

a

**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

) Subcase No. 63-32349
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

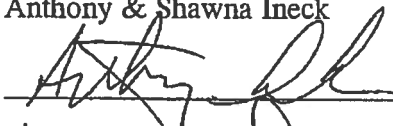
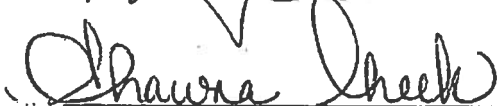
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS

Anthony & Shawna Ineck

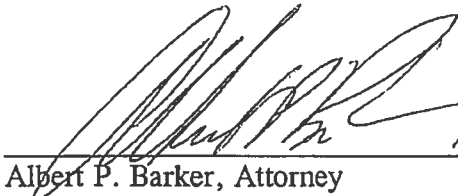
 10-8-08
Date
 10-8-08
Date

STANDARD FORM 5 - 63-32349

RECEIVED
NOV 17 2008
DEPARTMENT OF
WATER RESOURCES

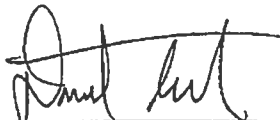
OBJECTOR

Wilder Irrigation District


Albert P. Barker, Attorney
Date 10/29/08

RESPONDENT

United States on behalf of
Bureau of Reclamation


David Gehlert
Date 11/12/08
Attorney, U.S. Department of Justice
Environment and Natural Resources
Division

IDWR Concurrence:


IDWR Agent
Date 10/23/08


Nicholas Spencer
Date 10-21-08
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Nov. 12, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

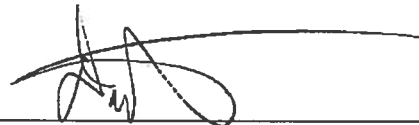
2. Copies to:

WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

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

ANTHONY INECK
SHAWNA INECK
25814 MARKET RD
PARMA, ID 83660

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



Signature of person or attorney mailing the form

09/16/2008

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

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 TRIBUTARY: BOISE RIVER

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

QUANTITY: 0.100 CFS

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 in CANYON County

T05N R05W S11 SWSW 3.00

STOCKWATER in CANYON County

T05N R05W S11 SWSW

3 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.

SF5 - Water Right No. 63-32349

10-8-08
10-8-08
NBS
VLM
1

09/16/2008

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 60 sheep.

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

VLM
J.L. 10-8-08 PL
(AB) 10-8-08
NBS QVB

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

1

09/16/2008

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 60 sheep.

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

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:13
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: 63-32348

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

THURSDAY, JUNE 26, 2008 at 02:30 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

(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

LEO PELOQUIN

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

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 63-32349

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1

OBJECTION

Please fill in the following information:

JUN 19 2007
DEPARTMENT OF
WATER RESOURCES

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: Anthony Ineck

Address: 25814 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)

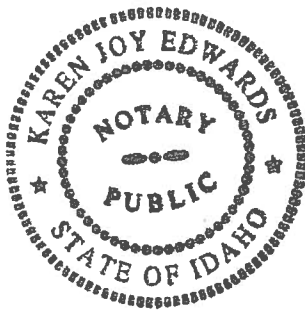
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(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, 200__, 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:

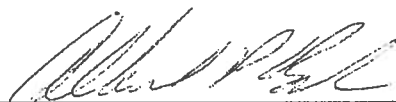
Name: Anthony Ineck
Address: 25814 Market Rd.
Parma, ID 83660

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

12/10/2006

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

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

TRIBUTARY: BOISE RIVER

QUANTITY: 0.100 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	0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S11 SWSW 3.00

STOCKWATER in CANYON County

T05N R05W S11 SWSW

3 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.

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

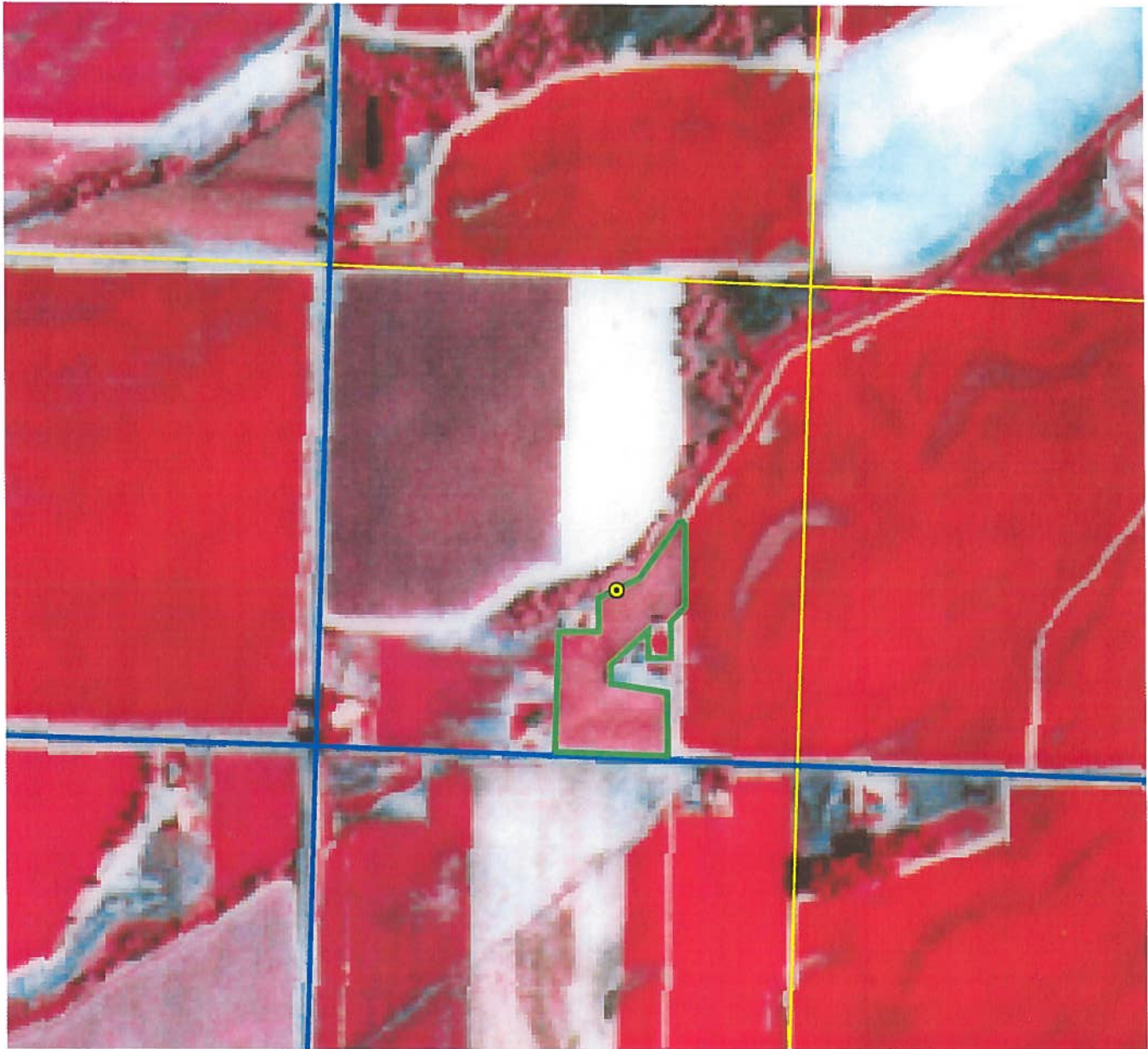
Stockwater use is for 60 sheep.



Idaho Department of Water Resources

63-32349

05N 05W Section 11



Total Irrigated
Acres: 3

-  POU
-  POD
-  Sections
-  Quarter/Quarter

500 0 500 Feet



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32349 V1

WATER RIGHT NUMBER: 63-32349 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTHONY INECK 25814 MARKET RD PARMA, ID 83660
Current Owner	SHAWNA INECK 25814 MARKET RD PARMA, ID 83660

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	0.090 CFS	
	<u>Total Diversion:</u>	0.100 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											3.0						3.0

Total Acres: 3

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32349 V1

2. X02 Stockwater use is for 60 sheep.
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 7/19/2006 Priority Date

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

2. Igraves 7/19/2006 System Capacity

Comment: A theoretical calculation was possible based on information provided by the claimants per office visit 5/12/06. See file for claculation.

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 the filing history (per Jan Shurte 7/19/06).

4. Igraves 7/20/2006 Overlaps

Comment: The p/u is within the Farmers Co-op Ditch Co. service area, however, claimants stated that they do not have shares with the company.

5. Igraves 7/20/2006 Parcel No.

Comment: Irrigation is with Parcel No. R3886900000.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32349

WATER RIGHT NUMBER: 63-32349

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHAWNA INECK 25814 MARKET RD PARMA, ID 83660
Current Owner	ANTHONY INECK 25814 MARKET RD PARMA, ID 83660

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	0.090 CFS	
<u>Total Diversion:</u>		0.100 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												3.0					3.0

Total Acres: 3

Dates and Other Information:

Claim Received Date: 5/12/2006
 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

bldd: 102 - 60 sheep

Per office visit with the
Inches 5/12/06

Pump - Berkley

3 hp 3600 rpm

Imp Dia $5 \frac{15}{16}$

Hose size $1 \frac{1}{2}$ "

lift Approx 16' (4' in 12' out)

Sprinkers 67 in 6 sets.
(11 sprinklers per set avg.)

THEO:

$$\frac{3 \text{ HP} \times .7 \times 8.8}{16' + (55 \text{ PSI} \times 2.31)} = \underline{\underline{.13 \text{ cfs}}}$$

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of Canyon)

deposes and says: This Property was purchased by Mr. Reynolds in 1946 per the attached warranty deed. Mr. Reynolds' Irrigation System was used for both diversion of natural flows in the drain and Farmers Co-Op water delivered through the drain for irrigation of acres in the SW 1/4 S11 Starting back in the 1920's as referenced on the attached abstract of Title Page. Based on the attached documents, the claimed 1948 priority date is not unreasonable. Irrigation is referenced throughout the abstract, which can be obtained from my neighbor Leo Peloguin. Please let us know if more information from abstract is necessary.

Shawne M. Check 5-12-06
(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 2½ 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 ¼ interest to the said grantee, for a mutual consideration in the W 30 acres of the said 80 acre tract of land more particularly described as the W½ of the SW¼ of the SW¼ and the W½ of the E½ of the SW¼ or the SW¼ 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

MEMO

DATE: 7/19/2006

FROM: Lori Graves

TO: Claim Files 63-32348, 63-32349

RE: Changes in Ownership, Claim 63-4938

The W1/2SW S11 was originally owned by the Reynolds Family. Statutory claim 63-4938 was filed by Lyman Reynolds and SRBA claim 63-4938 was filed by the Reynolds Family Trust for irrigation of 40 acres in the NWSW only. Owners of property in the SWSW, Peloquin and Inesk, filed for portions of claim 63-4938 because their properties were originally owned and irrigated by Lyman Reynolds.

Claim 63-4938 was then split, creating 63-32348 for Peloquin and 63-32349 for Inesk. The remainder of the right became 63-32347. After review, it was determined that Peloquin and Inesk could not claim portions of 63-4938 because their properties were not located in the NWSW as listed on the original claim, however, in the process, they had provided enough supporting documentation to have their own beneficial use rights for irrigation. As a result, beneficial use claims 63-32348 and 63-32349 reflect private systems not linked to 63-4938 and remainder right 63-32347 was deleted from the system by Dave Grindle.

The NWSW acres listed on claim 63-4938 are currently owned by Jon Weilmunster and Bobby Hicks per county tax records. Evidence of beneficial use, priority and change in ownership will be requested from these parties.

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
	<u>463-4938</u>				

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
4. New Owner/Claimant(s) 887 STRIKE WAY KUWA 83634
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address ANTHONY +/or SHAWNA INESK
25814 MARKET RD
 City, State and ZIP Code PARMA ID 83660
 New Telephone Number 208 722-7016
5. Date you acquired the property 11/1997

PC22892

WARRANTY DEED

FOR VALUE RECEIVED RILEY J. COLES and BARBARA J. COLES,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto ANTHONY S. INECK and SHAWNA M. INECK, husband and wife

the Grantees, whose address is 25814 MARKET RD., PARMA, ID, 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1997 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

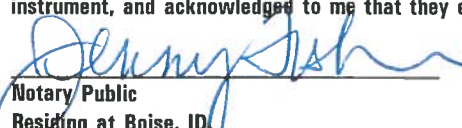
DATED: November 25, 1997

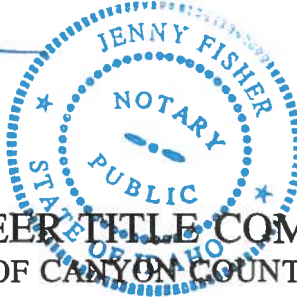

RILEY J. COLES


BARBARA J. COLES

STATE OF IDAHO
COUNTY OF CANYON

On this 26TH day of November in the year 1997, before me, a Notary Public, personally appeared RILEY J. COLES AND BARBARA J. COLES known or identified to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Boise, ID
My commission expires 03-26-03



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 22892

Exhibit "A"

This parcel is situated in the Southwest Quarter of the Southwest Quarter of Section 11, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

N1401540.08 E2265666.83
COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 11; thence

South 89° 54' 00" East along said section line a distance of 670 feet to the TRUE POINT OF BEGINNING; thence

North 0° 05' 48" East a distance of 391.90 feet to a point on the centerline of the Parma Drain; thence

North 64° 25' 36" East along said centerline a distance of 200.76 feet; thence

North 32° 45' 24" East along said centerline a distance of 253.25 feet; thence leaving said centerline

South 0° 10' 18" West a distance of 692.18 feet to a point on the South boundary of said Southwest Quarter of the Southwest Quarter; thence

North 89° 54' 00" West along the South boundary of said Southwest Quarter of the Southwest Quarter a distance of 320.56 feet to the TRUE POINT OF BEGINNING.

9740636

RECORDED

97 NOV 26 PM 4 55

NED J KERR

CANYON CNTY RECORDER

BY *[Signature]*

REQUEST PIONEER — CALDWELL

TYPE *[Signature]* FEE *1.00*

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



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

Anthony and Shawna Inesk
25814 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. 63-32349

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lyman S. Reynolds

(Name of Claimant)

Rt. 1, Box #1025, Parma, ID 83660

(Mailing Address)

(Zip Code)

Telephone No. 722-6970

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 30, 1948

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Drain (Waste from Farmer's Co-op Canal) butary to Boise River

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	.80 Cfs	Use	Irrigation	Period of Use From 3/15	To 11/15
Quantity	.03 Cfs	Use	Stockwater	Period of Use From 1/1	To 12/31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .83 Cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 11 Sec. 11 Twp. 05N Rge. 05W 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. Describe any changes in the system and give the date of the change. Sump, Motor, Pump, and Pipeline.

- (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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	05W	11									X40								40

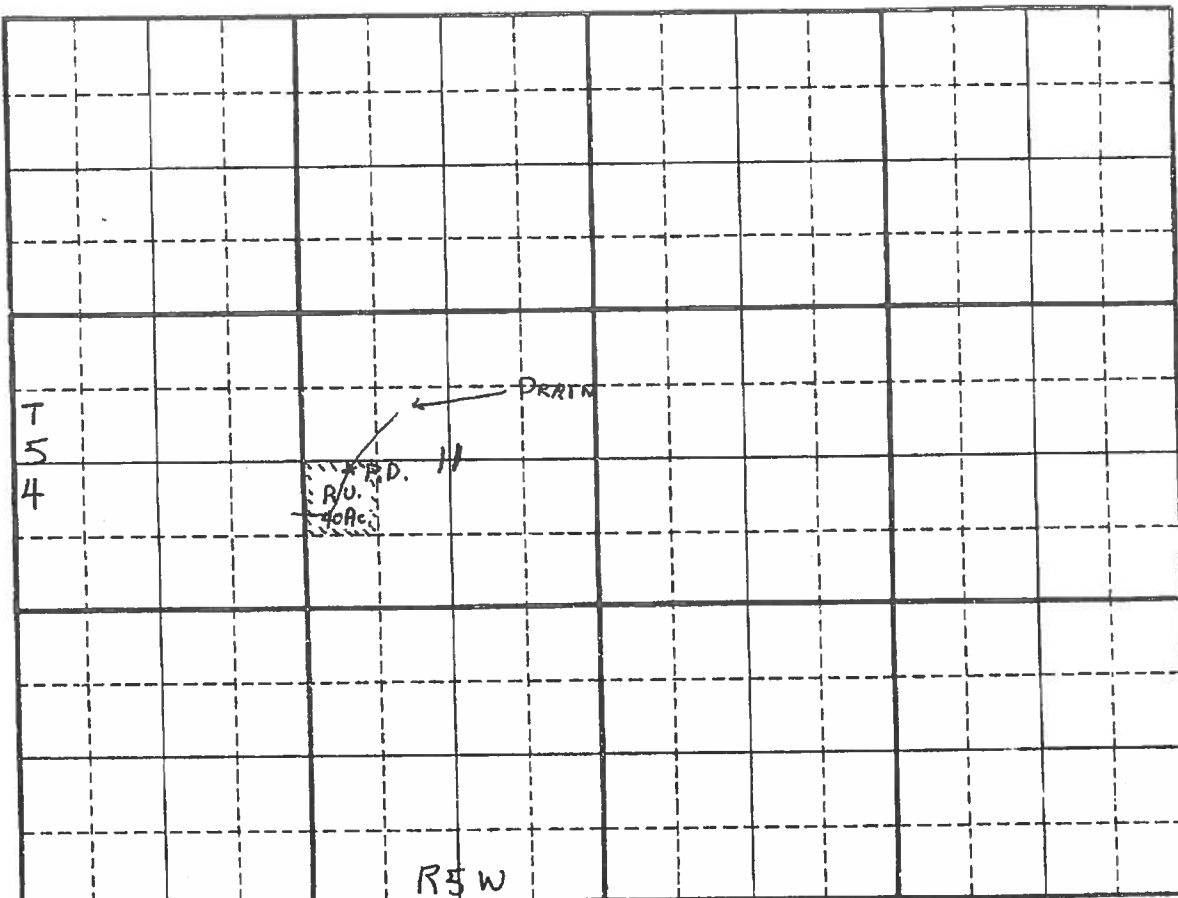
No. of acres 40

If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for up to 100 head mixed Dairy and Range Cattle.

NOTE: Include here the type and number of stock watered:

(7) 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, 1982

Lyman S. Reynolds
(Claimant)

Donna Hoff
Notary Public
Residing at BOISE

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by LLS Date 12/15/82 Exception filed by: _____ Date _____
Prelim. check by LLS Date 12/21/82 Forwarded to claimant by: _____ Date _____
\$30.00 fee received by LLS Date 12/15/82 # 23071
Published in Boise Advertiser
Dates 12/20 & 1/6/83