

11/02/2005

RECEIVED

NOV 10 2005

WATER RESOURCES
WESTERN REGION

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: November 18, 2005

Water right number: 63-32162

RENEE IRMINGER
3473 N. BROOKSIDE LN
BOISE ID 83714
Telephone Number: (208) 939-1031

CARL E. IRMINGER
3473 N BROOKSIDE LANE
BOISE ID 83703
Telephone Number: (208)939-1031

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: 11-8-05 SIGNATURE: C. E. Irming

Please print your name: CARL E. IRMINGER

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

10/27/2005

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

RIGHT NUMBER: 63-32162

NAME AND ADDRESS: RENEE IRMINGER
3473 N. BROOKSIDE LN
BOISE ID 83714

CARL E. IRMINGER
3473 N BROOKSIDE LANE
BOISE ID 83703

SOURCE: DRY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.110 CFS
24.750 AFY

PRIORITY DATE: 06/01/1916

POINT OF DIVERSION:

T05N R01E S34 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.110 CFS 24.75 AFY

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S34 SWSE 5.5

5.5 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

This right is a split from former right 63-4220A.



State of Idaho
Idaho Department of Water Resources
Western Region

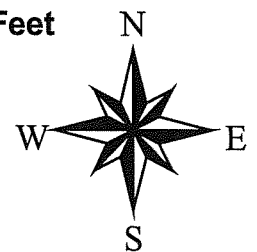
T5N R1E SECTION 34
Water Right (s): 63-63-32162



1320 0 1320 2640 3960 5280 6600 Feet



TOTAL IRRIGATED ACRES = 5.5



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: October 2005

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 63-32162
Date Received: 8/18/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RENEE IRMINGER Phone: (208) 939-1031

3473 N. BROOKSIDE LN
BOISE ID USA 83714

CARL E. IRMINGER Phone: (208) 939-1031

3473 N BROOKSIDE LANE
BOISE ID USA 83703

2. Date of Priority: 06/01/1916

3. Source: DRY CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	34	SW SE	ADA	

5. Description of diverting works:

5 HP JAC. PUMP, 4" MAINLINE, 3" SPRINKLER PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.11	

7. Total Quantity Appropriated is:
0.11 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	01E	34	SW	SE	IRRIGATION	5.5
					Section Acres	5.5
					Total Acres	5.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

CHANGE FROM TWO DIVERSIONS TO ONE. DIVERSION INITIALLY SHOWN IN SE1/4, SE1/4 IS A DAM WHICH MAY NO LONGER BE THERE.
THIS IS A SPLIT OFF OF 63-04220.

This right is a split from former right 63-4220a.

15. Basis of Claim: Statutory Claim

Form 42-248/42-1409(a) July, 2000

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
63-4220A	63-4220A	✓			

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) Errol & Carol Wilde
10550 Arnold Road, Boise 83703
4. New Owner/Claimant(s) Carl E. ^{And/or} Renee Irmingier
Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 3473 N Brookside Ln
- City, State and ZIP Code Boise, ID 83714
- New Telephone Number 208 939-1031
5. Date you acquired the property Dec 04, 1991

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	7 11 cfs	5 1/2 acres pasture 5.5 acres
Stock	7	Horses, mules
Domestic	7	chickens, dogs
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Renee J. Minger - Carl E. Minger
(include title if applicable) Carl E. Minger by Renee J. Minger

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

9174632

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE OF IDAHO, INC.

ADA COUNTY, ID. FOR STEWART TITLE
J. DAVID NAVARRO
RECORDER BY *[Signature]*

91 DEC 31 PM 4 16

READ & APPROVED BY GRANTEE(S):

(3920)

91031128 PW/CS (2920)

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 91031128 PW/CS

WARRANTY DEED

FOR VALUE RECEIVED ERROL O. WILDE AND CAROLE R. WILDE, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto CARL EUGENE IRMINGER, a single man

GRANTEE(S), whose current address is: 3473 BROOKSIDE LANE, BOISE, IDAHO 83703
the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

THIS WARRANTY DEED IS REPLACING QUITCLAIM DEED RECORDED 11/27/91
AS INSTRUMENT NO. 9169361.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights-of-way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: December 24, 1991

[Signature]
ERROL O. WILDE*[Signature]*
CAROLE R. WILDESTATE OF IDAHO
COUNTY OF ADA

On this 24th day of December, in the year of 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared ERROL O. WILDE AND CAROLE R. WILDE

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: *Chris M. Sanders*

Name: CHRIS M. SANDERS

Residing at: BOISE, ID

2,312,797.62 4→
1,393,714.29 ↓

PARCEL I

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 34, Township 5 North, Range 1 East, Boise-Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the South 1/4 corner of said Section 34;
thence
East along the South line of said Section 34 a distance of
1322.53 feet to an iron pin and the East 1/16 corner;
thence
North 0 degrees 30'57" West along the center-East 1/16 line
a distance of 990.63 feet to a 5/8 inch iron pin; thence
South 62 degrees 46'10" West a distance of 230.00 feet to a
5/8 inch iron pin; said point being THE REAL POINT OF
BEGINNING; thence
South 44 degrees 14'00" West along the center line of dry
creek a distance of 164.95 feet of a point; thence
continuing along the center line of dry creek the
following five courses,
South 87 degrees 30'00" West a distance of 207.00 feet to
a point; thence
South 48 degrees 00'00" West a distance of 116.00 feet; thence
South 88 degrees 30'00" West a distance of 73.00 feet; thence
South 28 degrees 30'00" West a distance of 37.00 feet; thence
South 60 degrees 00'00" West a distance of 167.00 feet to a
point; thence
North 0 degrees 25'33" West a distance of 546.62 feet; thence
North 89 degrees 55'12" East a distance of 523.37 feet; thence
South 38 degrees 19'00" East a distance of 199.09 feet;
thence
South 0 degrees 30'57" East a distance of 68.35 feet to THE
REAL POINT OF BEGINNING.

PARCEL II

Together with an easement for ingress and egress, more particularly described as follows:

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 34, Township 5 North, Range 1 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Southeast 1/16 corner of said Section 34;
thence
South 0 degrees 30'57" East a distance of 68.57 feet to a
point, said point being THE REAL POINT OF BEGINNING;
(formerly South 77.4 feet) thence
South 62 degrees 46'10" West a distance of 360.42 feet to

CONTINUATION OF EXHIBIT "A"

Order No. ST-91031128 PW/CS

a 1/2 inch iron pin; (formerly South 62 degrees
22'00" West 363.2 feet) thence
South 38 degrees 19'00" East a distance of 61.14 feet to
a 1/2 inch iron pin; (formerly South 37 degrees
25'00" East 60.98 feet) thence
North 62 degrees 46'10" East a distance of 318.47 feet to
a point; (formerly North 62 degrees 22'00" East
321.5 feet) thence
North 0 degrees 30'57" West a distance of 67.17 feet to
a point, said point being THE REAL POINT OF BEGINNING
(formerly North 67.7 feet)





Ada County Assessor Land Records/GIS

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Property Search

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Property Details for Parcel S0234438520 and Year 2005

[\[Back to Parcel Search\]](#) [\[Print View\]](#)

[Details](#) [Valuation](#) [Tax Districts](#) [Characteristics](#)

Parcel: S0234438520 **Ada County Assessor**

Year: 2005

Zone Code: RUT

Total Acres: 5.549

Tax Code Area: 270

Property Description:

PAR #8520 OF SW4SE4

SEC 34 5N 1E

#433920-S

#9174632



[View Interactive Map of this Parcel](#)

Address: 3473 N BROOKSIDE LN BOISE , ID 83714

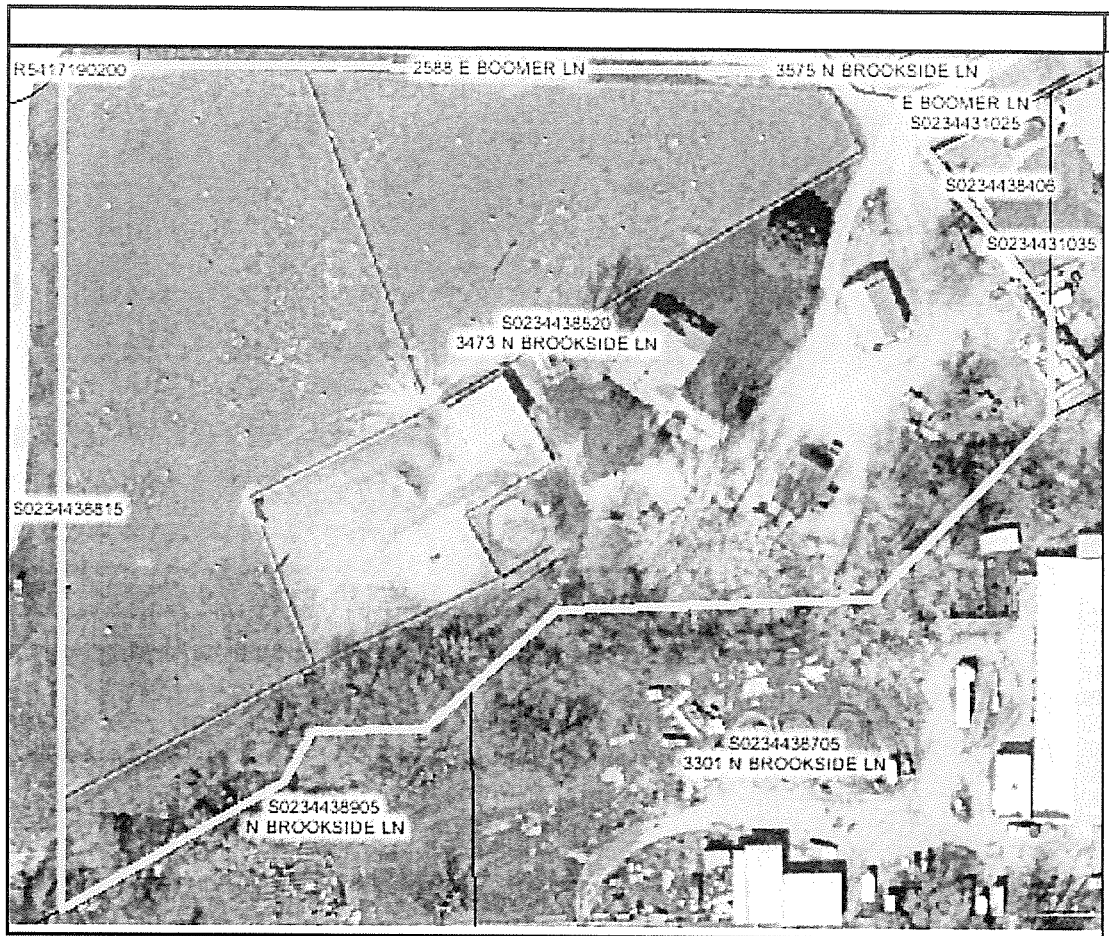
Subdivision: 5N 1E 34

Land Group Type: SECT

Township/Range/Section: 5N1E34

[Contact Us](#) | [Disclaimer](#)

Untitled Map



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4220A

WATER RIGHT NUMBER: 63-4220A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARY STILLWELL RT 1 BOISE, ID 83702
Current Owner	CAROLE R WILDE 3473 BROOKSIDE LN BOISE, ID 83703 (208)939-0873
Original Owner	GLENN STILLWELL RT 1 BOISE, ID 83702
Current Owner	ERROL WILDE 3473 BROOKSIDE LN BOISE, ID 83703 (208)939-0873

Priority Date: 06/01/1916

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
DRY CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

DRY CREEK	SW1/4SE1/4	Sec. 34, Twp 05N, Rge 01E, B.M.
ADA 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	01E	34																	6.5
																			6.5

Total Acres: 6.5

- 1 acre - wide

Conditions of Approval:

1. CHANGE FROM TWO DIVERSIONS TO ONE. DIVERSION INITIALLY SHOWN IN SE1/4,SE1/4 IS A DAM WHICH MAY NO LONGER BE THERE.
THIS IS A SPLIT OFF OF 63-04220.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4220A

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 8/14/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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: A63-04220A
Date Received: 8/14/1989
Receipt No: W004389
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERROL WILDE 208-939-0873
Address: 3473 BROOKSIDE LN.
BOISE, ID 83703

OR

Name: CAROLE R. WILDE 208-939-0873
Address: 3473 BROOKSIDE LN.
BOISE, ID 83703

2. Date of Priority: JUN 01, 1916

3. Source: DRY CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	34	SW	SE			ADA

5. Description of diverting works:
5 HP JAC. PUMP, 4" MAINLINE, 3" SPRINKLER PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.130		

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

8. Total consumptive use is 22.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	34	SW	SE	IRR	6.5
Section Acres						6.5
Total Acres						6.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
63-04420

14. Remarks:

CHANGE FROM TWO DIVERSIONS TO ONE. DIVERSION INITIALLY SHOWN IN
SE1/4, SE1/4 IS A DAM WHICH MAY NO LONGER BE THERE.
THIS IS A SPLIT OFF OF 63-04220.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): x Enol OWida Date: x 8/14/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of August 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994

AG3-04220A
T5N, R1E, S34

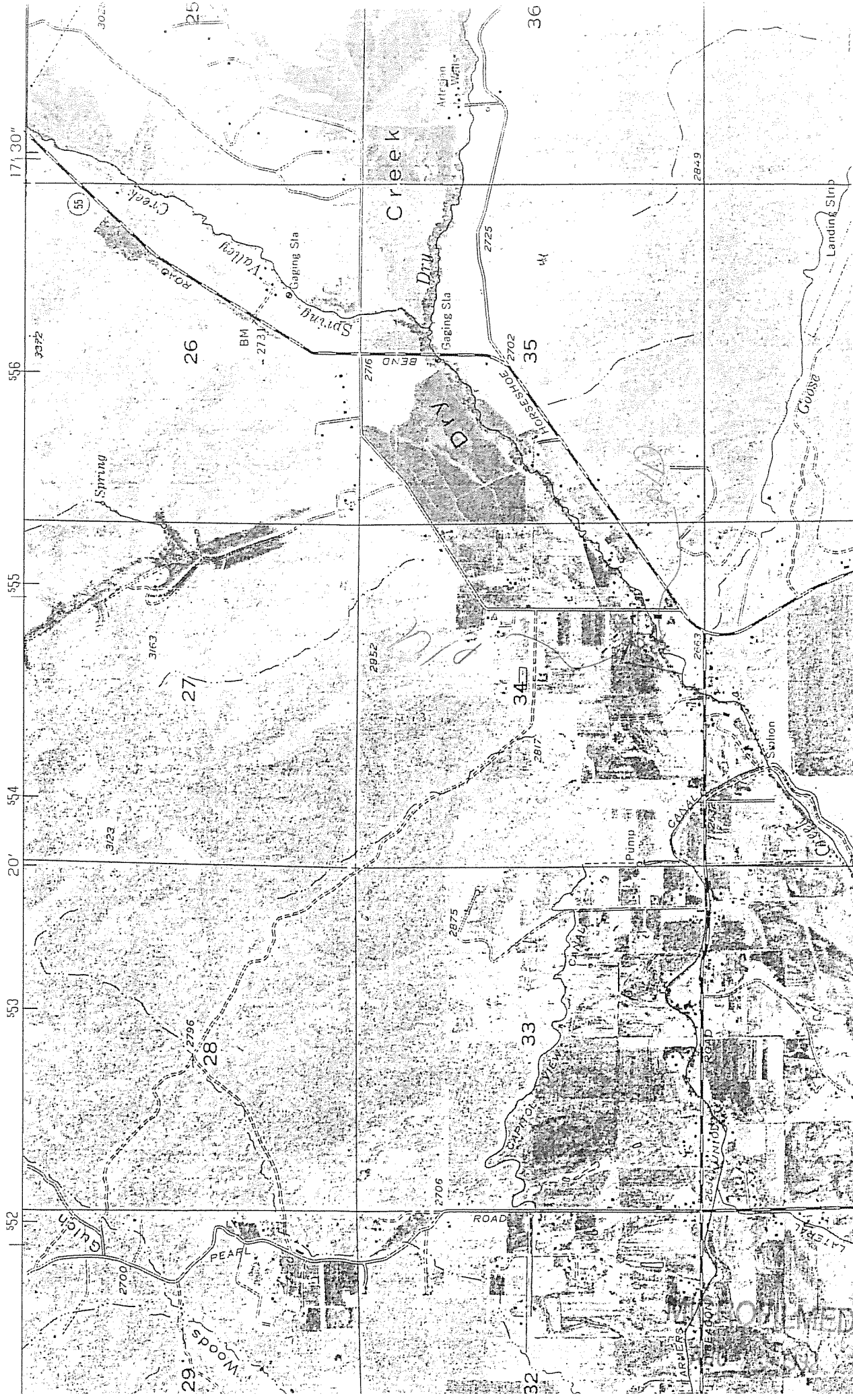
R

OF WATER RESOURCES

STATES

THE INTERIOR

L SURVEY





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 26, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Renee and Carl Irminger
3473 Brookside Ln
Boise, ID 83714

Re: Original Notice of Claim to a Water Right No. 63-4220A

Renumbered Notice of Claim to a Water Right No. 63-32162

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

30
May 25, 2005

Vicky E. Muske ~~JOHN / VICKI MUSKE~~
Water Resource Agent
Dept. of Water Resources
State of Idaho

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4219E

Current owner: ~~Rory and Isabel Flook~~ CARLE IRMINGER
~~13153 N Horseshoe Bend Rd~~ 3473 BROOKSIDE LN.
Boise ID 83714 BOISE, ID. 83714

EVIDENCE AFFIDAVIT:

Mr. Glenn Stillwell provides this statement of evidence. Mr. Stillwell is the previous owner of said property and Claims.

WALT ERDEL-BROCK

The ~~Mary Glenn Subdivisions~~ present point of diversion (off Dry Creek) for irrigation purposes is at the same location on the creek, and has been in use for irrigation since the land was originally homesteaded.

This was prior to 1900.

My Family (STILLWELLS), rented /leased this property from the original homesteaders the Clemmens family, before the turn of the century. I latter purchased the said property along dry creek. Myself and my Grand parents before me have always irrigated the land adjoining Dry Creek from that "point of diversion" on Dry creek at its present location, (which is now, ~~Helen Yeagers~~ property),

↓ CARL IRMINGER'S

Sincerely

Glenn Stillwell

* REVISIONS PER CONVERSATION WITH GLENN & MARY
STILLWELL 5.30.05 AT THEIR RESIDENCE OFF HIWA

16