

05/05/2009

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

RIGHT NUMBER: 63-32296

NAME AND ADDRESS: KEVIN OLINGER
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID 83660

LANA OLINGER
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION:

T06N R05W S16 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.880 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S16	NESW	15.00	T06N R05W S16	NWSW	0.20
T06N R05W S16	SWSW	7.60	T06N R05W S16	SESW	21.00

43.8 ACRES TOTAL

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

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

District. Use of this right is combined with water from Black Canyon Irrigation

This right is a split from former right 63-4018 .

Use of this right is combined with water from Farmers Canal Water Users Association.

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

Use of this right is combined with water from Farmers Canal Water Users Association.

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 63-32296
Date Received: 4/12/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LANA OLINGER Phone: (208)722-7812
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID USA 83660

KEVIN OLINGER Phone: (208)722-7812
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID USA 83660

2. Date of Priority: 04/01/1954

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05W	16	SE SW	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/01	0.6	

7. Total Quantity Appropriated is:
0.6 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
06N	05W	16	SW	SE	IRRIGATION	24
			SE	SE	IRRIGATION	20
					Section Acres	44
					Total Acres	44

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-4018.

CHANGE IN OWNERSHIP LG 11-22-06

15. Basis of Claim: Beneficial Use

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

RECEIVED

NOV 15 2006

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-32295					
63-32296					

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 WARRANTY DEED ~~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**.

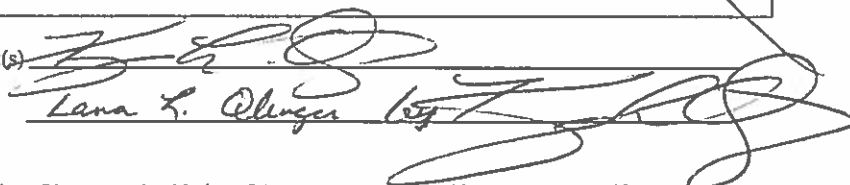
3. Name and Address of Former Owner/Claimant(s) PATRICIA MALONE HOWARD MALONE
UNKNOWN DECEASED
4. New Owner/Claimant(s) KEVIN & LANA OLINGER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
DBA L+K FARMS LIMOUSIN
 New Mailing Address P.O. BOX #176
 City, State and ZIP Code PARMA, IDAHO 83660
 New Telephone Number (208) 722-7812 Cell (208) 740-9444
5. Date you acquired the property _____

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

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

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

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


Lana S. Olinger

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 lgagnon

Date 11-15-06

Fee _____

Received by _____

Date _____

Receipt No. _____

Processed by lgagnon AJ

Date 11-22-06

WR _____

Date _____

253050

P-22443, 901 act of 900/19

WARRANTY DEED

For Value Received

PATRICIA T. MALONE, also known as PATRICIA TERRIL MALONE, a single person,

the grantor, do es hereby grant, bargain, sell and convey unto

KEVIN L. OLINGER and LANA L. OLINGER, husband and wife,

the grantee, whose current address is 2170 Highway 95, Parna, ID 83660

the following described premises, in Payette

County Idaho, to-wit:

See Exhibit "A" attached hereto.

SUBJECT TO MORTGAGE from Howard J. Malone and Patricia T. Malone, husband and wife, to the United States of America, acting through the Farmers Home Administration, United State Department of Agriculture, securing the payment of \$200,000.00, together with interest and any other obligations secured thereby, dated May 24, 1983, recorded May 25, 1983, Fee #198974, Mortgage Records of Payette County, Idaho, which Grantees are hereby assuming and agreeing to pay.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances excepting reservations, easements, incumbrances, restrictions and rights of way appearing of record and/or existing,

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 28, 1994

Patricia T. Malone
PATRICIA T. MALONE, also known as PATRICIA TERRIL MALONE

STATE OF IDAHO, COUNTY OF Payette
On this 28th day of November, 19 94
before me, a notary public in and for the said State, personally appeared

Patricia T. Malone, also known as
Patricia Terril Malone

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Sheryl Miller
Notary Public
Residing at Payette, Idaho
Comm. Expires 3-3-2000

STATE OF IDAHO, COUNTY OF Payette
I hereby certify that this instrument was filed for record at
the request of Land Title Insurance Company

at 30 minutes past 2:00 o'clock P.M.
this 29 day of Nov.
1994, in my office, and duly recorded in Book 48
of Deeds at Page 253050

LAURA STICHEL
County Recorder
By Deborah J. Smith Deputy.

Fees \$ 6.00
Maid to:

INSTRUMENT No. 253050

253050

EXHIBIT "A"

Land in Twp. 6 N. E. S W., B.M., Payette County, Idaho:

In Sec. 16: SW1;
 EXCEPTING THEREFROM the following described parcel of land:
 Commencing at the Southwest corner of said SW1SW1;
 thence N. 89°56'00" E. along the South side line of said SW1SW1, 908.03 feet;
 thence N. 24°00'40" W. 27.35 feet to the TRUE POINT OF BEGINNING;
 thence continue N. 24°00'40" W. 247.74 feet;
 thence N. 89°56'00" E. 292.13 feet;
 thence S. 00°04'00" E. 226.42 feet;
 thence S. 89°56'00" W. 191.58 feet to the Point of Beginning.
 FURTHER EXCEPTING THEREFROM the following described parcel of land:
 Commencing at the Southwest corner of said Sec. 16;
 thence N. 89°56'00" E. 414.20 feet along the South side line of said Sec. 16 to the Point of Beginning, being a point on the centerline of an irrigation canal, and the beginning point of a non tangent curve to the right having a radius of 530.00 feet, the tangent of which bears N. 7°37'50" E.;
 thence Northerly along the centerline of said canal, on a curve to the right, concave Easterly, through a central angle of 13°49'35", an arc distance of 127.90 feet;
 thence continuing along said canal the following five courses:
 N. 21°27'25" E. 25.25 feet to the beginning of a tangent curve to the right having a radius of 115.00 feet;
 thence Northeasterly, concave Southeasterly, through a central angle of 68°11'20", an arc distance of 136.36 feet;
 thence N. 89°38'45" E. 106.80 feet to the beginning of a tangent curve to the left, having a radius of 58.00 feet;
 thence Northeasterly, concave Northwesterly, through a central angle of 71°19'45", an arc distance of 72.21 feet;
 thence N. 18°19'00" E., 19.87 feet;
 thence departing the centerline of said canal, N. 89°56'00" E. 53.58 feet;
 thence S. 24°00'40" E. 30.00 feet to a 5/8" rebar with a PELS 2007 cap, representing the Northwest corner of a parcel shown on a Survey, recorded in Book 3 of Surveys, at Page 39, in the Official Records of Payette County;
 thence along the Westerly line of said Parcel S. 24°00'40" E. 275.21 feet to a point on the Southerly line of said Sec. 16;
 thence along said South line, S. 89°56'00" W. 493.15 feet, more or less, to the Point of Beginning.
 AND FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Idaho, for highway purposes, along the West side line of the subject lands, as conveyed by grant, recorded June 12, 1991, Fee #234812, Deed Records of Payette County, Idaho.

TOGETHER WITH all water and water rights, ditches and ditch rights, tenements and hereditaments, appurtenances and fixtures, and permits and licenses belonging thereto or in anywise appertaining, including eight and one half (8 1/2) shares in the Farmers Co-Operative Ditch.

NWSW

NESW

T6N R5W S16

SWSW

SESW



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 63-32296
Date Received: 4/12/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOWARD J MALONE Phone: (208)455-4140
2803 BRISTOL AVE
CALDWELL ID USA 83605-1619

PATRICIA T MALONE Phone: (208)455-4140
2803 BRISTOL AVE
CALDWELL ID USA 83605-1619

2. Date of Priority: 04/01/1954

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05W	16	SE SW	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/01	0.6	

7. Total Quantity Appropriated is:
0.6 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
06N	05W	16	SW	SE		IRRIGATION	24
			SE	SE		IRRIGATION	20
						Section Acres	44
						Total Acres	44

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-4018 .

15. Basis of Claim: Beneficial Use

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: A63-04018
Date Received: 4/12/1990
Receipt No: M006609
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	PATRICIA T MALONE	208-455-4140
Address:	2803 BRISTOL AVE	
	CALDWELL ID	83605-1619
	AND/OR	
Name:	HOWARD J MALONE	208-455-4140
Address:	2803 BRISTOL AVE	
	PARMA ID	83605-1619

2. Date of Priority: APR 1, 1951

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	16	SE	SW			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/01	1.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	05W	16	SE		NW		IRR	3.0
			NW		SW		IRR	5.0
			SE		SW		IRR	4.0
			SW		SE		IRR	24.0
			SE		SE		IRR	33.0
							Section Acres	69.0
							Total Acres	69.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

SHARES IN BLACK CANYON, AND COOP CANAL.

14. Remarks:

PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.

CLAIM LISTS STORAGE OF 2 AF.

ADDRESS CHANGE BY CLAIMANT LETTER.

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

February 26, 1999

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 05 1999

Department of Water Resource

PATRICIA T MALONE
2803 BRISTOL AVE
CALDWELL ID 83605-1619

*records changed, NCAP
prepared, of change form
to new owners.*

Re: Snake River Basin Adjudication (SRBA)
Adjudication Claims #A63-04018, 63-21962, 63-21965 &
63-30152
Change of Address

SEE OVER

Dear Claimant:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by March 12, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Patricia T Malone
Claimant Signature

455-4140
Telephone No.

(over)

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: A63-04018
Date Received: 4/12/1990
Receipt No: M006609
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PATRICIA T MALONE
Address: 2170 HWY 95
PARMA ID

208-722-5923

83660

AND/OR

Name: HOWARD J MALONE
Address: 2170 HWY 95
PARMA ID

208-722-5923

83660

2. Date of Priority: APR 1, 1951

3. Source: UNNAMED DRAIN

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	16	SE	SW			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/01	1.400		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05W	16	SE	NW		IRR	3.0
			NW	SW		IRR	5.0
			SE	SW		IRR	4.0
			SW	SE		IRR	24.0
			SE	SE		IRR	33.0

Section Acres 69.0

Total Acres 69.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

SHARES IN BLACK CANYON, AND COOP CANAL.

14. Remarks:

PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.

15. Basis of Claim: STATUTORY CLAIM

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: A63-04018
Date Received: 4/10/1990
Receipt No: MOO6609
Received By: _____

RECEIVED

APR 12 1990

Department of Water Resources
Western Regional Office

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

1. Name: PATRICIA T. MALONE
Address: 2170 HWY 95
PARMA, ID

208-722-5923

83660

AND/OR

Name: HOWARD J. MALONE
Address: 2170 HWY 95
PARMA, ID

208-722-5923

83660

2. Date of Priority: APR 01, 1951

3. Source: UNNAMED DRAIN

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	05W	16	SE	SW			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/01	1.400		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04018

Page 1

Date: 04/10/90

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05W	16	SE	NW		IRR	3.0
			NW	SW		IRR	5.0
			SE	SW		IRR	4.0
			SW	SE		IRR	24.0
			SE	SE		IRR	33.0
Section Acres							69.0
Total Acres							69.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
SHARES IN BLACK CANYON, AND COOP CANAL.

14. Remarks:
PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.

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: _____

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): Patricia J. Malone Date: 4-10-90

Howard J. Malone Date: 4-11-90

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of April 19 90

John D. Carlson
Notary Public

Seal

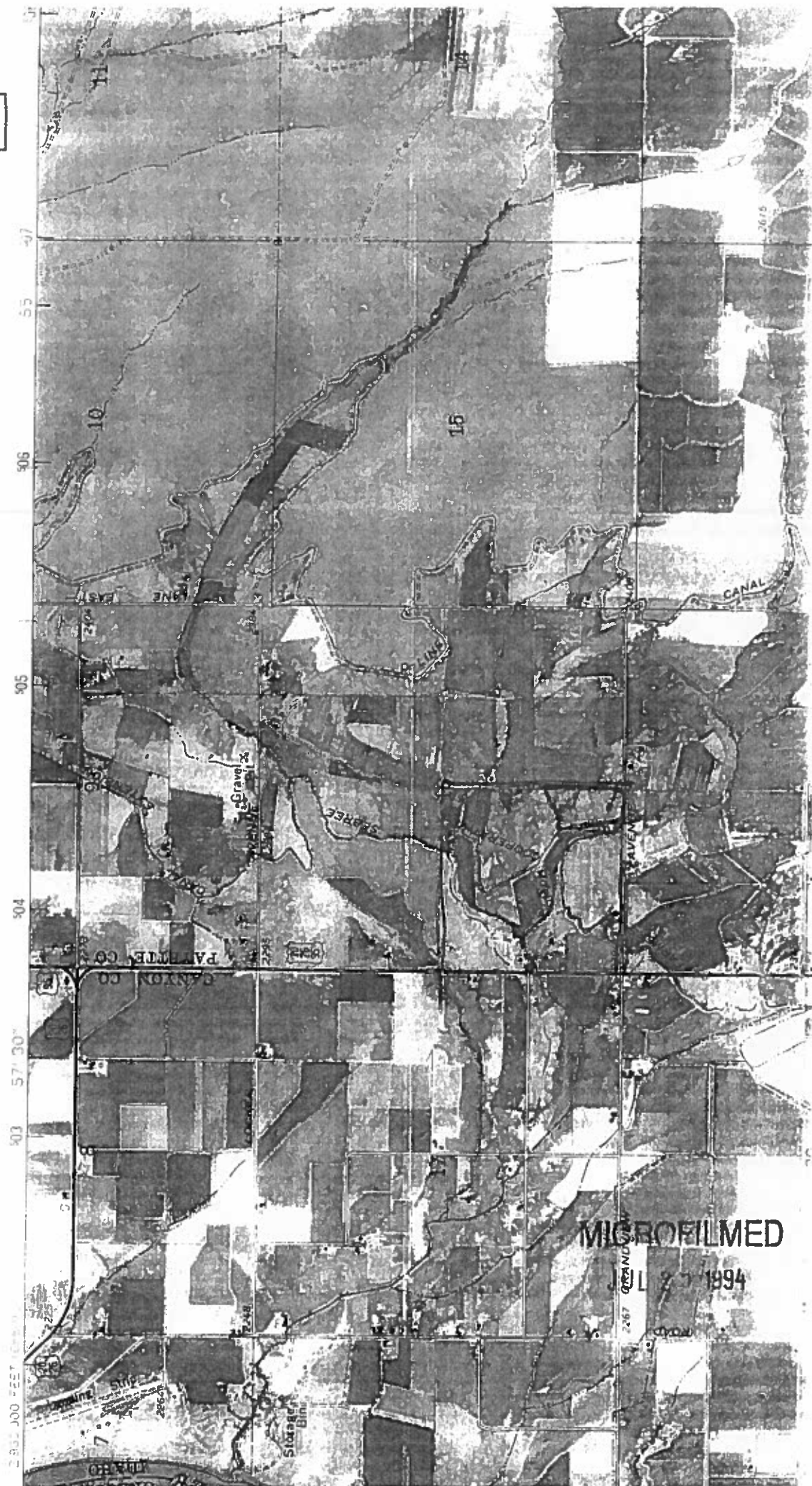
Residing at Boise, ID

My Commission Expires 5/2/94

POOR ORIGINAL

WATER RESOURCES

RIO



11/22/2006

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

RIGHT NUMBER: 63-32296

NAME AND ADDRESS: KEVIN OLINGER
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID 83660

LANA OLINGER
DBA L & K FARMS LIMOUSIN
PO BOX 176
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION:

T06N R05W S16 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.880 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T06N R05W S16	NESW	15.00	T06N R05W S16	NWSW	0.20
T06N R05W S16	SWSW	7.60	T06N R05W S16	SESW	21.00

43.8 ACRES TOTAL

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

PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.
| ADDRESS CHANGE BY CLAIMANT LETTER.

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

District. Use of this right is combined with water from Black Canyon Irrigation

This right is a split from former right 63-4018.

Use of this right is combined with water from Farmers Canal Water Users Association.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 20, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Kevin and Lana Olinger
L & K Farms Limousin
PO Box 176
Parma, ID 83660

Notice of Claim to a Water Right No. 63-32295, 63-32296

Dear Claimant(s):

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

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

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

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

09/20/2006

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

RIGHT NUMBER: 63-32296

NAME AND ADDRESS: HOWARD J MALONE
2803 BRISTOL AVE
CALDWELL ID 83605-1619

PATRICIA T MALONE
2803 BRISTOL AVE
CALDWELL ID 83605-1619

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION:

T06N R05W S16 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.880 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T06N R05W S16	NESW	15.00	T06N R05W S16	NWSW	0.20
T06N R05W S16	SWSW	7.60	T06N R05W S16	SESW	21.00

43.8 ACRES TOTAL

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

PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.
| ADDRESS CHANGE BY CLAIMANT LETTER.

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

District. Use of this right is combined with water from Black Canyon Irrigation

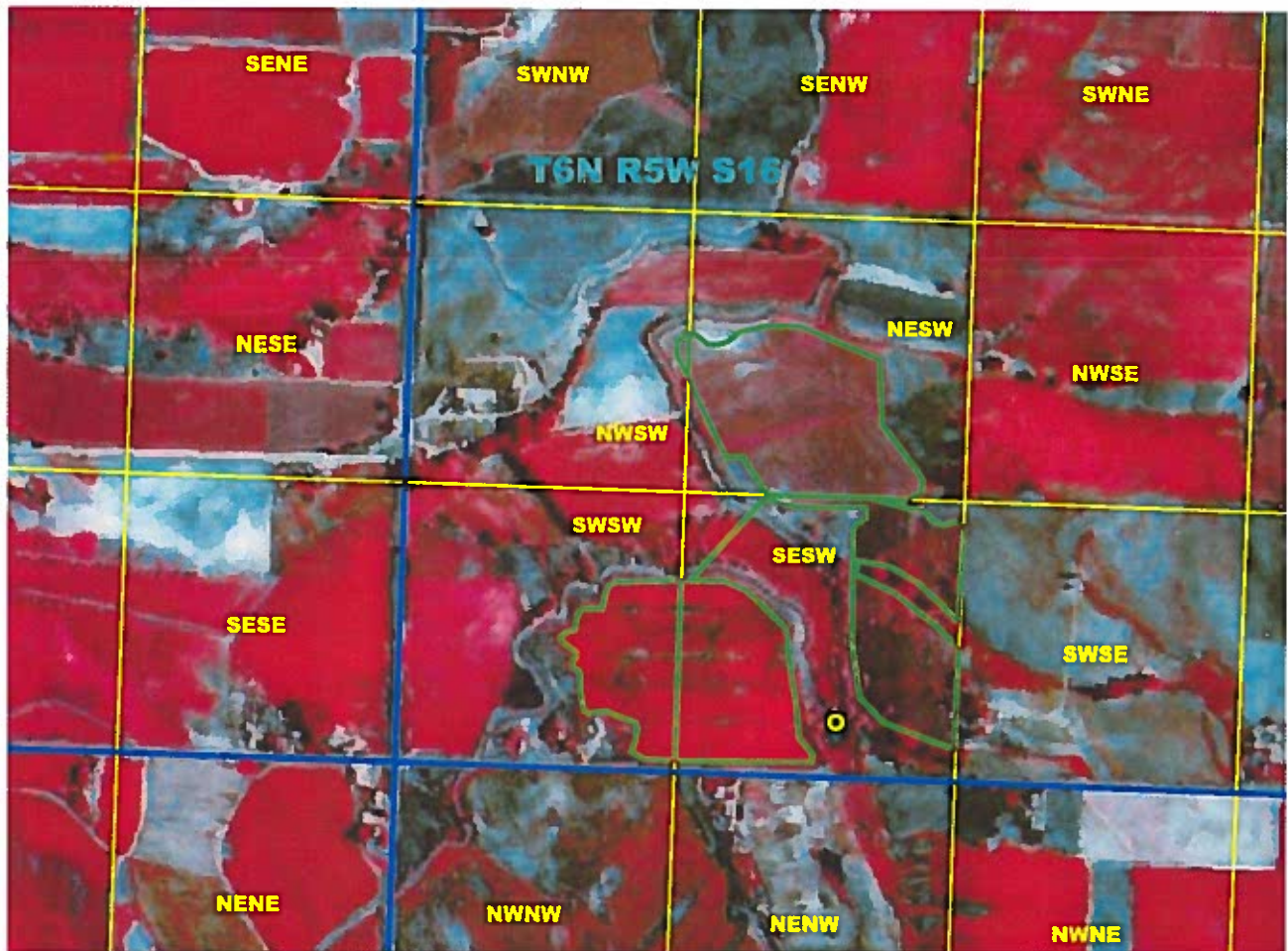
This right is a split from former right 63-4018 .

Use of this right is combined with water from Farmers Canal Water Users Association.



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R5W SECTION(S) 16
WATER RIGHT(S) : 63-32296



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

Total Irrigated Acres = 43.8 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: September 2006



MEMORANDUM

TO: ADJUDICATION FILES 63-32295 and 63-32296

FROM: DANIEL A. NELSON

DATE: 9/20/06

SUBJECT: CLAIM REVIEW

The two above claims are based on statutory claim 63-4018. This claim was filed to capture unnamed drain water to irrigated approximately 69 acres within a 160 acre tract of land. The adjudication claim was initially filed the same as the statutory claim, but both claims claimed two separate priority dates. One date was for the gravity flow system and the other was for the pressurized system. There was adequate evidence in the files to recommend both dates, so the file was split by our office into 63-32295 for the gravity system and 63-32296 for the pressurized system. The priority dates claimed for each of these rights will be recommended as claimed due to the affidavits supplied.

The two systems even though they come from the same source are different. They both irrigate mainly pasture or grass/hay fields, but the only real connecting feature is the pond. The water being diverted flows into and out of the pond and then back into a lateral. The gravity system uses the water that overflows the pond into the lateral, and the pressurized systems pumps directly out of the pond. Burke Scholer performed an exam on this system, but he did not get a measurement of the water flowing into the pond and/or into the lateral. I went back to the site and performed a Mannings Equation to determine the maximum capacity of the water flowing into and out of the pond. I will discuss the flow rates for each right below:

63-32295:

This is the gravity flow right for this farm. It is a little shaky on whether or not this is actual drain water, wastewater, or canal water from the D-line canal delivering the Black Canyon Irrigation District shares to the property. This farm hasn't been used in several years, so the ditches and fields were in very poor condition. I would call this an unnamed drain at this point, but I could be convinced in many different directions fairly easily.

The Water in the drain flows under the road into a small pond. The pond has a culvert in the dam that allows overflow water to flow into the lateral. The water in the lateral is then diverted at the lateral headgate. The lateral belongs to Co-Operative Canal Company, but from what I understand, it also delivers Black Canyon Irrigation District water as well.

Burke Scholer did the field exam on this claim, and found the acres being irrigated. However, he didn't measure the amount of water being used for the gravity system. The water in this drain flows into and out of the pond at approximately the same rate. The flows vary greatly depending on how much wastewater is being generated upstream. Therefore, I performed a Mannings measurement on the culvert coming under the road with the assistance of Kimberly Brown. We determined that the drain had the capability to carry 29.79 cfs at full flows. This is highly unlikely, but they did construct the culvert to carry this amount of water. Therefore, I have concluded that there is sufficient drain water at times to supply the full inch per acres for both the pressurized system and the gravity system at the same time.

Mr. Scholer found that approximately 30.7 acres are capable of being irrigated out of this system. This acre amount is based on current photos and not on the 1987 aerial photography. Using the 1987 aerial photos I found that 24.8 acres were irrigated in the 1987. The 24.8 acres will be recommended. The diversion rate is limited to 0.02 cfs per acre or 0.50 cfs. The owner claimed more water on the original claim for the 1951 priority date, but I believe more of that was supposed to go to the pressurized system with the 1954 priority date.

The affidavits should be sufficient to allow the 1951 priority date. This right should include the conditions that limit the use of water at the field headgates when all rights are combined to 0.02 cfs per acre, and also include acknowledgement that Black Canyon and Farmers Co-Operative Canal Company are also used on this property.

63-32296:

This is the pressurized flow right for this farm. It is a little shaky on whether or not this actual drain water, wastewater, or canal water from the D-line canal delivering the Black Canyon Irrigation District shares to the property. This farm hasn't been used in several years, so the ditches and fields were in very poor condition. I would call this an unnamed drain at this point, but I could be convinced in many different directions fairly easily.

The Water in the drain flows under the road into a small pond. The pond has a culvert in the dam that allows overflow water to flow into the lateral. There is an old pumping station set on the bank of the pond, but this system hasn't been used in many years. The pump is at the shop of the current property owner. Burke Scholer did the field exam on this claim, and performed the theoretical calculation on the pump and found the acres being irrigated. I performed a Mannings measurement on the culvert coming under the road with the assistance of Kimberly Brown. We determined that the drain had the capability to carry 29.79 cfs at full flows. This is highly unlikely, but they did construct the culvert to carry this amount of water. Therefore, I have concluded that there is sufficient drain water at times to supply the full inch per acres for both the pressurized system and the gravity system at the same time.

Mr. Scholer found that the pump has the capacity to divert 1.40 cfs and approximately 65.1 acres that are capable of being irrigated out of this system. This acre amount is based on current photos and not on the 1987 aerial photography. Using the 1987 aerial photos I found that 43.8 acres were irrigated in the 1987. The 43.8 acres will be recommended. The diversion rate is generally limited to 0.02 cfs or an inch per acre for the 43.8 acres or 0.88 cfs, however, only 0.60 cfs was claimed under the 1954 priority date. Taking into account that the department did the split of these rights, I determined that as long as both 63-32295 and 63-32296 does not exceed the 1.40 cfs claimed under the original adjudication claim, 63-4018, we should be able to recommend the full 0.88 cfs for this claim. 63-32295 was recommended for 0.50 cfs so this claim will be recommended for 0.88 cfs for a total between the two claims of 1.38 cfs below the amount originally claimed under 63-4018.

The affidavits should be sufficient to allow the 1954 priority date. This right should include the conditions that limit the use of water at the field headgates when all rights are combined to 0.02 cfs per acre, and also include acknowledgement that Black Canyon and Farmers Co-Operative Canal Company are also used on this property. I am not sure how Black Canyon and Farmers Co-Operative water are diverted to these upper acres, but this condition should be included in case this unnamed drain is actually a poorly maintained lateral.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

WATER RIGHT NUMBER: 63-32296 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD J MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	AUDREY C CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623
Current Owner	PATRICIA T MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	ERNEST R CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623

Priority Date: 04/01/1954

Basis: Beneficial Use

Status: Active

Source

UNNAMED DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.880 CFS

Annual VolumeTotal Diversion:

0.880 CFS

Location of Point(s) of Diversion

UNNAMED DRAIN

SE1/4SW1/4

Sec. 16, Twp 06N, Rge 05W, B.M.

PAYETTE 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	
06N	05W	16									15.0	.2	7.6	21.0					43.8

Total Acres: 43.8

Conditions of Approval:

1. W14 Use of this right is combined with water from Black Canyon Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

2. PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.
| ADDRESS CHANGE BY CLAIMANT LETTER.
3. This right is a split from former right 63-4018 .
4. 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.
5. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
6. W67 Use of this right is combined with water from Farmers Canal Water Users Association.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32296 V1

Comments:

1. dnelson 9/20/2006 Claim Review

Comment: The two above claims are based on statutory claim 63-4018. This claim was filed to capture unnamed drain water to irrigated approximately 69 acres within a 160 acre tract of land. The adjudication claim was initially filed the same as the statutory claim, but both claims claimed two separate priority dates. One date was for the gravity flow system and the other was for the pressurized system. There was adequate evidence in the files to recommend both dates, so the file was split by our office into 63-32295 for the gravity system and 63-32296 for the pressurized system. The priority dates claimed for each of these rights will be recommended as claimed due to the affidavits supplied.

The two systems even though they come from the same source are different. They both irrigate mainly pasture or grass/hay fields, but the only real connecting feature is the pond. The water being diverted flows into and out of the pond and then back into a lateral. The gravity system uses the water that overflows the pond into the lateral, and the pressurized systems pumps directly out of the pond. Burke Scholer performed an exam on this system, but he did not get a measurement of the water flowing into the pond and/or into the lateral. I went back to the site and performed a Mannings Equation to determine the maximum capacity of the water flowing into and out of the pond. I will discuss the flow rates for each right below:

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This is the gravity flow right for this farm. It is a little shaky on whether or not this is actual drain water, wastewater, or canal water from the D-line canal delivering the Black Canyon Irrigation District shares to the property. This farm has not been used in several years, so the ditches and fields were in very poor condition. I would call this an unnamed drain at this point, but I could be convinced in many different directions fairly easily.

The Water in the drain flows under the road into a small pond. The pond has a culvert in the dam that allows overflow water to flow into the lateral. The water in the lateral is then diverted at the lateral headgate. The lateral belongs to Co-Operative Canal Company, but from what I understand, it also delivers Black Canyon Irrigation District water as well.

Page 2

63-32295 & 63-32296

Burke Scholer did the field exam on this claim, and found the acres being irrigated. However, he did not measure the amount of water being used for the gravity system. The water in this drain flows into and out of the pond at approximately the same rate. The flows vary greatly depending on how much wastewater is being generated upstream. Therefore, I performed a Mannings measurement on the culvert coming under the road with the assistance of Kimberly Brown. We determined that the drain had the capability to carry 29.79 cfs at full flows. This is highly unlikely, but they did construct the culvert to carry this amount of water. Therefore, I have concluded that there is sufficient drain water at times to supply the full inch per acres for both the pressurized system and the gravity system at the same time.

Mr. Scholer found that approximately 30.7 acres are capable of being irrigated out of this system. This acre amount is based on current photos and not on the 1987 aerial photography. Using the 1987 aerial photos I found that 24.8 acres were irrigated in the 1987. The 24.8 acres will be recommended. The diversion rate is limited to 0.02 cfs per acre or 0.50 cfs. The owner claimed more water on the original claim for the 1951 priority date, but I believe more of that was supposed to go to the pressurized system with the 1954 priority date.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

carry this amount of water. Therefore, I have concluded that there is sufficient drain water at times to supply the full inch per acres for both the pressurized system and the gravity system at the same time.

Page 3
63-32295 & 63-32296

Mr. Scholer found that the pump has the capacity to divert 1.40 cfs and approximately 65.1 acres that are capable of being irrigated out of this system. This acre amount is based on current photos and not on the 1987 aerial photography. Using the 1987 aerial photos I found that 43.8 acres were irrigated in the 1987. The 43.8 acres will be recommended. The diversion rate is generally limited to 0.02 cfs or an inch per acre for the 43.8 acres or 0.88 cfs, however, only 0.60 cfs was claimed under the 1954 priority date. Taking into account that the department did the split of these rights, I determined that as long as both 63-32295 and 63-32296 does not exceed the 1.40 cfs claimed under the original adjudication claim, 63-4018, we should be able to recommend the full 0.88 cfs for this claim. 63-32295 was recommended for 0.50 cfs so this claim will be recommended for 0.88 cfs for a total between the two claims of 1.38 cfs below the amount originally claimed under 63-4018.

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Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: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>
Summary			05/04/2006	lharris	Active
Contacts	9/20/2006 1:51:09 PM	dnelson			Active
Contacts	9/20/2006 1:51:59 PM	dnelson			Active
Priority Date	9/20/2006 1:52:54 PM	dnelson			Active
POD	9/20/2006 1:54:02 PM	dnelson			Active
Source	9/20/2006 1:54:35 PM	dnelson			Active
POU	9/20/2006 1:58:06 PM	dnelson			Active
Use	9/20/2006 1:58:36 PM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

Season	9/20/2006 1:59:35 PM	dnelson	Active
Quantity	9/20/2006 2:06:29 PM	dnelson	Active
Summary	09/20/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/20/2006 1:53:49 PM	dnelson	Updated shape
POU	9/20/2006 1:57:50 PM	dnelson	Updated shape for Active POU
Contacts	9/20/2006 1:52:00 PM	dnelson	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: HOWARD J MALONE - Contact Phone Number: 722-7812 Date of Field Exam: 8-3-06 Directions to Property:
Contacts	9/20/2006 1:51:10 PM	dnelson	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: HOWARD J MALONE - Contact Phone Number: 722-7812 Date of Field Exam: 8-3-06 Directions to Property:
General	9/20/2006 1:52:54 PM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Several Affidavits in Statutory Claim File.
POD	9/20/2006 1:54:02 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

Source	9/20/2006 1:54:36 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam by Contractor.
Use	9/20/2006 1:58:37 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Contractor.
Quantity	9/20/2006 2:06:30 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Field Exam by Contractor and Agent using
POU	9/20/2006 1:58:07 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam by Contractor.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32296 V1

Season	9/20/2006 1:59:36 PM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	9/20/2006 2:07:34 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	5/4/2006 2:17:38 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32296

WATER RIGHT NUMBER: 63-32296

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD J MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	AUDREY C CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623
Current Owner	PATRICIA T MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	ERNEST R CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623

Priority Date: 04/01/1954
Basis: Beneficial Use
Status: Active

- OK (Affidavit)
- OK

Source
UNNAMED DRAIN

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	10/01	0.886 CFS	0.88
	3-1	11-15	<u>Total Diversion:</u>	0.88

NO VOL
SURFACE
WATER

Location of Point(s) of Diversion

UNNAMED DRAIN
PAYETTE County

SE1/4SW1/4

Sec. 16, Twp 06N, Rge 05W, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	05W	16	15	7.6	21	15	43.9
			0.2				27

Total Acres: 44

Conditions of Approval:

- This right is a split from former right 63-4018 .

Remarks:

Black Canyon
Farmers co-op canal
0.07 cfs limitation

CURRENT OWNER
Tax Records: Previous
OWNER:

Kevin & Lana Oling
P.O. Box 176
Parma ID 83660

Brian & Cindy Atkinson
1068 Grandview Ave
Parma, ID 83660.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4018

WATER RIGHT NUMBER: 63-4018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD J MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	AUDREY C CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623
Current Owner	PATRICIA T MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	ERNEST R CARTWRIGHT PO BOX 523 GLENN'S FERRY, ID 83623

Priority Date: 04/01/1951
Basis: Statutory Claim
Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/01	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SE1/4SW1/4	Sec. 16, Twp 06N, Rge 05W, B.M.
PAYETTE County		

Place of Use

<u>IRRIGATION</u>	NE				NW				SW				SE					
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
06N 05W 16								3.0				5.0				4.0		
																24.0	33.0	69.0

Total Acres: 69

Conditions of Approval:

- PRIORITIES ARE 4-1-1951 OF .8 CFS & 4-1-1954 OF .6 CFS.
CLAIM LISTS STORAGE OF 2 AF.
| ADDRESS CHANGE BY CLAIMANT LETTER.

Dates and Other Information:

Claim Received Date: 4/12/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

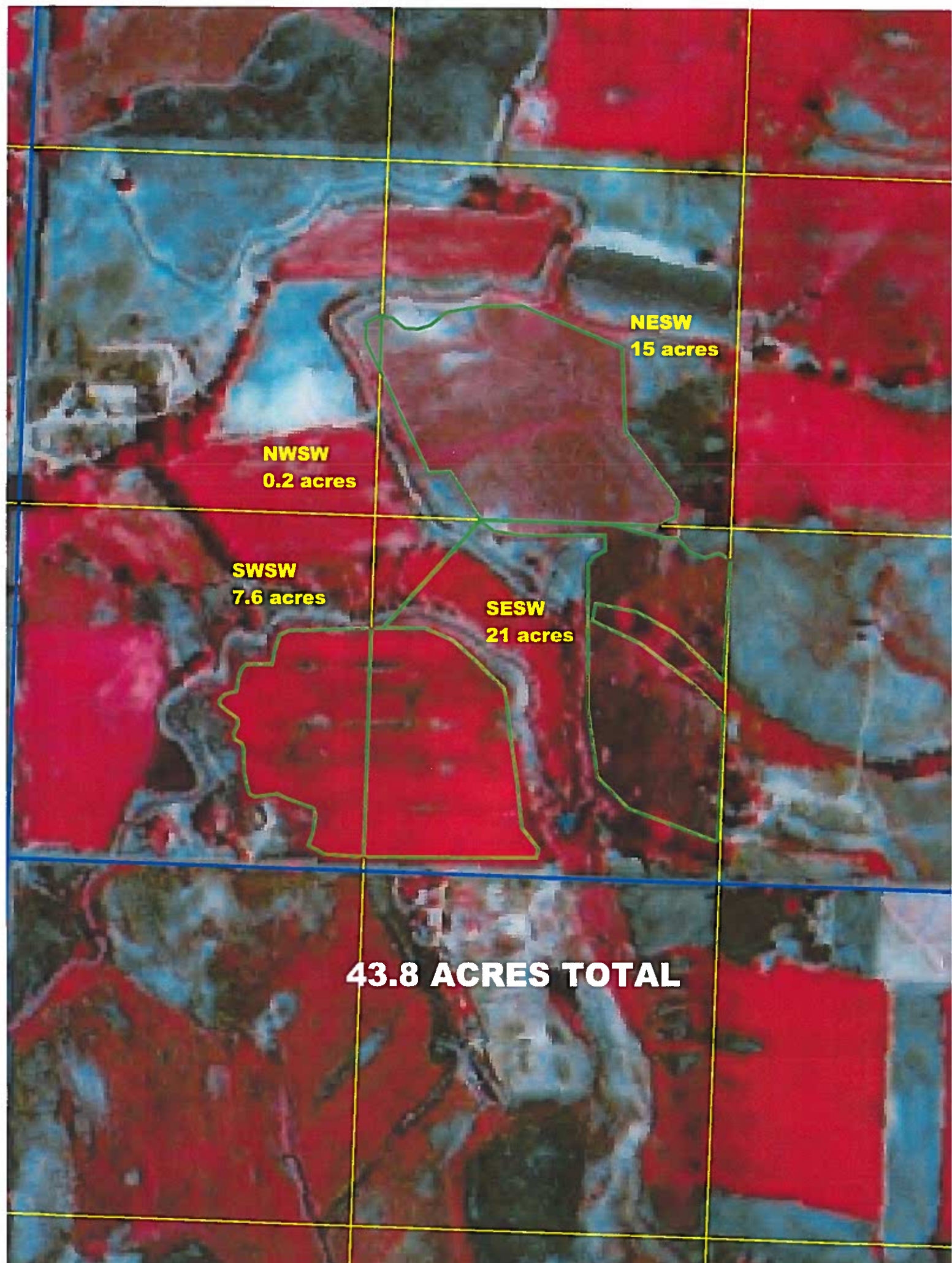
Combined Use Limits:

CURRENT OWNER PER
TAX RECORDS: PREVIOUS
OWNER.

Kevin & Lana L. Olingor
P.O. Box 176
Parma, ID 83660

Brian & Cindy Atkinse
1068 Grandview Ave
Parma, ID 83660.

← SPLIT
DUE TO
PRIORITY
DATES.



NESW
15 acres

NWSW
0.2 acres

SWSW
7.6 acres

SESW
21 acres

43.8 ACRES TOTAL

Ohinger chains to
be sole owner
Home - 722-7812 Cell - 740-9449

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

GPS = 2263159
1125 1409838

1.) Pump information:

SITETAG = A000

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NO NAME - PLATE	25	N/A	BERKELEY B3TDM	SN-7271280 3" CONED TO 6"

Pump Shop

→ ACCORDING TO KEVIN

2.) Lift (distance from pump to water) 6' TO PUMP DISCHARGE PIPE
NO PUMP INSTALLED

3.) How was lift determined (well log, measurement, owner)? MEASUREMENT TO POND W.S.

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) NO GAUGE

5.) Was a measurement made? NO If no can a measurement be made at a latter time? AFTER PUMP IS REINSTALLED & OPERATING

6.) What type of measurement device was used? THEORETICAL

7.) Is there a pump curve available for pump? YES (PUMP CO.)

8.) Please fill out the following:

Number of sprinklers ?

Sprinkler nozzle size 5/32

Number of Pivots (include gpm rating for each pivot) N/A

9.) Please outline all acres irrigated on attached aerial photo. ✓ DONE

THESE 3 PAGES
ARE COPIED FROM
63-32295-
SAME INFO NEEDED
FOR BOTH FILES.

10.) Please clearly mark all points of diversion on map and GPS. ☒ DONE

GPS - 2263159
125 140983

11.) Please clearly mark all mainlines, ditches, and other conveyances.

☒ DONE

12.) Pictures taken of place of use and point of diversion. ☒ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

OTHER INFORMATION NEEDED:

* Please Indicate which 25 acres we are irrigated with gravity flow!

THERE ARE APPROXIMATELY 65.1 AC. OF IRRIGABLE LAND AS SHOWN ON THE AERIAL PHOTO. THIS LAND IS ALL UPHILL FROM THE CANAL AND IS SPRINKLER IRRIGATED. W/ DRAINAGE WATER (CANAL IS FARMERS COOP) (LAND BELOW THE CANAL CAN BE IRRIGATED WITH DRAIN WATER USING VALVES & PIPE TO CROSS CANAL)

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

THIS LAND HAS NOT BEEN IRRIGATED FOR FEW YEARS. KEVIN DID NOT DISCLOSE THIS WHEN I MET WITH HIM AT HIS WORKPLACE BEFORE GOING TO THE FARM. HE STATED THAT HE WAS REORGANIZING THE IRRIGATION TO BE WHAT IS SHOWN ON THE PHOTO. THE PUMP & MOTOR IS AT HIS SHOP - THE POWER SUPPLY HAS BEEN REMOVED. THE UNGROUND MAINLINES ARE IN PLACE WITH ORIGINAL LAYOUT. HE HAS SEVERAL LARGE BUNDLES OF PVC PIPE STACKED AT HIS YARD & SOME IN THE FIELD. THIS IS THE PIPE FOR NEW LAYOUT.

DATE EXAM CONDUCTED 8/3/06 8/4/06

FIELD EXAMINER Burke H. Schum

KEVIN OLINGER 63-32295

8/4/06

BHS

P.O.D INFO. SEE ATTACHED PHOTOS

GPS = 2263159
#125 1409838

NO PLACE TO PUT SITE TAG.

THEORETICAL FLOW RATE

25 HP MOTOR * REWOUND FROM 20 HP.

PUMP EFF = .70

LIFT = 6 FT (

DISCHARGE PSI = 74 PSI (170')

65 AC @ 6.5 GPM/AC = 422 GPM

(6.5)(.053) = .34" / DAY AVAILABLE

APPLICATION EFF = 65%

.34" x .65 = .22" / DAY NET AVAILABLE
* WEAK

PUMP: BERKELEY

SN = 7271280

MODEL B3TPM

BM # 3475

RATING ON PLATE =

330 GPM @ 170' TDH

3600 RPM → 74 PSI

20 HP

MOTOR HAS NO NAME PLAT
OR ANY OTHER INFORM

$$\text{GPM} = \frac{(25 \text{ HP}) \times \text{EFF} \times (3960)}{170} = \underline{408}$$

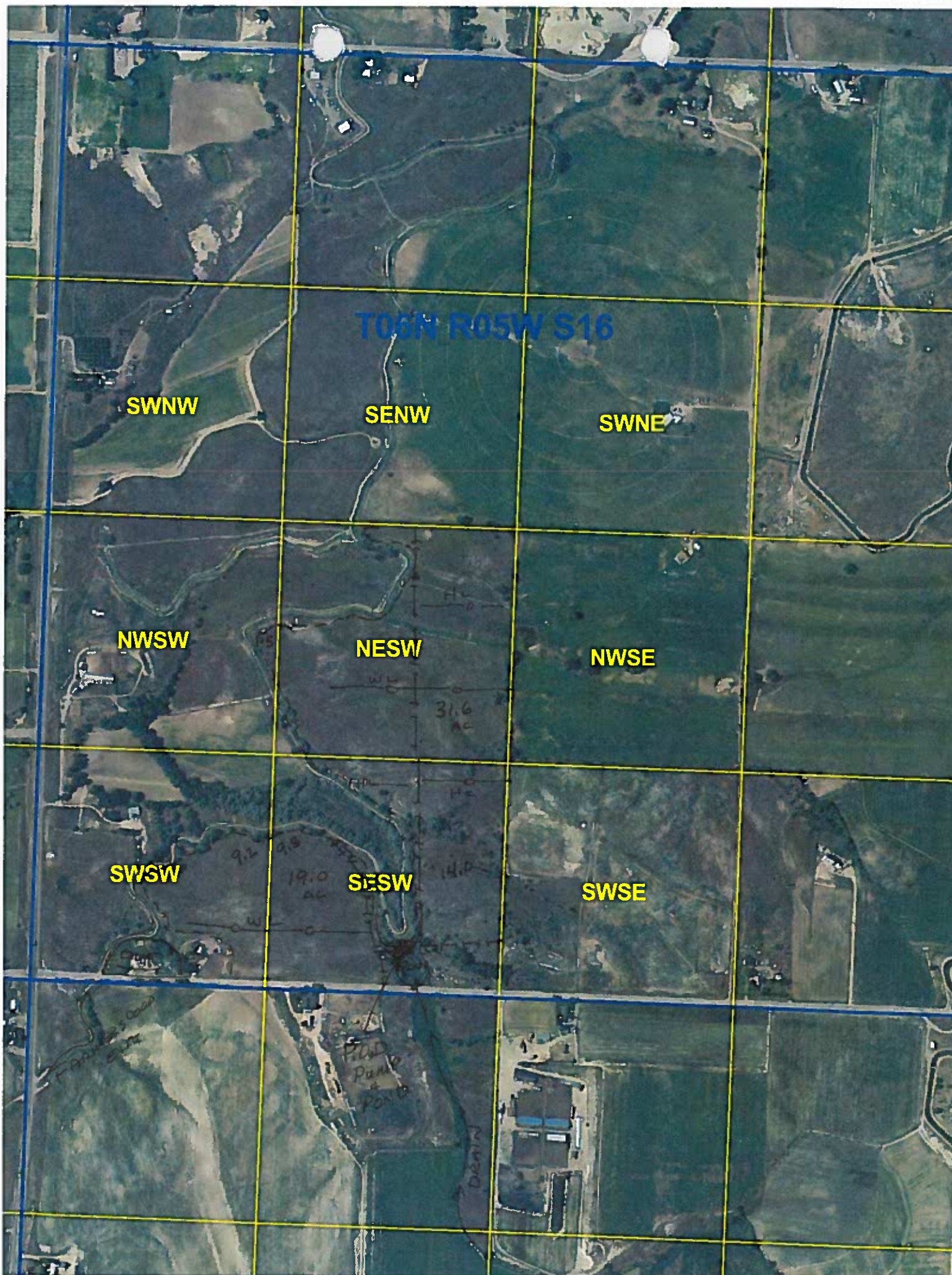
50 PSI @ NOZZLE

24 PSI (LIFT + FRICTION) = 5:
74
ELEV 4

WATER RIGHT = 0.8 CFS (2) 359 GPM ⁶³⁻ 32296

= 0.6 CFS OR 269 GPM

1.4 CFS = 628 GPM / TOTAL 63-32295



Adjudication Claim Report 63-32295

WATER RIGHT NUMBER: 63-32295.

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD J MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	AUDREY C CARTWRIGHT PO BOX 523 GLENNS FERRY, ID 83623
Current Owner	PATRICIA T MALONE 2803 BRISTOL AVE CALDWELL, ID 83605-1619 (208)455-4140
Original Owner	ERNEST R CARTWRIGHT PO BOX 523 GLENNS FERRY, ID 83623

CURRENT OWNER PER
Tax Records :
Previous owner

Kevin S Lova Olingar
P.O. Box 176
Parma ID 83660

Brian & Cindy ATKIN
1068 Grandview
Parma ID 8366C

Status: Active

Tributary
SNAKE RIVER

64

UNNAMED DRAIN SE1/4SW1/4 Sec. 16, Twp 06N, Rge 05W, B.M.
PAYETTE 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	
06N	05W	16								3.0									85.0
											31.6	.5	9.2	4.0				12.0	65.1
														23.8					
Total Acres: 25																			

SPRINKER

1. This right is a split from former right 63-4018 .

Remarks:

MEMORANDUM

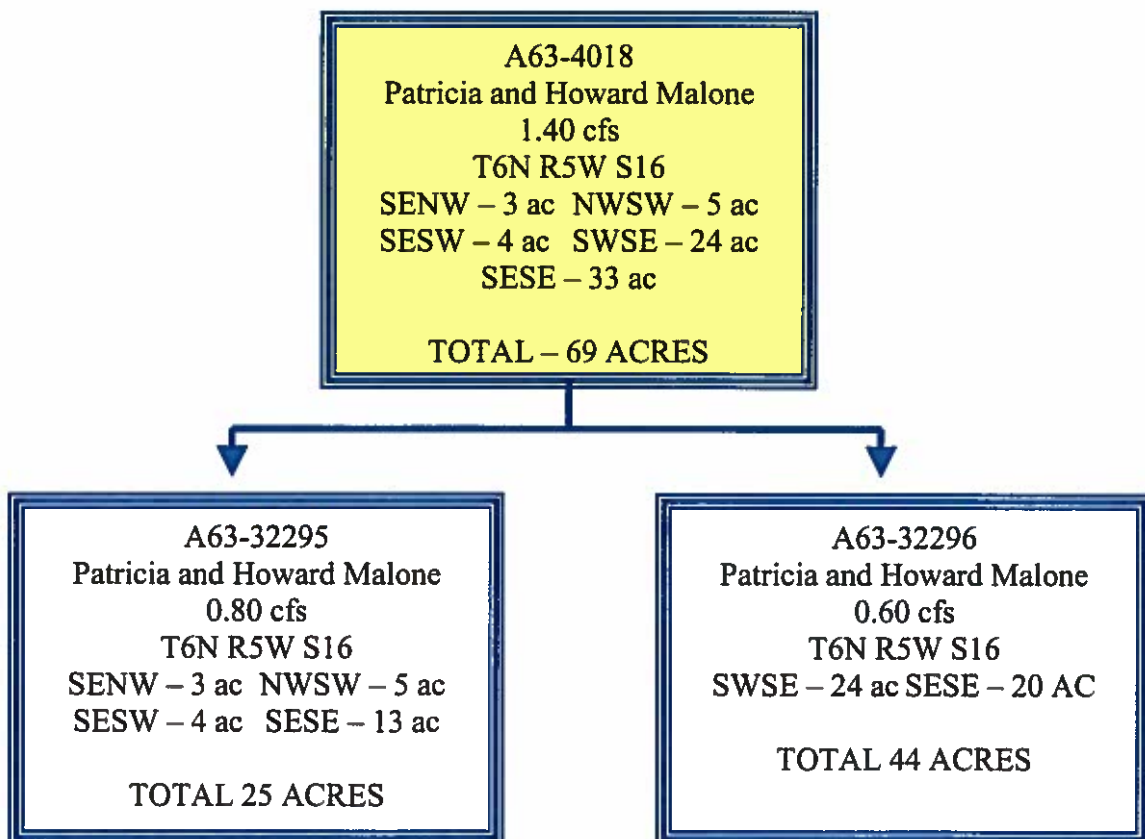
TO: ADJUDICATION FILE A63-4018

FROM: DANIEL A. NELSON

DATE: 5/4/06

SUBJECT: CLAIMING 2 SEPARATE PRIORITY DATES

Statutory and adjudication claims for 63-4018 were claimed with two separate priority dates. The only way that we can recognize the separate priority dates is to split the adjudication claim to represent the two claims. This is the same owner, source, and system, but we are unable to enter the two dates properly in our system. Therefore, adjudication claim should be split as follows:



Identification No. 63-4018 P
Claim No. 42544
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

(Please refer to the instructions on the back of this form)

1. Name of claimant ERNEST R. CARTWRIGHT or AUDREY C. CARTWRIGHT
post office address BOX 523 GREENS PERRY, IDAHO 83623
2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 16 Township 6-NORTH
Range 5 WEST B.M. located on DRAIN IN UNNAMED DRAW
(name of source)
tributary to SHAKE RIVER in PAYETTE County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>APRIL 1951</u>	amount: <u>80</u>	~~acre~~	acre feet
<u>APRIL 1954</u>	amount: <u>60</u>	~~acre~~	acre feet
	amount: _____	c.f.s. or	acre feet
Total claimed <u>140</u> ~~acre~~ acre feet.			
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>IRRIGATION</u>	period of use from <u>APRIL 15</u>	to <u>OCTOBER 1</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion ~~dam~~ ~~weir~~ ~~or~~ ~~headgate~~: material is composed of EARTH FILL HEADGATE IS STEEL HUMP IS PRESSURE PIPE FOR SPRINKLER; length is APPROX 180 feet; height is APPROX 10 feet; width at bottom is APPROX 20 feet; with at top is APPROX 210 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known INCREASED IN 1954 TO PRESENT CAPACITY ACCOUNT OF ADDING PUMP AND SPRINKLER SYSTEM
 - b. Underground water diverting works: is well flowing or pumped NA; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____; capacity of pump is _____ g.p.m.; name and address of well driller is _____

63 4018

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 600 feet; diameter of pipe line is 6 inches; type of pipe STEEL; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible I USED ON GRAVITY FLOW TO FIELDS BELOW THE

FARMER'S COOP DITCH CO EXTENSION CANAL APPROXIMATELY 25 ACRES

PUMP TO IRRIGATE APPROXIMATELY 44 ACRES.

- d. If water is stored: name of reservoir POND; total capacity of reservoir is 3 acre feet; active capacity of reservoir is 2 acre feet; year construction commenced 1946; year completed 1946; date first used 1946; period of storage is from APRIL to OCTOBER; is reservoir drained each year YES; is reservoir on or off stream ON explain CATCHES WATER FROM DESCRIBED SOURCES

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built YES, if so, give dates and describe 1954 DAM WAS RAISED APPROXIMATELY 5 FEET TO GIVE ADEQUATE SUPPLY TO TO KEEP PUMP FROM RUNNING OUT OF WATER

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	5 W	16							3		5		4				13	25	
6 N	5 S	16														24	20	44	

Total number of acres to be irrigated 69

Explain any significant increase in area irrigated since first use, give dates and acreages if known 1954
30 ACRES PUT UNDER PUMP IRRIGATION OPEN DISCHARGE CHANGED TO SPRINKLER SYSTEM
1956 SO COULD ADD 14 MORE ACRES AROUND

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered NA

7. Where water is used for domestic or municipal purposes give number of families served NA
name of town supplied NA

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. NA

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
POND WAS BUILT ON SE 1/4 OF SE 1/4 SECTION 16 T4P 6 R4E BY PRIOR OWNER OF PROPERTY.
IT WAS USED TO IRRIGATE ALL THE GROUND BELOW SEBREE DITCH OR FARMER'S COOP EXTENSION
CANAL. IN 1954 I ENLARGED POND SO I COULD IRRIGATE 30 ACRES MORE WITH A PUMP THAT
COULD NOT BE IRRIGATED ANY OTHER WAY. THIS WATER CAN ALSO BE USED TO SUPPLEMENT
WATER FROM BLACK CANYON AND FARMER'S COOP DITCH EXTENSION WHEN WATER IS SHORT.
IN 1956 CHANGED OPEN DISCHARGE PUMP TO SPRINKLER SYSTEM SO COULD ADD 14 ACRES
MORE TO SYSTEM.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

May 27-1968
(Date)

Ernest M. Carlwright
Audrey C. Carlwright
(Signature of Claimant)

State of Idaho }
County of Klamath } ss.

On this 27 day of May, 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

George F. Saberton
Notary Public residing at Glenora Ferry Idaho

My commission expires Feb 28 1972

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to	Date
<u>ij</u>	<u>5-27-68</u>	<u>rect 930</u>		
Prelim. check by	<u>14</u>	<u>5-27-68</u>		
Fee received by	<u>ij</u>	<u>5-27-68</u>	<u>Fee \$10.00</u>	
Approved for publication by	<u>TH</u>	<u>6-7-68</u>		
Published in	<u>Individual</u>	<u>Dates 6-23/20</u>		
	<u>Enterprise</u>			

63 4018

IN THE MATTER OF:

AFFIDAVIT

E. R. Cartwright
State of Idaho
County of Payette

Gene Honey being first duly sworn,

deposes and says: This water was put to use by
Ed Kinchen prior to 1950.
When ditch was when this water was put to use
it think this water was put into use approximately 1946.
In 1954 E R Cartwright gave owner did considerable improvement
on the place, 1 of which was enlarging the dam for
a pond which was on the place to put more water under
pump system irrigate approximately 30 acres
more land.

Gene Honey
(signature)

Subscribed and sworn to before me this 24th day of May 1968.

Notary Public

Residing at Parna, Ida.
My commission expires 7-26-70

IN THE MATTER OF:

AFFIDAVIT

E. R. Cartwright
State of Idaho
County of Payette

Dwight Seward

being first duly sworn,

deposes and says:

This water that is being
filed on was first put to use by
Ed Fincher prior to 1950.

In 1954 E. R. Cartwright enlarged the
pond & install pumping system.

x Dwight Seward
(signature)

Subscribed and sworn to before me this 23 day of May 19 68.

Marion E. Anderson
(Notary Public)

Residing at Box 100, Idaho
My commission expires Sept 1969.

IN THE MATTER OF:

AFFIDAVIT

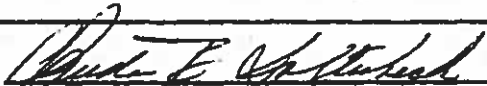
Ernest R. Cartwright

State of Idaho
County of Payette

Claude B. Solterbeck

being first duly sworn,

deposes and says: My first positive recollection of the storage of water in a pond for irrigation purposes on a farm owned by Ernest R. Cartwright was in 1956. The subject storage pond is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 6 North, Range 5 West of B.M. Irrigation water was withdrawn through a pipe under a canal system for gravity irrigation and by pump for sprinkler irrigation. The pond furnished supplemental water for approximately 25 acres under a gravity system and for 21.9 acres under a sprinkler system. The source of water for the storage pond is from waste water and natural runoff from a draw located to the south and east of the point of diversion. The said draw is more accurately located as being in the W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21, Section 22, and Section 23, all in Township 6 North and Range 5 West of B.M.


(signature)

Subscribed and sworn to before me this 24 day of May 19 68.


(Notary Public)

Residing at Payette, Idaho.
My commission expires May 14 1971.

IN THE MATTER OF:

AFFIDAVIT

E. R. Cartwright

State of Idaho

County of Payette

KARL L. BRANSON

being first duly sworn,

deposes and says: The Growers Supply Co. Inc.
in the Spring of 1956 did install a 6"
Steel main line for a total length of 600 ft.
for E. R. Cartwright of Rt # 2 Parma, Idaho.
Said pipe line was used to transfer water
from a pond in the SE 1/4 of Section 16
Twp. 6 Range 5 W. B. M. for the purpose of
attaching portable sprinkler irrigation
pipe.

Karl L. Branson
(signature)

Subscribed and sworn to before me this 22nd day of May 19 68.

Kent W. Smith
(Notary Public)

Residing at Drumheller, Idaho

My commission expires 8-4-70

IN THE MATTER OF:

AFFIDAVIT

E. R. Cartwright

State of Idaho
County of Payette

R. L. Kane

being first duly sworn,

deposes and says: I first witnessed the use of water
from the pond on the Ernest Cartwright farm in
1959. A pump was used to withdraw the water
and deliver it through the sprinkler system. The pond
is fed from a stream that comes through the NE
1/4 of sec 21 T. 6 N. R. 5 W.

R. L. Kane
(signature)

Subscribed and sworn to before me this 22 day of May 1968.

Walter D. McDaniel
(Notary Public)

Residing at Payette, Idaho
My commission expires Sept. 12, 1968.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 5, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRIAN AND CINDY ATKINSON
1068 GRANDVIEW AVE
PARMA ID 83660

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-32295 & A63-32296

Dear Claimants,

In the past, Howard and Patricia Malone submitted claim A63-4018, which was split into A63-32295 and A63-32296 to allow for the two separate priority dates. These claims were filed in the Snake River Basin Adjudication (SRBA) claims taking process. Enclosed is a computer generated printout of the claim(s) for your reference only, it is not necessary to return this printout. When these claims were filed, the original owner stated that the water rights were based on a "Statutory Claim" or "Beneficial Use" of the water. The previous owner and local tax records suggest that Mr. and Ms. Olinger and/or you may now own these water rights. If this is the case, then you should file a change of ownership form for your portion of these rights as soon as possible.

Water rights of this type are established by historical beneficial use of the water, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. These claims have not been confirmed by a previous filing with the Department of Water Resources, since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

Page 2
Atkinson

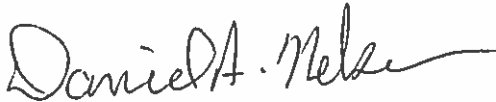
If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under these rights if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by May 31, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claims A63-63-32295 & 63-32296



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 5, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KEVIN AND LANA OLINGER
PO BOX 176
PARMA ID 83660

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Page 2
Olinger

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If you have any questions or concerns, please contact me at the above address.

Respectfully,



Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claims A63-63-32295 & 63-32296

Receipt Details for ID M006609

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/12/1990 12:04:13 PM	4/12/1990	Mobile	\$169.00	Check
Payer		MALONE, HOWARD & PATRICIA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2450			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$169.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4018		\$119.00	Claim
63	21962		\$25.00	Claim
63	21965		\$25.00	Claim

[Print Report](#)

copy
see 63-4018
for original

AJ0749NP
No. A63-04018

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/19/99
PAGE: 1

OWNER CODE NAME & ADDRESS
C PATRICIA T MALONE
2803 BRISTOL AVE
CALDWELL ID 836051619
(208) 455-4140

C HOWARD J MALONE
2803 BRISTOL AVE
PARMA ID 836051619
(208) 455-4140

Water Source: UNNAMED DRAIN
Point(s) of Diversion: T06N R05W S16
Place of use Legal Description for: IRRIGATION
Tributary to: SNAKE RIVER
Stage: STATUTORY CLAIM
PAYETTE County

Place of use Legal Description for: IRRIGATION																											
NE				NW				SW				SE															
T		R		S		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		SUM	
06N		05W		16		:		:		:		:		:		:		:		:		:		:		:	
NE NE																											

USE PERIOD		DIVERSION RATE		DIVERSION VOLUME	
FROM	TO				
04-15	10-01	1.400	CFS		
TOTAL DIVERSION:		1.400	CFS		

DIVERSE		NESE		NWSE		SWSE		SESE		SUM	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
24	33	:	:	:	:	:	:	:	:	:	:
TOTAL ACRES		24	33	:	:	:	:	:	:	69.0	69.0

ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

March 19, 1999

KARL J. DREHER
DIRECTOR

BRIAN ATKINSON
1068 GRANDVIEW AVE
PARMA ID 83660

RE: Snake River Basin Adjudication (SRBA)
Water Rights #A63-21965 & 63-30152

Dear Water Right Holder:

The former owner of your property advised us you are the current owners of the property and water right shown above. Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

Please send the completed form with warranty deed copy and map to our Boise Region office by April 5, 1999.

Idaho Department of Water Resources
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:
Form 42-248/42-1409(6)
cc: Former Owner



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

March 19, 1999

KARL J. DREHER
DIRECTOR

KEVIN OLINGER
2170 HWY 95
PARMA ID 83660

RE: Snake River Basin Adjudication (SRBA)
Water Rights #A63-04018 & 63-21962

Dear Water Right Holder:

The former owners of your property advised us you are the current owners of the property and water right shown above. Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

Please send the completed form with warranty deed copy and map to our Boise Region office by April 5, 1999.

Idaho Department of Water Resources
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:
Form 42-248/42-1409(6)
cc: Former Owner

U.S. POSTAL SERVICE
PS FORM 3547

return
to sender

fee due 50¢

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERV.
REQUESTED

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION
+63-21962, 63-21965 + 63-64218

63-30152
PATRICIA T MALONE
1068 GRANDVIEW
PARMA ID 83660

MAL0068 636602003 1A98 05 11/07/98
FORM 3547
MALONE, PATRICIA T
2803 BRISTOL AVE
CALDWELL ID 83605-1619

