

RECEIVED

DEC 15 2008

Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 10 2008

By _____ Clerk
Deputy Clerk

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-32348

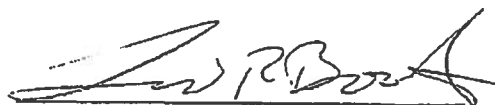
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the right should be described as wastewater. On November 19, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-32348 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec. 10, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 10 2008

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-32348

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: LEO PELOQUIN
NANCY E PELOQUIN
25976 MARKET RD
PARMA, ID 83660

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.12 CFS

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

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION: T05N R05W S11 SWSW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OR USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.11 CFS
	Stockwater	01-01 TO 12-31	0.01 CFS

PLACE OF USE: Irrigation
T05N R05W S11 SWSW 3.7 Within Canyon County
3.7 Acres Total

Stockwater
T05N R05W S11 SWSW Within Canyon County

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

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

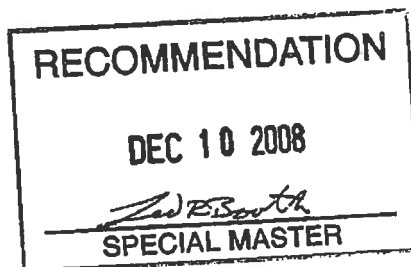
An easement or right of way agreement providing for access to the
drain by its owner and those responsible for maintaining it-and/
or for access to the drain by the appropriator to divert water
pursuant to this right-must be executed among the appropriator,
the owner of the drain, and, if appropriate, those responsible
for maintaining the drain. Failure to execute such an agreement
will constitute grounds for legal action to prevent water from
being diverted under this right.

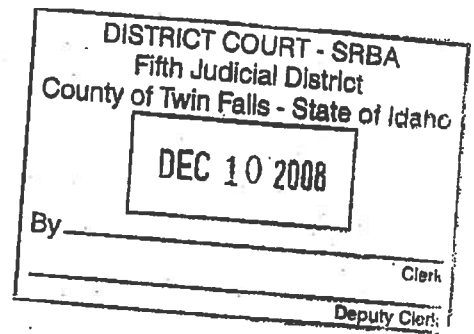
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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

In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

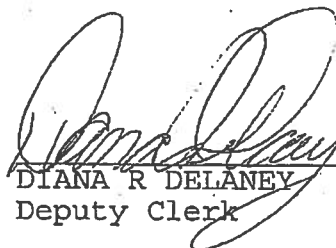
Water Right(s): 63-32348

On December 10, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

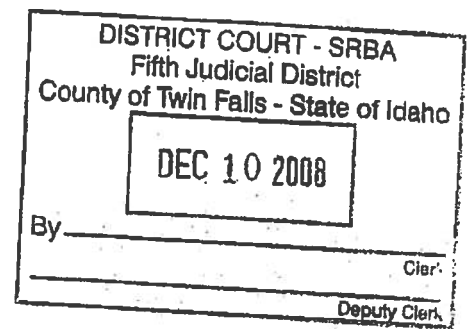
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 10, 2008.



DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32348

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 10, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

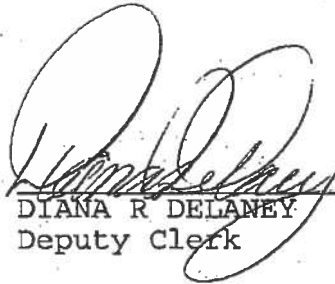
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
12/10/08

LEO PELOQUIN
NANCY E PELOQUIN
25976 MARKET RD
PARMA, ID 83660
Phone: 208-722-5949



DIANA R. DELANEY
Deputy Clerk

1

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it-and/or for access to the drain by the appropriator to divert water pursuant to this right-must be executed among the appropriator, the owner of the drain, and, if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 10 horses and cattle.

RECEIVED

09/29/2008
MAY 30 2008
WATER RESOURCES
WESTERN REGION

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

RECEIVED

MAY 29 2008
DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-32349
NAME AND ADDRESS: ANTHONY INECK
25814 MARKET RD
PARMA ID 83660
SHAWNA INECK
25814 MARKET RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN
QUANTITY: 0.100 CFS
TRIBUTARY: BOISE RIVER

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

PRIORITY DATE: 03/30/1948

POINT OF DIVERSION:
T05N R05W S11 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/01 11/15	0.090 CFS

PLACE OF USE: IRRIGATION Within CANYON County
T05N R05W S11 SWSW 3.00
STOCKWATER Within CANYON County
T05N R05W S11 SWSW
3 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 60 sheep.

Would it be better
if "Source" was
Termed
"unnamed spring" or
"unnamed drain from
unnamed spring"

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: 63-32349

ANTHONY INECK
25814 MARKET RD
PARMA ID 83660

SHAWNA INECK
25814 MARKET RD
PARMA ID 83660

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: _____ SIGNATURE: _____

Please print your name: _____

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

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:11
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-32349

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 01:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE; ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ANTHONY INECK
SHAWNA INECK
25814 MARKET RD
PARMA, ID 83660
Phone: 208-722-7016

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

In Re SRBA)

A. Subcase 63-32348
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM-1
OBJECTION

RECEIVED
JUL 19 2007
DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District
Address: 709 Cleveland Blvd
Caldwell, ID 83605
Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Leo and Nancy Peloquin
Address: 25976 Market Rd.
Parma, ID 83660

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

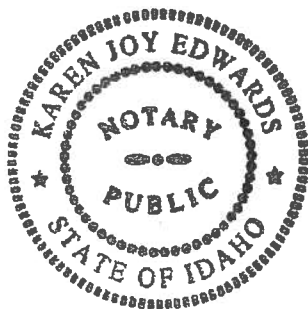
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

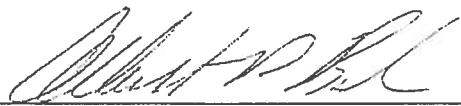
Name: Leo and Nancy Peloquin
Address: 25976 Market Rd.
Parma, ID 83660

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

NOV 02 2006

**WATER RESOURCES
WESTERN REGION**

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: 63-32348

LEO PELOQUIN
25976 MARKET RD
PARMA ID 83660
Telephone Number: (208)722-5949

NANCY E PELOQUIN
25976 MARKET RD
PARMA ID 83660
Telephone Number: (208)722-5949

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: 10-30-2006 SIGNATURE: Leo Pelouquin

Please print your name: LEO PELOQUIN

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

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
	ALB 4938				

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

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)

REYNOLDS FAMILY TRUST
887 STRIKE WAY KUNA ID 83634

4. New Owner/Claimant(s)

LEO +/OR NANCY PELOQUIN

Name Connector (Check one): ☐ and, ☒ or, ☒ and/or

New Mailing Address

25976 MARKET RD

City, State and ZIP Code

PARMA ID 83660

New Telephone Number

(208) 722-5949

- 5. Date you acquired the property

4/15/1976

WARRANTY DEED

For Value Received DONALD W. PRYOR and DAPHNE A. PRYOR, husband and wife,
of Parma, Canyon County, Idaho

the grantors, do hereby grant, bargain, sell and convey unto
LEO PELOQUIN and NANCY E. PELOQUIN, husband and wife, of Route # 1, Parma,
Canyon County, Idaho

the grantees, the following described premises, to-wit:

N1401540.08 E226546.83

Beginning at the Southwest corner of the
Southwest Quarter of the Southwest Quarter
(SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, T 5 N, R 5 W BM,
Canyon County, Idaho; running thence North
325 feet; thence East 670 feet; thence South
175 feet; thence West 120 feet; thence South
150 feet; thence West 550 feet to the point
and place of beginning;

Together with all water, water rights, ditches
and rights-of-way for ditches appertaining thereto.

REQUEST
CANYON ABST & TITLE CO
TYPE *peel* RE 2.00

BY *L. Brant*
CANYON COUNTY RECORDER

26 SEP 8 PM 3 17

RECORDED

8622370

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: 15th April, 1976.

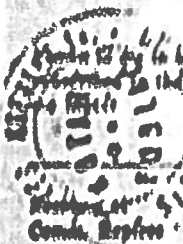
Donald W. Pryor

Daphne A. Pryor

STATE OF IDAHO, COUNTY OF Canyon

On this 15th day of April, 1976.

before me, a notary public in and for said State, personally
appeared Donald W. Pryor and Daphne A. Pryor



who are the persons who so name s are
known to me, and acknowledged to
me they executed the same.

Notary Public
Parma, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
1976, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy,
Fees \$ _____
Mail to _____

INSTRUMENT No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Leo and Nancy Peloquin
25976 Market Rd
Parma, ID 83660

Re: Original Notice of Claim to a Water Right No. 63-4938
Renumbered Notice of Claim to a Water Right No. 63-32348

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg
Enclosure

63-4938

Reynold's Family Trust

40 acres

.80cfs (irrigation)

.030cfs (stockwater)

$$.80 \div 40 = .02 \times 31.8 = .636$$

$$.02 \times 4.6 = .092$$

$$.02 \times 3.6 = .072$$

63-32347

Reynolds

31.8 acres

.636cfs

63-32348

Peloquin

4.6 acres

.092cfs

63-32349

Inesk

3.6 acres

.072cfs

05N05W

11

PELOQUIN, LEO & NANCY
4.6 ACRES

INESK, ANTHONY & SHAWNA
3.6 ACRES



12/10/2006

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

RIGHT NUMBER: 63-32348

NAME AND ADDRESS: LEO PELOQUIN
25976 MARKET RD
PARMA ID 83660

NANCY E PELOQUIN
25976 MARKET RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.120 CFS

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

PRIORITY DATE: 03/30/1948

POINT OF
DIVERSION: T05N R05W S11 SWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	03/01 11/15	0.110 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S11 SWSW 3.70

STOCKWATER in CANYON County

T05N R05W S11 SWSW

3.7 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.

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

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

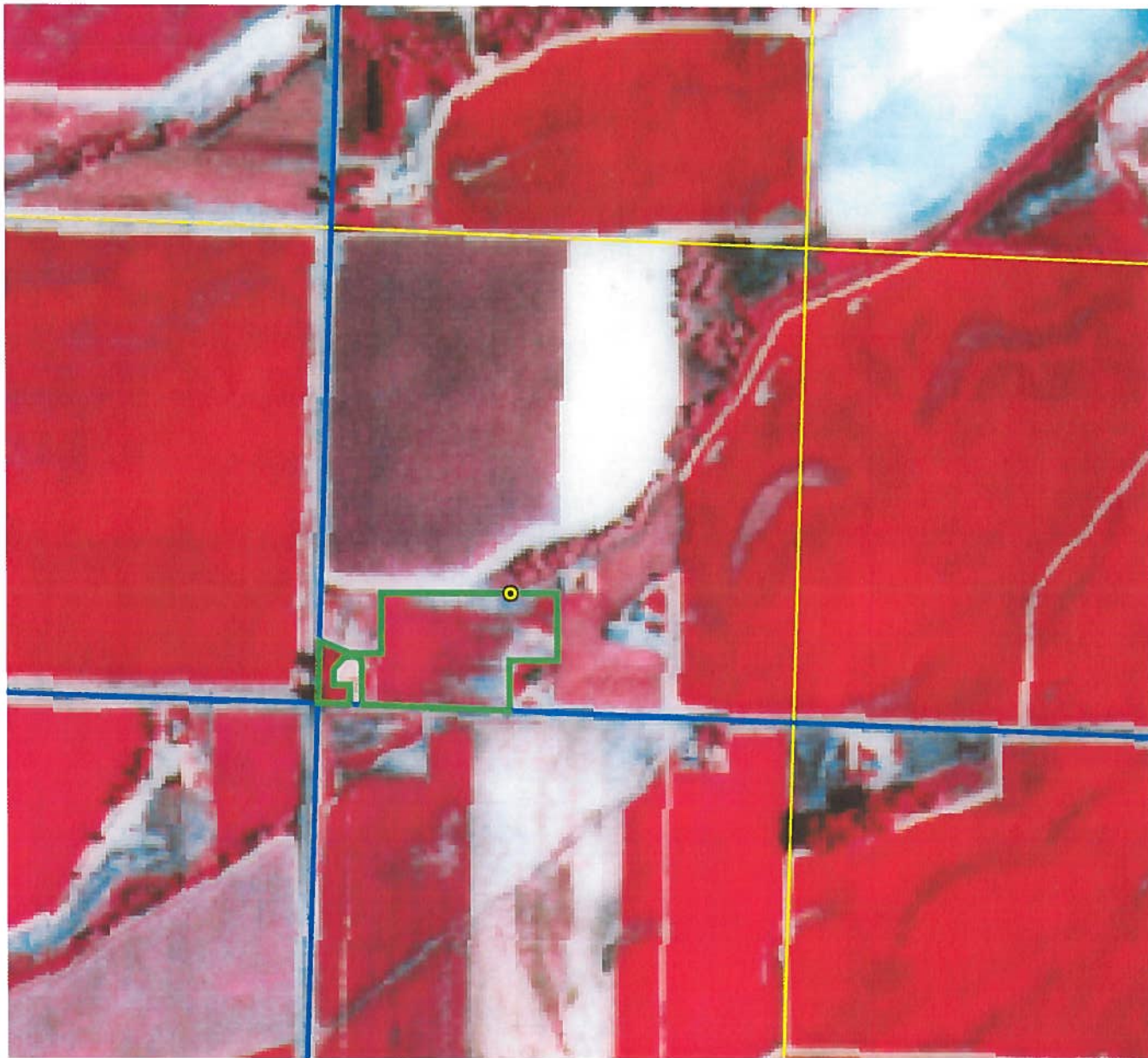
Stockwater use is for 10 horses and cattle.



Idaho Department of Water Resources

63-32348

05N 05W Section 11



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 3.7

500 0 500 Feet



IDWR
Prepared by: Lori Graves
Date: 07-20-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32348 V1

WATER RIGHT NUMBER: 63-32348 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEO PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949
Current Owner	NANCY E PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949

Priority Date: 03/30/1948

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	
IRRIGATION	03/01 to 11/15	0.110 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4SW1/4	Sec. 11, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

STOCKWATER

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	05W	11											X						

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	05W	11											3.7						3.7

Total Acres: 3.7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32348 V1

Conditions of Approval:

1. X02 Stockwater use is for 10 horses and cattle.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:Comments:

1. Igraves 7/20/2006 Priority Date

Comment: See affidavit and attachments in file for evidence of priority.

2. Igraves 7/20/2006 System Capacity

Comment: A theoretical calculation was possible based on information provided by the claimants per office visit 5/1/06.

3. Igraves 7/20/2006 Filing History

Comment: Claimants originally tried to file on a portion of 63-4938. See file memo dated 7/19/06 for more information. Additional fees were not solicited due to filing history (per Jan Shurte 7/19/06). Also worth noting is that claimant withdrew overlapping claim 63-28564 without a refund in fees.

4. Igraves 7/20/2006 Overlaps

Comment: The p/u is within Farmers Co-op Ditch Co. service area, however, claimants stated that they do not have shares with the company. Claimants also have decree 63-28565 for domestic and stock use from ground water.

5. Igraves 7/20/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3886600000.

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:

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 63-32348

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY E PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949
Current Owner	LEO PELOQUIN 25976 MARKET RD PARMA, ID 83660 (208)722-5949

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	/	0.010 CFS	/
IRRIGATION	03/01 to 11/15	/	0.120 CFS	/
	Total Diversion:		0.130 CFS	/

UNNAMED DRAIN SW1/4SW1/4 Sec. 11, Twp 05N, Rge 05W, B.M.
CANYON County

STOCKWATER																			
Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
05N	05W	11											X						

IRRIGATION																			
Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
05N	05W	11											<u>SW</u>	<u>SE</u>					
													<u>4.0</u>						<u>4.0</u>
													3.7						3.7

Total Acres: 4

Dates and Other Information:

Claim Received Date: 5/1/2006
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
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

per 1987 photo

Add: X02 - up to 10 horses
+ cattle per
claimant 7/19/

Per office visit by Leo
Beloguin 5/1/2002:

Pump - 5 HP Jacuzzi
20' lift
Open discharge
into gated pipe

THEO:

$$\frac{5 \text{ HP} \times .7 \times 8.8}{20' + (10 \text{ PSI} \times 2.31)} = .71 \text{ cfs}$$

↑
acct for friction



Pink Box =
40 Acres Claimed

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-4938)
_____)
_____)

AFFIDAVIT

State of Idaho)
County of CANYON)

deposes and says: THIS PROPERTY WAS PURCHASED BY MR. REYNOLDS IN 1946 PER THE ATTACHED WARRANTY DEED. THE DIVERSION SYSTEM FOR THIS CLAIM WAS/IS ALSO USED FOR DIVERSION OF FARMERS CO-OP WATER THAT IS DIVERTED FOR IRRIGATION IN THE SW 1/4 SH STARTING CLEAR BACK TO THE 1920'S AS REFERENCED ON THE ATTACHED ABSTRACT OF TITLE PAGE. PER THE ATTACHED EVIDENCE, THE 1948 PRIORITY DATE LISTED ON CLAIM A63-4938 IS A REASONABLE DATE. PLEASE NOTE THE DRAIN CONTAINS NATURAL FLOW WHEN DISTRICT WATER IS NOT BEING USED. IRRIGATION WATER IS REFERENCED FOR THE SW 1/4 SH THROUGHOUT THE ABSTRACT. PLEASE LET ME KNOW IF MORE INFORMATION IS NECESSARY

Leo P. Pappas 5-8-2006
(Signature)

S. C. Cates and wife, Mary E.
Cates,

-TO-

Lyman Reynolds and wife,
Gertrude E. Reynolds

WARRANTY DEED.

No. 1

Dated, May 16, 1946

Recorded, May 22, 1946. 9.08 A.M.

Book 165 Deeds, Page 343

Consideration, \$5000.00

\$5.50 I.R.S. Cancelled

Document No. 311204

Signed: S. C. Cates, Mary E. Cates

Acknowledged, Canyon County, Idaho, May 16, 1946 by S.C. Cates and wife, Mary E. Cates, before Ernest Anderson, Notary Public for the State of Idaho, Residing at Parma, Idaho. (SEAL)

PROPERTY:

The $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ and the $W\frac{1}{2}$ of the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ all of Section 11 Twp. 5 N.R. 5 W.B.M. containing 30 acres, more or less.

Subject to the taxes for the year 1946 and all subsequent years.

in Section 11, Twp. 5 N.R. 5 W.B.M. containing 25 acres more or less together with 10 undivided shares of stock in the Farmers' Co-operative Ditch Company said County and State; On June 24, 1926 Eugene E. Hamilton was indebted to the estate of Catherine C. Hamilton deceased, in the sum of \$623.94 which indebtedness was a part of the personal estate of the said deceased and by virtue of the Mutual Settlement Deeds heretofore mentioned became the property of Elmer R. Hamilton and to secure such amount to Elmer R. Hamilton, Eugene E. Hamilton and wife, Mabel Hamilton, made and executed their note to Elmer R. Hamilton for \$623.94 and secured the same by making and executing to him a mortgage for that amount on the last above described real estate; said mortgage being dated June 24, 1926; Said deeds and mortgage were all duly executed by the respective grantors therein and duly acknowledged; Said deeds and the mortgage and not are presented to this Court and the administrator asks for an order of this Court approving said instruments and for an order directing him as such administrator to file said deeds and mortgage for record in the recorder's office of said Canyon County as a part of the settlement and voluntary partition of said estate;

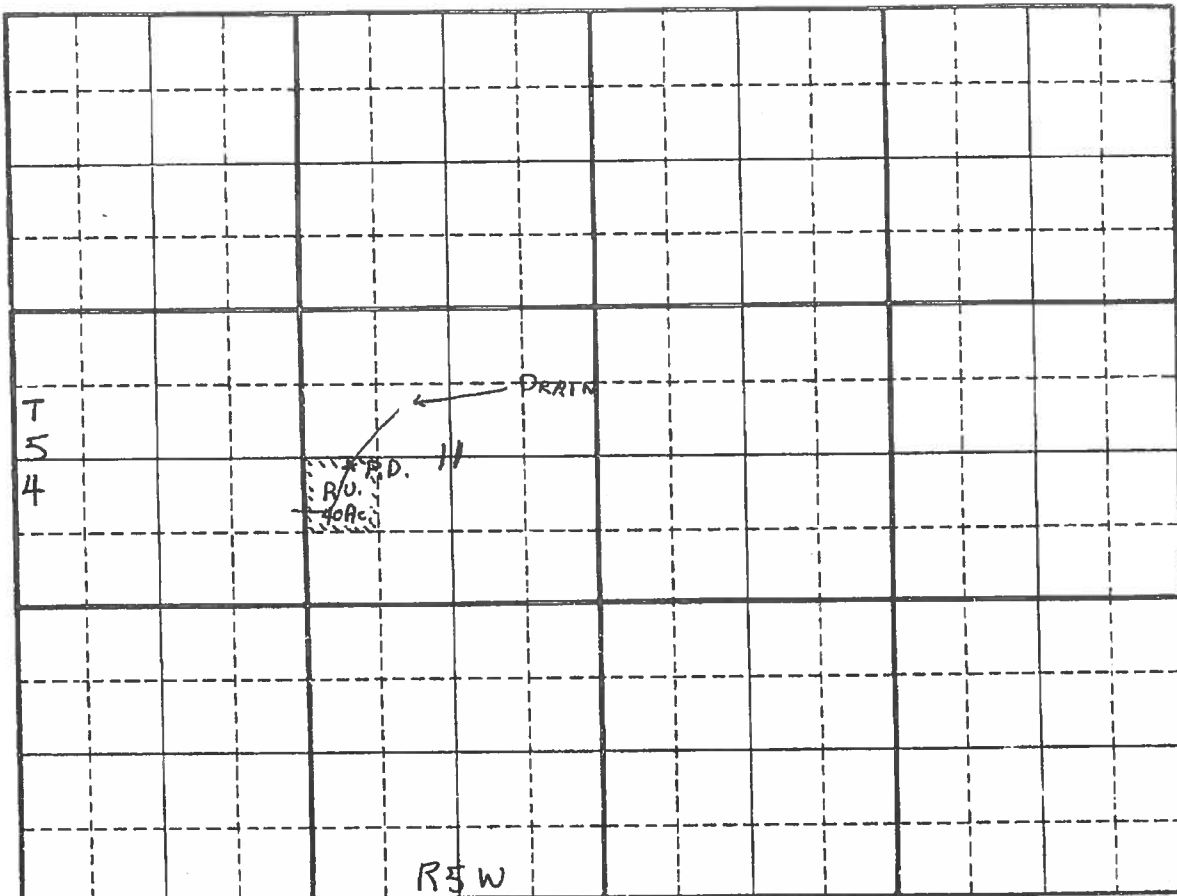
On June 24, 1926, Elmer R. Hamilton and wife, Lenor V. Hamilton, Eugene E. Hamilton and Mabel Hamilton his wife, and Cora Mae Colson a widow, as grantors, respectively, executed warranty deeds to Clara C. Shirtz as grantee, each grantor thereby conveying his or her undivided $\frac{1}{4}$ interest to the said grantee, for a mutual consideration in the W $\frac{30}{100}$ acres of the said 80 acre tract of land more particularly described as the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ all in Sec. 11 Twp. 5 N.R. 5 W.B.M. said County and State containing 30 acres more or less together with their interest in 10 undivided shares of stock in the Farmers' Co-operative Ditch Company; On June 24, 1926, Clara C. Shirtz was indebted to the estate of Catherine C. Hamilton, deceased, in the sum of \$712.48 which indebtedness was a part of the personal estate of the said deceased and by virtue of the Mutual Settlement Deeds heretofore mentioned became the property of Elmer R. Hamilton; to secure such amount to Elmer R. Hamilton, Clara C. Shirtz and her husband, Harris E. Shirtz, made and executed their note to Elmer R. Hamilton for that amount to wit: \$712.48 and secured the same to him by making and executing to him a mortgage for that amount upon the last above described real estate which said mortgage was dated June 24, 1926; The said deeds and mortgage were all duly executed by the respective grantors therein and duly acknowledged; said deeds and mortgage and note are presented to this Court with this petition and the administrator asks for an order of this Court approving said instruments and for an order directing him as such administrator to file said deeds and mortgage for record in the recorder's office of Canyon County, Idaho, as a part of the settlement and voluntary petition of the said estate;

On June 24, 1926 Elmer R. Hamilton and wife, Lenor V. Hamilton, Eugene E. Hamilton and wife, Mabel Hamilton and Clara C. Shirtz and husband Harris E. Shirtz as grantors respectively made and executed warranty deeds to Cora Mae Colson, as grantee for a mutual consideration, each

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

If you are claiming water as a member of an organization, list name of organization:

(8) Remarks At the time of the first application to beneficial use, water was for supplemental irrigation on 26 acres and new irrigation on 4 acres. See canceled Permit # 20350 for pertinent background information. Subsequently use became as hereon described. Waste may be better described as being from Farmer's Cooperative Sebree Canal.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 15 day of DECEMBER

Sydney S. Reynolds
(Claimant)

[Signature]
Notary Public
Residing at BOISE

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 12/15/82 Exception filed by: _____ Date _____
Prelim. check by LLS Date 12/21/82
\$30.00 fee received by [Signature] Date 12/15/82 # 23071
Published in Boise Tribune
Dates 12/30 & 1/6/83

Forwarded to claimant by: _____ Date _____