

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 63-32501
Date Received: 3/22/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

A & E FAMILY ENTERPRISES, LLC Phone: (916)660-0115
C/O ALBERTA & EUGENE DAFFNER
7220 KING ROAD
LOOMIS CA USA 95650

2. Date of Priority: 03/15/1953

3. Source: ROSS EAST END DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	06W	12	SE SW SE	CANYON	

5. Description of diverting works:

2 PUMPS, 5 AND 7.5 HP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	03/15 11/15	0.71	

7. Total Quantity Appropriated is:
0.71 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	06W	12	SW SE	IRRIGATION	23
				Section Acres	23

Total Acres 23

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 right is a split from former right 63-4297 .

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 02 2006

WATER RESOURCES
WESTERN REGION

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4297					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *was told 'no fee due'*
- 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). *Already in file*
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) JOYCE^I and WENDELL K. KAU
30327 HEXON Rd PARMA, ID 83660
4. New Owner/Claimant(s) A+E FAMILY ENTERPRISES, LLC (ALBERTA + EUGENE DAFFNER)
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 7220 KING ROAD
- City, State and ZIP Code LOOMIS, CA 95650
- New Telephone Number 916) 660-0115
5. Date you acquired the property 12-28-2005

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

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

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

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

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

For Office Use Only

Received by by Date 10-3-06 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

15000 39071

TRUSTEE'S DEED

THIS TRUSTEE'S DEED is made by RICHARD E. CRAWFORTH, the Chapter 7 Trustee for the bankruptcy estate of ERNEST H. TUCKER and MARY L TUCKER, filed in the U.S. Bankruptcy Court for the District of Idaho, Case No. 05-02423 (the "Bankruptcy Estate"), whose address is 410 So. Orchard St., Suite 172, Boise, Idaho 83705, as Grantor, to and in favor of A & E FAMILY ENTERPRISES, LLC, whose address is, 7220 King Road, Loomis, CA, 95650, as Grantee.

THIS CONVEYANCE is subject to terms, conditions and restrictions set forth in the Order Approving Sale of Real Property entered in the above referenced Bankruptcy Case on December 16, 2005.

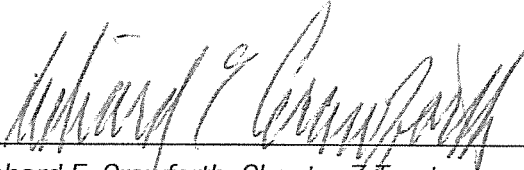
THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, Grantor quitclaims, grants, bargains, sells, transfers, and conveys to Grantee, the property as listed below, as is and specifically without any warranty of fitness, warranty of habitability, warranty of merchantability or covenants of title or possession, all of the Bankruptcy Estate's right, title, and interest in and to the following described real property in Canyon County, Idaho:

Per Legal Description attached hereto and made a part hereof marked as Exhibit "A".

Approximately 32 acres of agricultural property located near Parma, Idaho; Parcel # R39252-010 ("Property")

Together with all water rights and appurtenances thereto.

EXECUTED:


Richard E. Crawford, Chapter 7 Trustee

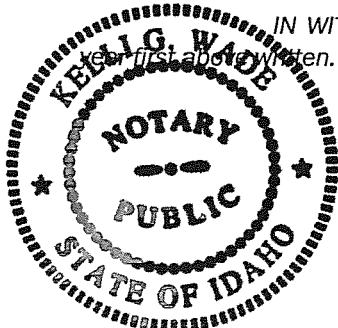
STATE OF IDAHO)

: ss

COUNTY OF Ada)

On this day, 19 December 2005, before me, the undersigned, a notary public in and for said state, personally appeared, RICHARD E. CRAWFORTH, known or identified to me to be the person whose name is subscribed to the within instrument, as the Chapter 7 Trustee of the Bankruptcy Estate of TUCKER, ERNEST H. and TUCKER, MARY L., and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and



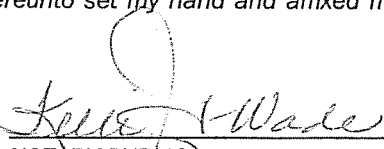

NOTARY PUBLIC
Residing at: Ada County, Idaho
My Commission Expires: 04-20-2010

EXHIBIT "A"

PARCEL 3B

A parcel of land located in the Southwest quarter of the Southeast quarter of Section 12, Township 5 North, Range 6 West, Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Beginning at the South quarter corner of said Section 12 from which the section corner common to Sections 12 and 13, Township 5 North, Range 6 West, and Sections 7 and 8, Township 5 North, Range 5 West, bears
South 87°35'01" East, 2640.22 feet; thence
along the North-South centerline of said Section 12
North 00°56'09" East 1111.10 feet; thence
South 88°35'32" East 142.81 feet; thence
North 76°47'11" East 132.60 feet; thence
North 68°33'39" East 225.58 feet; thence
North 02°04'13" East 62.38 feet to a point on the East-West centerline of the Southeast quarter of said Section 12; thence
along the East-West centerline of the Southeast quarter of said Section 12,
South 87°55'47" East 838.90 feet to the SE 1/16 corner of said Section 12, thence
along the North-South centerline of the Southeast quarter of said Section 12,
South 00°56'54" West 1308.07 feet to the East 1/16 corner of said Section 12; thence
North 44°19'10" West 350.18 feet; thence
North 87°35'01" West 195.00 feet; thence
South 02°24'59" West 240.00 feet to a point on the South boundary line of said Section 12; thence
along said South boundary line
North 87°35'01" West 870.11 feet to the POINT OF BEGINNING.

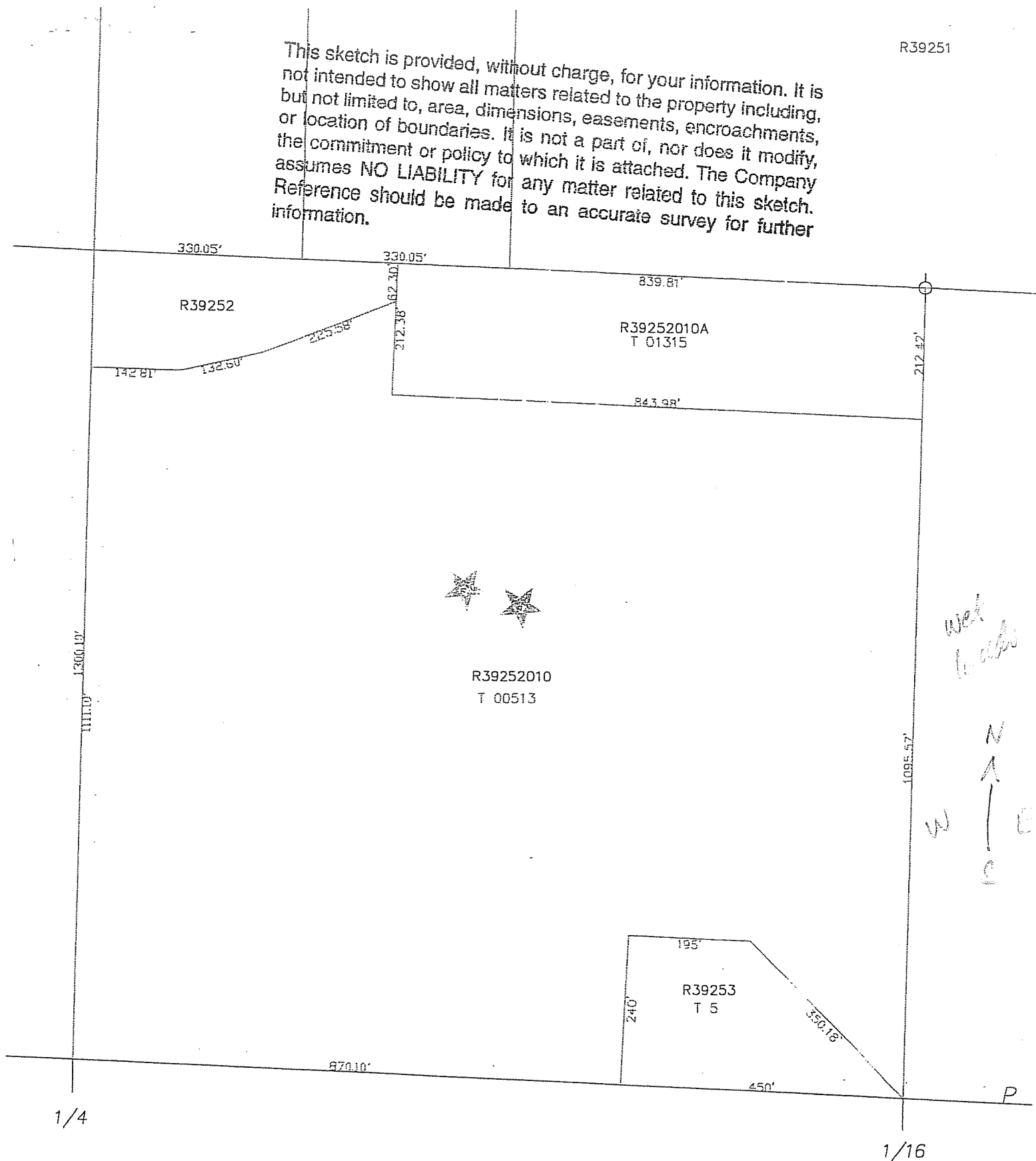
EXCEPTING THEREFROM

A parcel of land located in the Southwest quarter of the Southeast quarter of Section 12, Township 5 North, Range 6 West, Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at the South quarter corner of said Section 12 from which the section corner common to Sections 12 and 13, Township 5 North, Range 6 West, and Sections 7 and 18, Township 5 North, Range 6 West, bears
South 87°35'01" East 2640.22 feet; thence
along the North-South centerline of said Section 12
North 00°56'09" East 1300.10 feet to the centerline South 1/16 corner; thence
along the East-West centerline of the Southeast quarter of said Section 12
South 87°55'47" East 481.31 feet to the REAL POINT OF BEGINNING; thence
South 02°04'13" West 212.38 feet; thence
South 87°55'47" East 843.06 feet to a point on the North-South centerline of the Southeast quarter of said Section 12; thence
along said North-South centerline
North 00°56'54" East 212.42 feet to the Southeast 1/16 corner of said Section 12; thence
along said East-West centerline of the Southeast quarter of said Section 12
North 87°55'47" West 838.90 feet to the REAL POINT OF BEGINNING.

R39251

This sketch is provided, without charge, for your information. It is not intended to show all matters related to the property including, but not limited to, area, dimensions, easements, encroachments, or location of boundaries. It is not a part of, nor does it modify, the commitment or policy to which it is attached. The Company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.



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: A63-04297

Date Received:

Receipt No:

Received By:

W011572

1-15-93

RECEIVED

MAR 22 1993

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: WENDELL K. KAU

208-722-5884

Address: 30327 HEXON RD.
PARMA, ID

83660

AND/OR

Name: JOYCE I. KAU

208-722-5884

Address: 30327 HEXON RD.
PARMA, ID

83660

2. Date of Priority: MAR 15, 1953

3. Source: ROSS EAST END DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	12	SE	SW	SE		CANYON

5. Description of diverting works:
2 PUMPS, 5 AND 7.5 HP, SPRINKLERS

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 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-04297

Page

1

Date: 02/09/90

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	12	SW	SE		IRR	26.0
Section Acres							26.0
Total Acres							26.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

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): [Signature] Date: Feb. 7, 1990

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of February 19 90
Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



POOR ORIGINAL

6N
T5N

ROW

A63-04297

26 → Pond

770 000 F.T.
(IDAHO)

48 450000 N.

MICROFILMED
JUL 25 1994

12/10/2006

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

RIGHT NUMBER: 63-32501

NAME AND ADDRESS: A & E FAMILY ENTERPRISES, LLC
C/O ALBERTA & EUGENE DAFFNER
7220 KING ROAD
LOOMIS CA 95650

SOURCE: UNNAMED DRAIN

TRIBUTARY: ROSS EAST END DRAIN

QUANTITY: 0.460 CFS

PRIORITY DATE: 03/15/1953

POINT OF
DIVERSION: T05N R06W S12 SWSE 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	0.460 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S12 SWSE 23.00

23 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

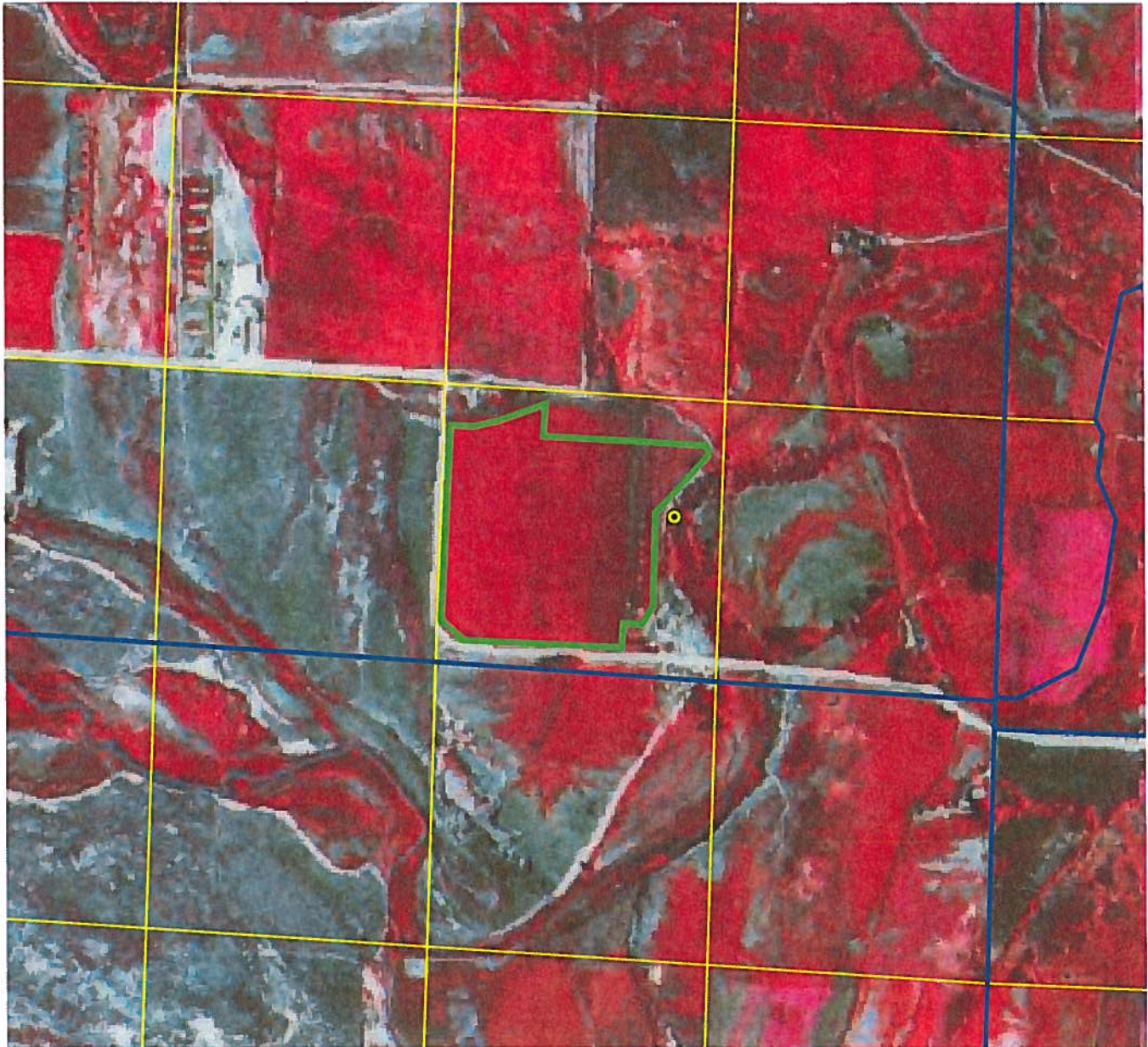
This right is a split from former right 63-4297 .



Idaho Department of Water Resources

63-32501

05N 06W S12



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 23.0

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 10-10-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32501 V1

WATER RIGHT NUMBER: 63-32501 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOYCE I KAU 30327 HEXON RD PARMA, ID 83660 (208)722-5884
Original Owner	WENDELL K KAU 30327 HEXON RD PARMA, ID 83660 (208)722-5884
Current Owner	A & E FAMILY ENTERPRISES, LLC C/O ALBERTA & EUGENE DAFFNER 7220 KING ROAD LOOMIS, CA 95650

Priority Date: 03/15/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	ROSS EAST END DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.460 CFS	
	<u>Total Diversion:</u>	0.460 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4SE1/4	Sec. 12, Twp 05N, Rge 06W, 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	
05N	06W	12																	23.0
																			23.0

Total Acres: 23

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.
2. This right is a split from former right 63-4297 .

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32501 V1

Comments:

1. Igraves 10/10/2006 Priority

Comment: An affidavit was submitted in 1995 along with an installation map from Idaho Power indicating that power for the pump was made available in 1942.

2. Igraves 10/10/2006 Excessive Flows

Comment: In 1990, a fact sheet was submitted for excessive irrigation flows, however the owner at that time stated that the irrigation system was converted from flood to sprinklers in 1978.

3. Igraves 10/10/2006 Flow Rate

Comment: A theoretical calculation was used to estimate flow rate. Pump info and location were verified during an SRBA site visit in 2005. Lift was estimated using a topo map.

Theo: $7.5 \text{ hp} + 5 \text{ hp} \times 8.8 \times .7/28 \text{ ft lift} + 5 \text{ psi} \times 2.31 = 1.95 \text{ cfs}$.

4. Igraves 10/10/2006 Overlaps

Comment: Highland Ditch Company rights appear to overlap the p/u, however, the company verified that the subject property is high ground that they do not deliver water to. See file memo.

5. Igraves 10/10/2006 Source/Trib

Comment: Source and tributary were clarified based on the topo map.

6. Igraves 10/10/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3925201000.

7. Igraves 10/10/2006 Ownership

Comment: This right is the result of a change in ownership filed by A & E Family Enterprises 10/2/06 on parent right 63-4297.

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:Water Supply Bank:

09/07/2006

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

RIGHT NUMBER: 63-4297

NAME AND ADDRESS: JOYCE I KAU
30327 HEXON RD
PARMA ID 83660

WENDELL K KAU
30327 HEXON RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: ROSS EAST END DRAIN

QUANTITY: 0.520 CFS

PRIORITY DATE: 03/15/1953

POINT OF DIVERSION:

T05N R06W S12 SWSE 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	0.520 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R06W S12 SWSE 26.00

26 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.

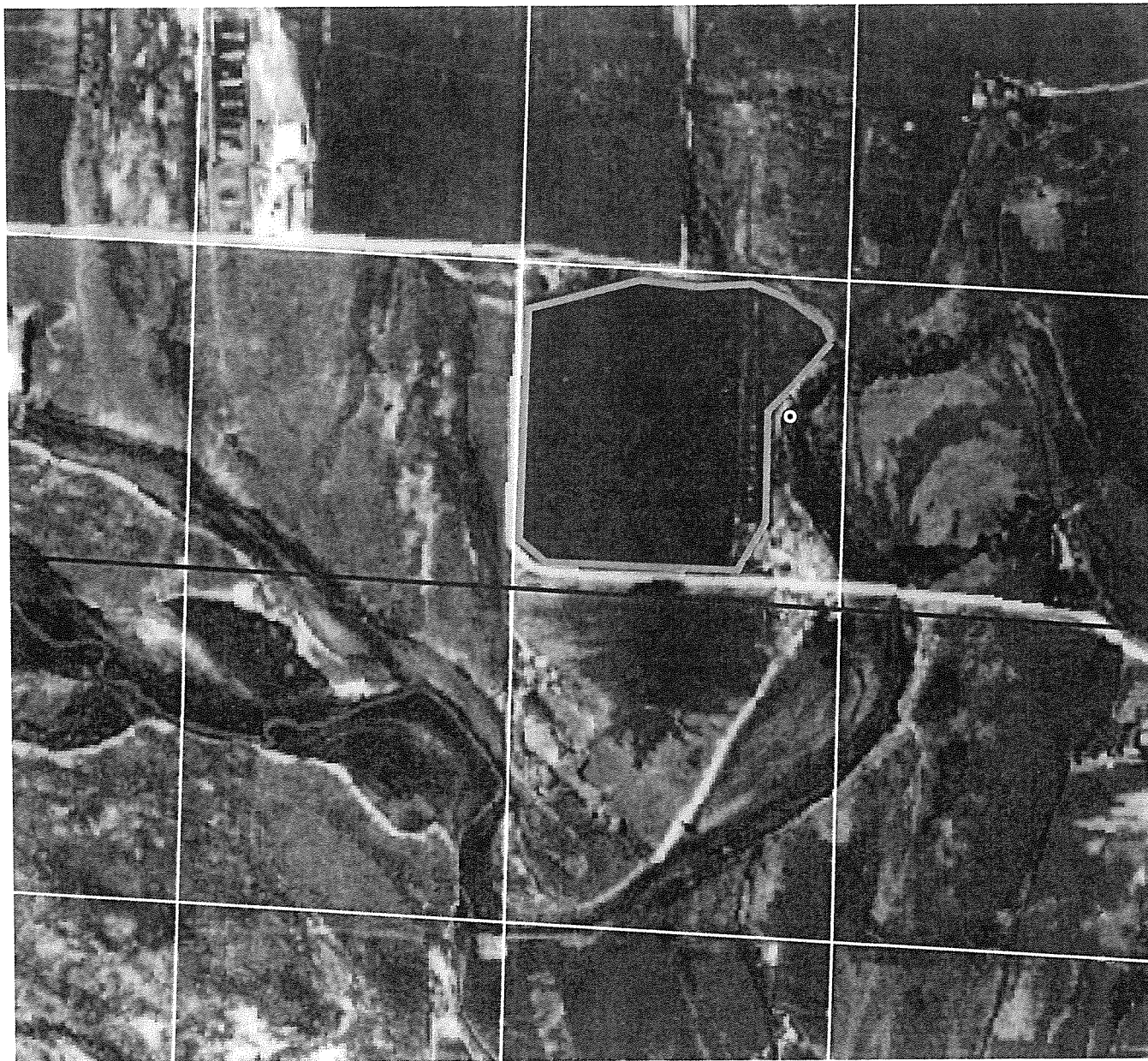
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

63-4297

05N 06W Section 12



-  POU
-  POD
-  Sections
Quarter/Quarter

Total Irrigated
Acres: 26

300 0 300 Feet



IDWR
Prepared by: Lori Graves
Date: 09-05-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4297 V1

WATER RIGHT NUMBER: 63-4297 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOYCE I KAU 30327 HEXON RD PARMA, ID 83660 (208)722-5884
Current Owner	WENDELL K KAU 30327 HEXON RD PARMA, ID 83660 (208)722-5884

Priority Date: 03/15/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	ROSS EAST END DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.520 CFS	
	<u>Total Diversion:</u>	0.520 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4SE1/4	Sec. 12, Twp 05N, Rge 06W, 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	
05N	06W	12															26.0		26.0

Total Acres: 26

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4297 V1

Comments:

1. Igraves 9/7/2006 Ownership

Comment: The property has transferred between various owners. As of 5/15/06, Canyon County Assessor stated that the current owner was Earnest and Mary Tucker. See file for additional information.

2. Igraves 9/7/2006 Priority

Comment: An affidavit was submitted in 1995 along with an Idaho Power *installation map* indicating that power for the pump was installed in 1942.

3. Igraves 9/7/2006 Excessive Flows

Comment: In 1990, a fact sheet was submitted for excessive irrigation flows, however the owner stated on the sheet that the irrigation system was converted from flood to sprinklers in 1978.

4. Igraves 9/7/2006 Flow Rate

Comment: A theoretical calculation was used to estimate flow rate. Pump info and location were verified during an SRBA site visit in 2005. Lift was estimated using a topo map.

Theo: $7.5 \text{ hp} + 5 \text{ hp} \times 8.8 \times .7/28 \text{ ft lift} + 5 \text{ psi} \times 2.31 = 1.95 \text{ cfs}$.

5. Igraves 9/7/2006 Overlaps

Comment: Highland Ditch Company rights appear to overlap the p/u, however, the company verified that the subject property is high ground that they do not deliver water to. See file memo.

6. Igraves 9/7/2006 Source/Trib

Comment: Source and tributary were clarified based on the topo map.

7. Igraves 9/7/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. R39252010A0 & R3925201000.

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:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4297

WATER RIGHT NUMBER: 63-4297

Owner Type Name and Address
 Current Owner JOYCE I KAU
 30327 HEXON RD
 PARMA, ID 83660
 (208)722-5884
 Current Owner WENDELL K KAU
 30327 HEXON RD
 PARMA, ID 83660
 (208)722-5884
 Priority Date: 03/15/1953
 Basis: Beneficial Use
 Status: Active

*Plu owner per Canyon City
 version 5/15/06:
 Earnest + Mary Tucker
 410 S Orchard St
 Boise
 (see file for notes)*

Source Tributary
 ROSS EAST END DRAIN SNAKE 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 3/1	~~0.800 CFS~~	.52
<u>Total Diversion:</u>		~~0.800 CFS~~	.52

Location of Point(s) of Diversion

ROSS EAST END DRAIN ~~SE1/4~~SW1/4SE1/4 Sec. 12, Twp 05N, Rge 06W, 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	
05N 06W 12																	26.0
																	26.0

Total Acres: 26

Claim Received Date: 3/22/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 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:



RECEIVED

APR 04 1995

WATER RESOURCES
WESTERN REGION

April 2, 1995

Dear Maria:

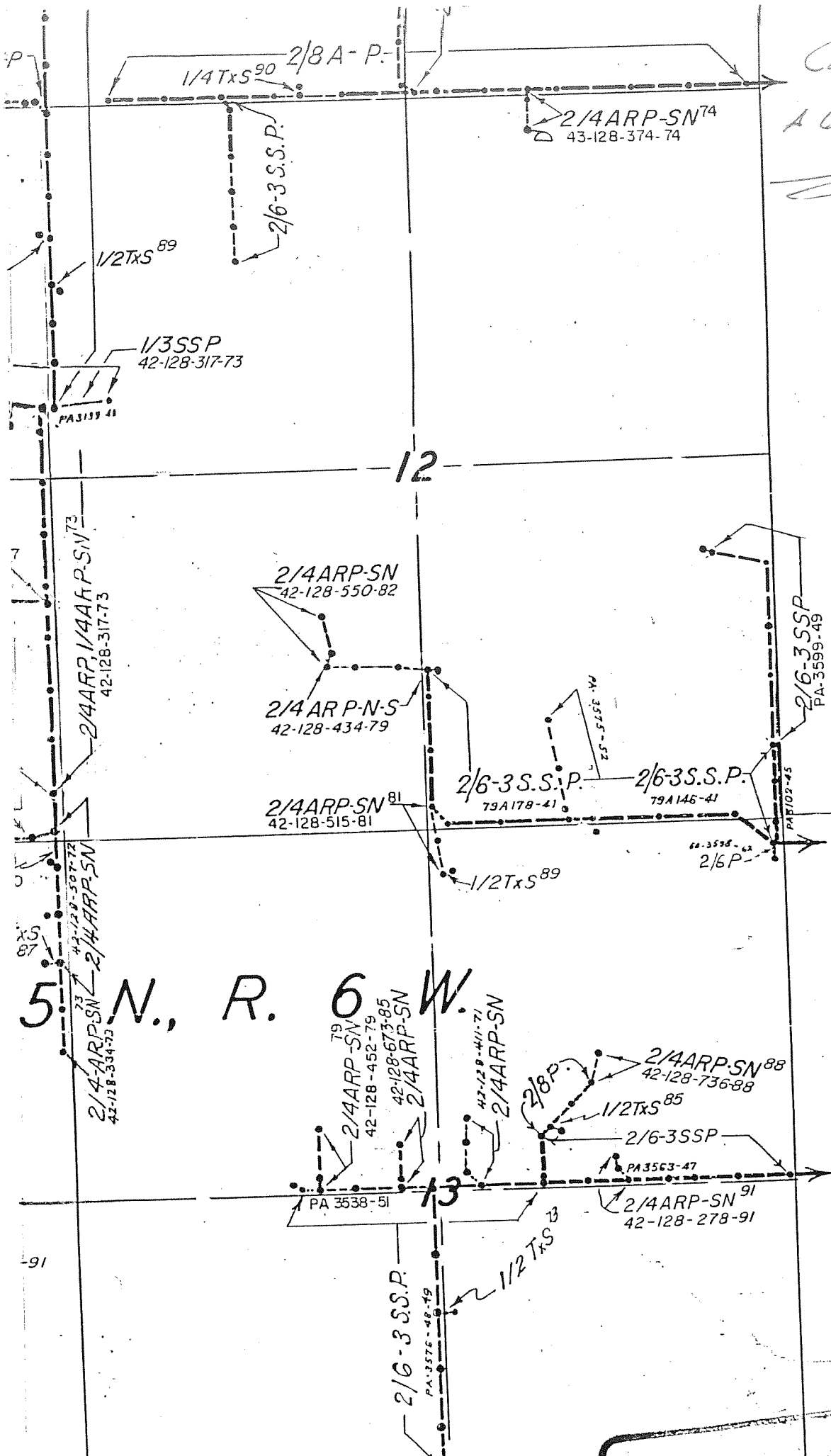
Attached is a copy of a print
of map which I got from Idaho Power
Co. per our telephone conversation.
Marked in yellow is the route of the
power line which they installed for service
to the original location of water source.
The numbers indicate the work order
numbers and the last two indicate the
year.

I hope this meets your request
and am looking forward to your visit.

David R. Kern

Case Hunt Need

163-04297



CLAIMANT'S NAME: Wendell KauDATE: 03/09/1995CITY: CanyonEMPLOYEE: TITANICUCCI

Mr. Kau called regarding evidence of priority requirement. We discussed his stat. filing in early 1980's, and "grandfathered rights vs. licenses. (Previous owners failed to provide proof of B/U use of product).

Suggested avenues of discovery: Neighbors, ASCS, Parma Water Litter factory or seller, ID power (although ID power may not keep records that long).

I told him I would call him in April to set up a field exam.

CONVERSATION MEMO

Date: 5/17/2006

Agent: Lori Graves

With: Jeannie Harrold wi Highland Ditch Co (722-6467)

Subject: Overlap

Claim No.(s): A63-4297

I called Jeannie and asked if Highland Ditch Co. delivered water to the property listed on A63-4297. Jeannie stated that the company uses a gravity system and the property once owned by Kau is high ground that requires water be pumped from a private system represented by the claim. Highland Ditch Company does not deliver water to the property.

Ken Henley found a 7.5 hp pump in the drain and a 5 hp in-line booster pump when he did a site visit in 2005. Referencing the topo map, it appears that there is 28' of lift from the drain to the irrigated acres. Based on this information, a theoretical calculation can be made to estimate the system capacity.

The original claimant who no longer owns the property submitted proof of priority. The Canyon County Assessors office stated that the property went from Kau to J Bar T Trust to Earnest Tucker to bankruptcy to A & E LLC Family Enterprises then back to Earnest Tucker who appears to be the current owner.

**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
 - ☐ Well logs (if needed)
 - ☐ Copy of topo or NAPP
 - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
 - ☐ Check POD & POU overlap, see below – include overlapping right for exam
 - ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-04297Owner: Wendell K. Rau Phone No. 208-722-5224Current Address: 30327 Hexon Rd Parma Id. 83660

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER J. BAR T. TRUST (Wynn Jones Trustee) (By Canyon County Pt 2)
- ☐ No change Address
- ☒ NEW ADDRESS 12174 W. Hinsdale Court 83713
- ☐ How long owned property? ?

Accompanied by: No one (DRY BY)**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: March 15, 1953

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

Source: PASS East End Drain Tributary to Snake River

- ☐ 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
		SE	SW	SE	12	05N	06W	Conyon	

Description of diverting works

1-5 HSP + 1-7.5 HSP DUMP TO SPRINKLERS**OVERLAP REVIEW**Other water rights with the same point of diversion: NONE

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

WATER USES

- ☐ No change
☐ Different Uses

Use IRRIGATION From 03/15 To 11/15 Amount 0.800 CFS 87.5 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ 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:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☐ Changes shown below:

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	
05N	06W	12															26.0		26.0

Overlap with other water rights: _____

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

Delivery System Narrative: A 7.5 HSP Pump setting on a 26" corrugated metal stand pipe then to a 5.0 HSP. Booster Pump then to a 4" line (see pic #3) then to the top of the hill to a main line to a wheel line, SPRINKLER SYSTEM see pic #4

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
Pump #1	Baldor	7.5	F9990P	centrifugal	7487229
Pump #2	Century	5.0			7487228

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Appears No IRRIGATION This Season.

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: 11-02-05

FIELD EXAMINER: Ken Henley

FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.50 \times 26.0 = 117 \text{ AF/Y}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.800 \times 260 = 208 \times 1.9835 = 412.568}$$

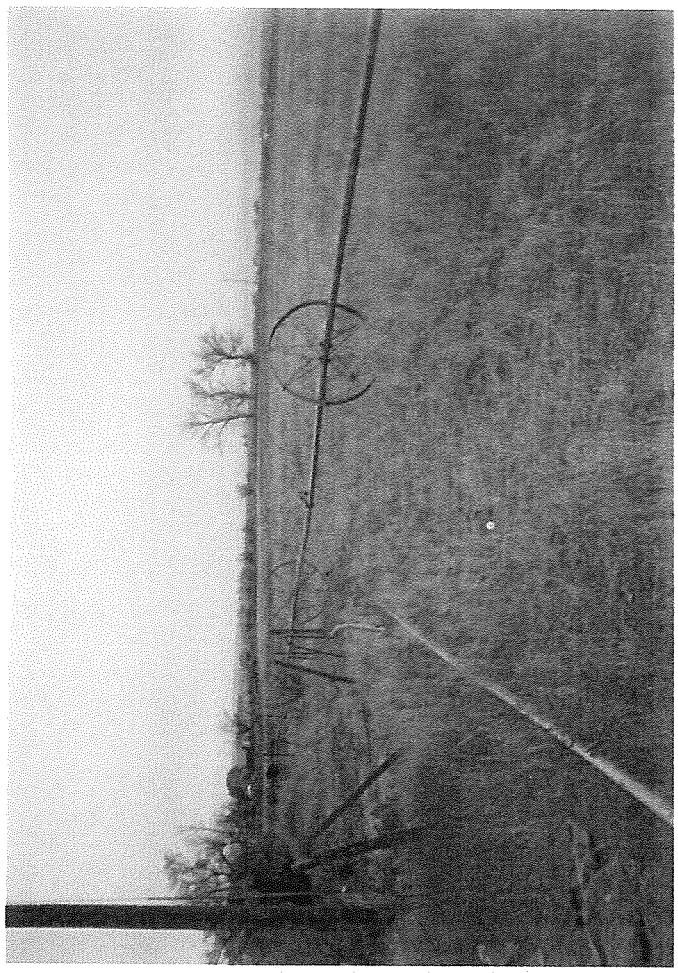
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{117.0 \text{ AF/Y}}$$

2. Volume Calculations for Other Uses:

Wendell R. Kaul,
GPS 2258734
USR 1402051

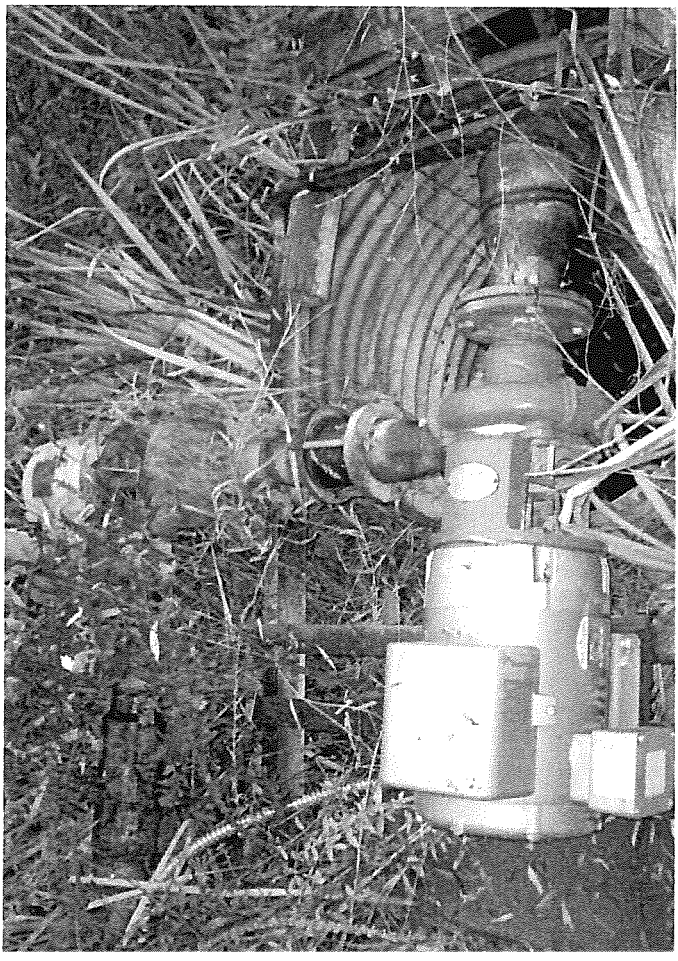
11-02-03

Pic # 2



Pic # 4

Pic # 1



Pic # 3

Ident. No. A63-04297

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MAR 22 1980

FACT SHEET

for

Excessive Irrigation Flows

Department of Water Resources
Western Regional Office

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: m9B (Marsing Loam) Gravelly Sand below 23 inch

Soil water holding capacity: 0-23" .15-.19 inches/inch 23"-60" .03-.05 inches/inch

Soil intake family (if known): .3 For 0-23 inches (Med. Text)

Field slope: 1-3%

Anticipated crops: Sugar Beets, Alfalfa Hay, Onions, grain

Method of irrigation: Sprinkler (Wheel Line)

From Soil Cons. Service

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? _____

Have you changed the irrigated method from the one first developed? Yes

If yes, describe. It was flooded and changed

to sprinkler in 1977.

Remarks Basically my crops in this area were
alfalfa and Sugar Hay. However, 1977 I have started
a rotation into various crops (onions, beets,
grain etc.)

MICROFILMED

JUL 25 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Wendell K. Kau (name of claimant)
of Route 3, Pocatello, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ross East End Drain
_____, tributary to, Snake River

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

X	Amount <u>0.30</u>	Use <u>irrigation</u>	Period of Use: From <u>Mar. 15</u> To <u>Nov. 15</u>
	Amount _____	Use _____	Period of Use: From _____ To _____
	Amount _____	Use _____	Period of Use: From _____ To _____
	(cfs, gpm or a/l)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 2.80 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) March 15, 1953

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 12 Twp. 5N Rge. 6W B. M. County of Canyon
 Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 7½ hp pump and 5 hp booster pump,
4" mainline and 3/4" emitter system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

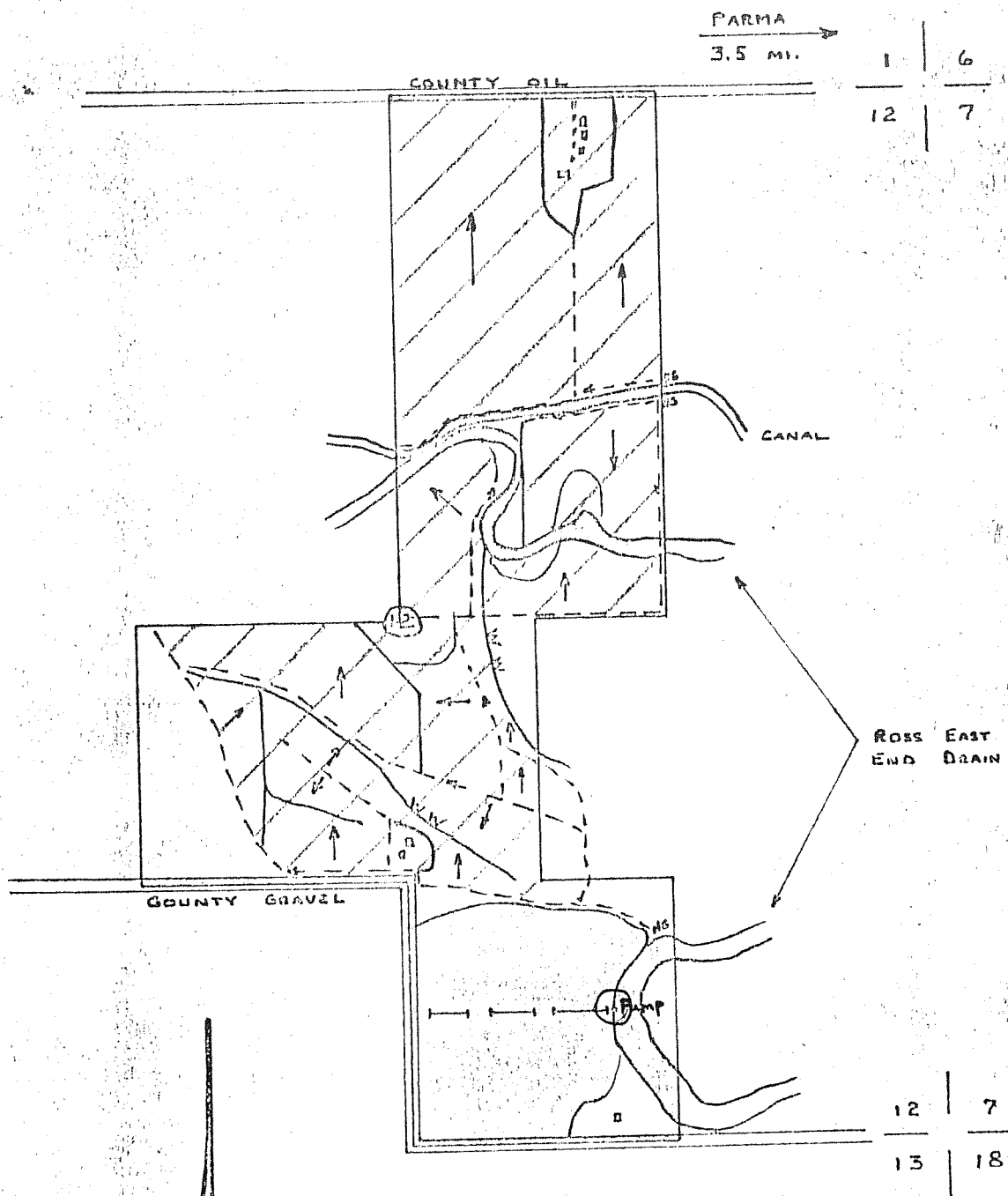
[illegible]

Total No. of acres _____

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

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

MICROFILM



KAU

Twp. 5N Rng. 6W

CANYON CO. IDAHO

SCALE: 1" = 660'

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NEHW	NWNV	SWNV	SENV	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63-293	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	0			0					0				0	0	0	0	0
Right	63-4297	WENDELL K KAU.	ROSS EAST END DRAIN	05N06W12															25	25	25
Claim	63-4297	JOYCE I KAU, WENDELL K KAU.	ROSS EAST END DRAIN	05N06W12															26	26	26
Claim	63-291	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	38			38					30				30	30	30	30	226
Claim	63-292	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Rec	63-291	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Rec	63-292	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Rec	63-293	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Right	63-291	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Right	63-292	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0
Right	63-293	ISLAND HIGHLINE DITCH CO.	BOISE RIVER	05N06W12	X			X				X					X	X	X	X	0

10/17/2006

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: 63-32501

A & E FAMILY ENTERPRISES, LLC
C/O ALBERTA & EUGENE DAFFNER
7220 KING ROAD
LOOMIS CA 95650

RECEIVED

OCT 27 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:

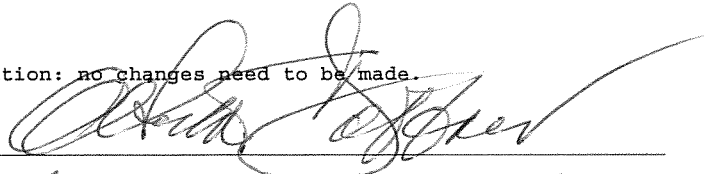
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

10/21/06

SIGNATURE:



Please print your name:

ALBERTA DAFFNER

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