an inch or 0.02 cfs per acre, the maximum irrigation diversion rate allowable is 0.58 cfs, so the 0.67 cfs is more than enough for this irrigation use.

I would recommend that this claim be recommended as follows:

Irrigation = 0.58 cfs/130.5 afa from 3/1 to 11/15 for 29 acres in the NWNE S27
Irrigation from Storage = 18.4 afa from 3/1 to 11/15 for 29 acres in the NWNE S27
Irrigation Storage = 18.4 afa from 1/1 to 12/31 in the SWSE S22

The source is West Hartley Gulch

Point of diversion is located in the SWSE S22 T5N R3W

NWSE

NESE

SWSE

The pond surface area is 2.3 acres. The pond is approximately 8 feet deep. The total pond volume is 18 afa.

T5N R3W S22

SESE

WATER
ENTERS
DITCH
HERE

WATER
ENTERS DITCH
HERE

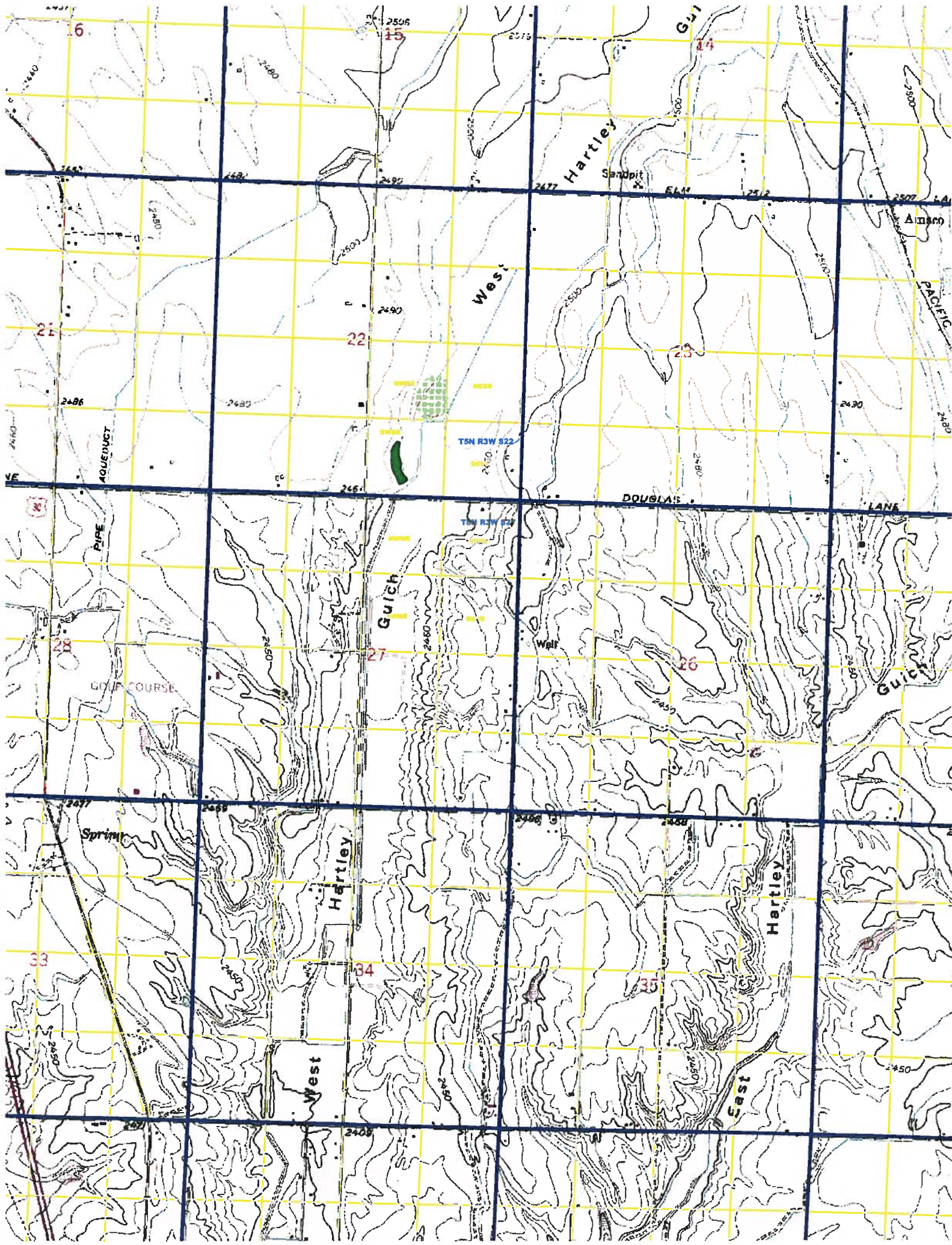
T5N R3W S27

NWNE
29 acres

NENE

SWNE

SENE



AquaCalc 5000 (tm) by JBS Instruments
 Firmware Version AQCU7b (c)1993,'94,'95,'96,'97, 1999

GAGE ID#, 0
 DATE, 8/23/06
 TRANSECT, 1
 USER ID#, 0
 STAFF HEIGHT, 0.00
 GAGE HEIGHT, 0.00
 METER ID#, 0
 AQUACALC ID#, 0
 METER TYPE, Pygmy ST1
 METER CONST. C1, 0.9770
 METER CONST. C2, 0.0280
 METER CONST. C3, 0.9770
 METER CONST. C4, 0.0280
 METER CONST. C5, 1.0000
 MEAS. SYSTEM, S.A.E. (English)
 TOTAL STATIONS, 6
 TOTAL WIDTH, 2.90
 TOTAL AREA, 0.93
 TOTAL DISCHARGE, 0.6708
 MEAN VELOCITY, 0.72

ST. Q)	,DIST	,DEPTH	,REVS	,TIME	,COS:VF	,LOC	,CLOCK	,VEL	,AREA	,FLOW(
1, 00,	1.0,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2, 44,	1.5,	0.40,	25,	41.1,	1.00,	.6,	14:17,	0.622,	0.200,	0.12
3, 92,	2.0,	0.50,	48,	40.1,	1.00,	.6,	14:18,	1.197,	0.250,	0.29
4, 80,	2.5,	0.40,	28,	41.3,	1.00,	.6,	14:19,	0.690,	0.200,	0.13
5, 92,	3.0,	0.40,	15,	40.5,	1.00,	.6,	14:21,	0.390,	0.280,	0.10
6, 00,	3.9,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 7/23/2006

FILE NUMBER 63-21511



The top photo shows the point of diversion/pond. The headgate is down in the weeds, so it can't be seen in the photo, but that would be the actual point of diversion as marked on the map.

The second photo shows where the water comes in at the western side of the irrigated field. There is a headgate in a cement ditch that can send it directly west.

The bottom photo shows where the pipe from the pond enters the middle of the ditch. This headgate also allows the water to flow both ways.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 7/23/2006

FILE NUMBER 63-21511



This photo shows the place of use on the other side of the road and on the other side of the cornfield. This photo was taken from the pond.

NWSE

NESE

T5N R3W S22

SWSE

SESE

T5N R3W S27

NWNE

NENE

SWNE

SENE



FIELD EXAM MEMO

DATE: 8/10/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-21511

The claimant added storage to this claim to account for the pond that he diverts from for irrigation. The pond has been there since 1965 according to an affidavit located in the file. Ed said the pond is about 115 wide x 600 ft long x 6 ft deep and that no pumps are used. It appears that less than 40 acres are irrigated based on the 1987 aerial photo.

Please confirm:

- Acres irrigated in 1987
- System diagram
- P/d location
- Diversion rate
- Pond volume
- Surface water shares?

I told Ed that you would be calling to schedule a site visit. His phone number is 466-9107. Thx Dan.

July 26, 2006

Idaho Department of Water Resources
Lori Graves
2735 Airport Way
Boise, Id 83705

Re: Pond on Cotter farm

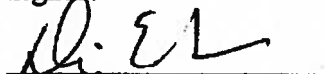
Lori,

The pond on the Cotter farm on Harvey Road, Caldwell, currently owned by Edward J. McNelis, was constructed in 1965. My father farmed this ground for many years, and was farming it when the pond was constructed.

I was a young man, and helped my father farm during the construction of the pond. I continue to farm this ground today.

The pond was constructed to catch wastewater for use in irrigating the ground on the Southside of Galloway road.

Signed:



Dennis Evans



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 4, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EDWARD & VONZAE MC NELIS
621 N ROBINSON RD
NAMPA ID 83687

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-21511

Dear Claimants,

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right 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 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 if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your pump and acres irrigated needs to be identified on the attached aerial photo. Please also provide as much detail about your diversion works as possible including pump make, horsepower, operating pressure, approximate water lift (in feet) to acres irrigated, type and number of sprinklers, etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The above requested information needs to be submitted by April 25, 2006. Please let me know if you may not be able to submit the information or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves". The signature is fluid and cursive, with the first name "Lori" written in a larger, more prominent script than the last name "Graves".

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-21511
Aerial Photo

Idaho Dept. of Water Resources

Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESW	NWSE	SWSE	SESE	Total
Rec	63 2878	BLACK CANYON IRRIGATION DIST, UNITED STATES OF AMERICA ACTING THROUGH,	ELIJAH DRAIN, WILSON DRAIN	05N03W27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 2322	MAX D HARROLD, THROUGH,	ELIJAH SLOUGH, WILSON SLOUGH	05N03W27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Claim	63 31152	MAX D HARROLD,	GROUND WATER	05N03W27					3												3
Claim	63 31153	CAROLYN L HARROLD,	GROUND WATER	05N03W27					33	30	6	32									101
Claim	63 8250	COUNTRY CLUB SUBD #3 WATER ASSN INC,	GROUND WATER	05N03W27										X							0
Rec	63 8250	COUNTRY CLUB SUBD #3 WATER ASSN INC,	GROUND WATER	05N03W27										X							0
Right	63 11177	PROPERTY OWNERS ASSN,	GROUND WATER	05N03W27											5.8						5.8
Right	63 16181	FRANCES M EBBERS, EBBERS FARMS INC, ROBERT D EBBERS,	GROUND WATER	05N03W27												X					0
Right	63 16181	FRANCES M EBBERS, EBBERS FARMS INC, ROBERT D EBBERS,	GROUND WATER	05N03W27												X					0
Right	63 19055	SIMINEO FARMS INC,	GROUND WATER	05N03W27												X					0
Right	63 19056	SIMINEO FARMS INC,	GROUND WATER	05N03W27												X					0
Right	63 20818	SUZANNE OVERMAN, BLAINE OVERMAN,	GROUND WATER	05N03W27														X			0
Right	63 21360	RONALD E SHORT, PENNY H SHORT,	GROUND WATER	05N03W27												X					0
Right	63 21360	RONALD E SHORT, PENNY H SHORT,	GROUND WATER	05N03W27												X					0
Right	63 24116	RONALD W BUATTE, CHARLA J BUATTE,	GROUND WATER	05N03W27														X			0
Right	63 24116	CHARLA J BUATTE,	GROUND WATER	05N03W27														X			0
Right	63 27107	ALVIN E COOKE, JOAN C COOKE,	GROUND WATER	05N03W27																X	0
Right	63 27107	ALVIN E COOKE, JOAN C COOKE,	GROUND WATER	05N03W27																X	0
Right	63 27526	RAY LAAN, ALICE LAAN,	GROUND WATER	05N03W27										X							0
Right	63 27526	RAY LAAN, ALICE LAAN,	GROUND WATER	05N03W27										X							0
Right	63 27526	RAY LAAN, ALICE LAAN,	GROUND WATER	05N03W27										X							0

Page 2

Page 2

[illegible]

ACCOUNT NUMBER R38029000 0 UNIT 001 TOTAL UNITS

SITE GALLOWAY RD CA SEC/TWN/RNG 27-5N-3W
ASSESSED VALUE 26,900 ACREAGE 40.00
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

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/04/2006 Time 14:56

REAL PROPERTY INQUIRY

+++++

01 2R38029-000- -0 032-00	SCH134+	01	21,800	26.40
		05	350	10.50
MC NELIS, EDWARD J	+	19		3.10
& MC NELIS, VAN ZAE H/W	+			

+

+

+

+

621 N ROBINSON RD

NAMPA ID 83687

+

+++++

27-5N-3W NE	+	TOTAL	22,150	40.00
NW NE				

+++++

+ SURVEY INST 200115177

+ DRAIN DR VALUE APPR MKB

+ CLASS REAP 98 MAN UNIT 0

GALLOWAY RD, CA

+ PARCEL 2R05N03W270600 H/O N C/B N

+ PRIOR ACCOUNT 1R38029-000- -0

+ 02 MH on Property NO

Search Information - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://wwwnet/Apps/appsmisc/infoSearch.asp

Google Search Popups okay Check Autolink Options

Information Search (WR/AJ)

Basin	Sequen	Suffix	Verio	Source Table	Basin	Status	Priority Date	DI	Source List	Water Use List	Owner List	Water Sup
13	13501			13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501	13501.13501.13501

The number of records is 1

View Documents Print Proof Report Print Transfer Part 2 Update Arview

Parameters Results

Done Local intranet

Receipt Details for ID W011046

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/14/1990 1:53:28 PM	3/14/1990	Western	\$115.00	Check
Payer		COTTER, JAMES F.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
102			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$115.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	21512		\$90.00	Claim
63	21511		\$25.00	Claim

5) Fees are backwards

Print Report

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

AMENDED

Ident. Number 63-21511
Date Received: 3/14/1990
Receipt No: W011046
Received By:

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

1. Name of Claimant(s)

EDWARD MC NELIS Phone: (208)466-9107
621 N ROBINSON RD
NAMPA ID USA 83687

VONZAE MC NELIS Phone: (208)466-9107
621 N ROBINSON RD
NAMPA ID USA 83687

2. Date of Priority: 04/15/1965

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	03W	22	SW SE	CANYON	

5. Description of diverting works:

DAM, G.F. PIPELINE, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.8	
IRRIGATION STORAGE	01/01	12/31		9.5
IRRIGATION FROM STORAGE	03/01	11/15		9.5

7. Total Quantity Appropriated is:
0.8 C.F.S. and/or 9.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	03W	27	NW	NE	IRRIGATION	40
Section Acres						40
Total Acres						40

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:

Pond size is about 115 ft wide x 600 ft long x 6 ft deep

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Edward McFelix Date: 8/14/06

_____ Date:

State of Oregon)
~~Idaho~~) SS.
County of Malheur)

Subscribed and sworn (or affirmed) before me this 14th day
of August 2006
Margaret E. Tiffany
Notary Public

Residing at Vale, Oregon
My commission Expires May 14, 2007



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 63-21511
Date Received: 3/14/1990
Receipt No: W011046
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD MC NELIS
621 N ROBINSON RD
NAMPA ID USA 83687

Phone: (208)466-9107

VONZAE MC NELIS
621 N ROBINSON RD
NAMPA ID USA 83687

Phone: (208)466-9107

2. Date of Priority: 04/15/1965

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	03W	22	SW SE	CANYON	

5. Description of diverting works:

DAM, G.F. PIPELINE, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
05N	03W	27	NW	NE	IRRIGATION	40
					Section Acres	40
					Total Acres	40

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:

Ownership changed by DH 6/16/2003

15. Basis of Claim: Beneficial Use

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

RECEIVED
JUN 10 2003
WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-21511				

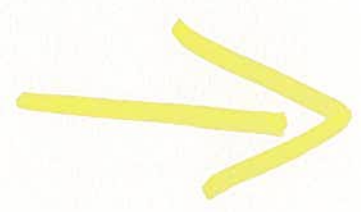
2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **N/A**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) JAMES F COTTER
1070 GRAVENSTEIN S SEBASTOPOL CA 95472
4. New Owner/Claimant(s) EDWARD J. AND VONZAE McNEILS
 Name Connector (Check one): ☒ and, [] or, [] and/or
- New Mailing Address 621 N. Robinson Rd
- City, State and ZIP Code NAmpa, ID 83687
- New Telephone Number (208) 466-9107
5. Date you acquired the property MARch 10, 2001



INSTRUMENT NO. 200108867

PC36780

WARRANTY DEED**RECEIVED****JUN 10 2003**WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED James F. Cotter, an unmarried person

the Grantor does hereby grant, bargain, sell and convey unto Bryan Brewer, a married person

the Grantee, whose address is 621 N. Robinson Rd, Nampa, ID 83687

the following described premises, to-wit:

The East Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter in Section 22, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

63-21512 (SESE)

AND

The Northwest Quarter of the Northeast Quarter in Section 27, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

63-21511

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises and that said premises are free from all encumbrances; except for general taxes and assessments for the year 2001 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

DATED March 5, 2001

James F. Cotter
James F. Cotter

STATE OF CALIFORNIA

COUNTY OF BEXAR

7th day of March, in the year 2001, before me, a Notary Public, appeared James F. Cotter, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Belen B. Longoria
Belen B. Longoria

Notary Public for BEXAR COUNTY, TEXAS
My commission expires 12/30/03

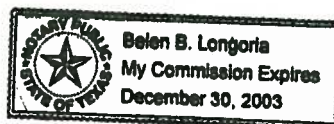
REQUEST PIONEER - CALDWELL
TYPE 1008 FEE 3.00

BY *C. McLaughlin*
C NOEL HALES
CANYON CNTY RECORDER

01 MAR 9 PM 4 31

RECORDED

200108867



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

200115177

WARRANTY DEED

RECEIVED

JUN 10 2003

WATER RESOURCES
WESTERN REGION

For Value Received Bryan Brewer, a married person the Grantor, does hereby grant, bargain, sell, and convey unto Edward J. McNelis and Von Zae McNelis, husband and wife, the Grantees, whose address is 621 N. Robinson Rd., Nampa, Id 83687, the following described premises, to wit:

The East Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter in Section 22, Township 5 North, Range 3, West of the Boise Meridian, Canyon County, Idaho.

And

The Northwest Quarter of the Northeast Quarter in Section 27, Township 5 North, Range 3, West of the Boise Meridian, Canyon County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances; except for general taxes and assessments for the year 2001 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.



Given under my hand and seal of office this 10th day of June 2003.

Notary Public for the State of Idaho

McNelis, Edward J. & Von Zae McNelis
621 N. Robinson Rd.
Nampa, ID 83687
JUN 10 2003
RECORDED

200115177

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-21511
Date Received: 3/14/1990
Receipt No: W011046
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES F. COTTER 707-823-4808
Address: 1070 GRAVENSTEIN SOUTH
SEBASTOPOL, CA 95472

2. Date of Priority: APR 15, 1965

3. Source: WASTEWATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	22	SW	SE			CANYON

5. Description of diverting works:
DAM, G.F. PIPELINE, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	27	NW	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A63-21511

Page 1

Date: 03/14/90

MICROFILMED

SEP 03 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James F. Potter Date: Mar. 14, 1990

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of March 19 90

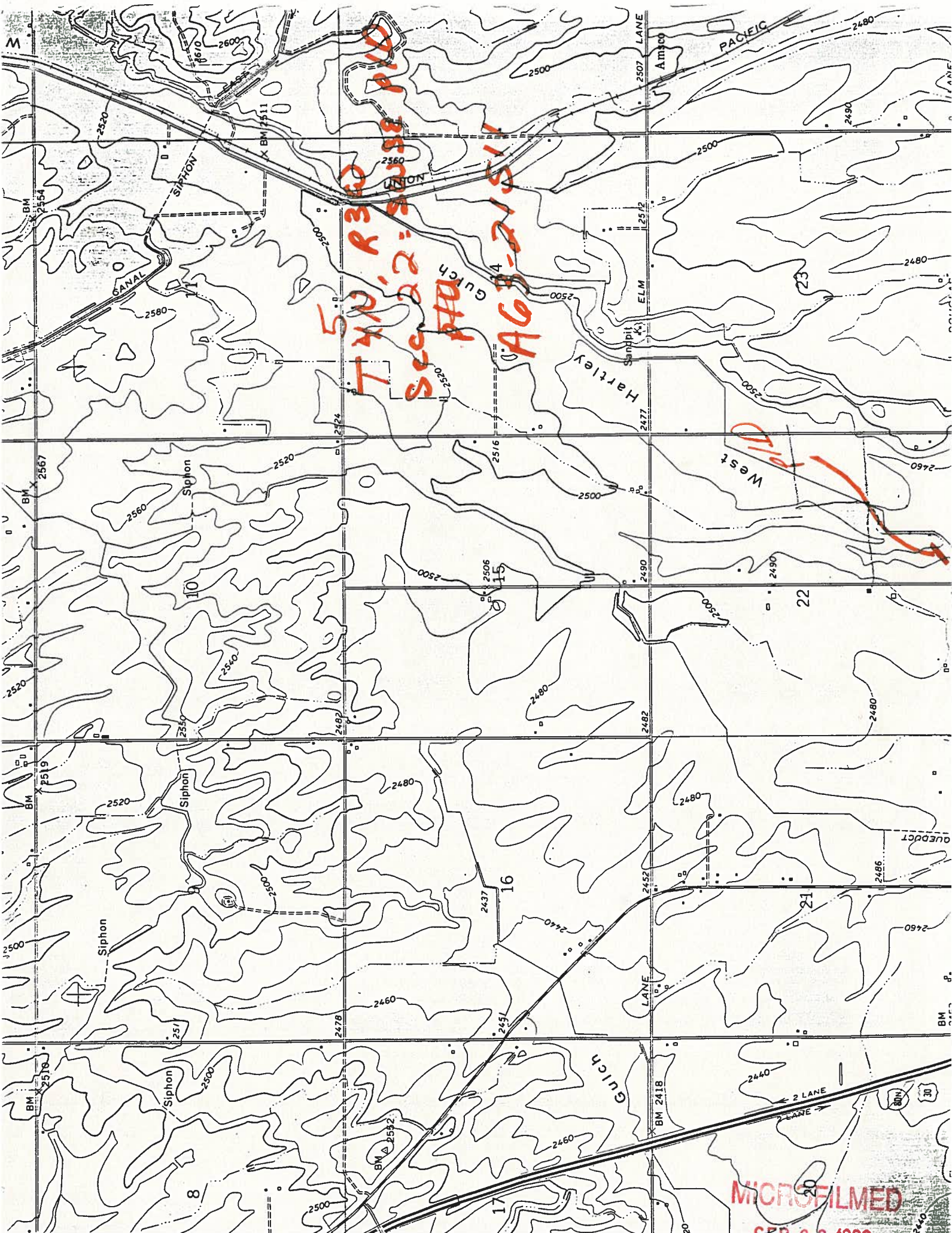
Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires DEC. 8, 1994

T 47N. R 3W
Sec. 27, NWNE = P/U
AG 3-21511







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 17, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EDWARD J MC NELIS
VONZAE MC NELIS
621 N ROBINSON RD
NAMPA ID 83687

Re: Notice of Claim to a Water Right No. 63-21511

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

In reviewing this change of ownership, it was discovered that Mr. Cotter also had water rights for Domestic and Stockwater uses under water right number 63-21512. A copy of this water is enclosed for your review. If you acquired these water rights also, please advise this office, and we can make the appropriate changes. The appropriate filing fee for this particular water right change of ownership is \$25, as it has been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region Office

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2003

EDWARD MC NELIS
621 ROBINSON RD
NAMPA ID 83687

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-21511

Dear Property Owner(s):

We have been advised you may be the current owner of the property with the water right referenced above. Enclosed is a copy of the water right for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

6-9-03

Denise Hatfield - I have enclosed the requested information that includes the deeds of record on property - we own free and clear. Please call if you need any more information. 466-9107

Thanks for your help - Ed Mc Nelis
621 North Robinson Rd
Nampa, Id 83687

RECEIVED

JUN 10 2003

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2003

EDWARD MC NELIS
621 ROBINSON RD
NAMPA ID 83687

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-21511

Dear Property Owner(s):

We have been advised you may be the current owner of the property with the water right referenced above. Enclosed is a copy of the water right for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region

DH: dh

Enclosures