11/14/2006

RECEIVED
DEC 06 2006
DEPARTMENT OF
WATER RESOURCES

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: December 8, 2006

Water right number: 67-497

CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3491

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:

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

DATE: 12-4-06 **SIGNATURE:** Cam Ertel

Please print your name: Cameron C. Ertel

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 07 2006

06/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-497

NAME AND ADDRESS: CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION:

T15N R02W S16 SESESW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 10/31	1.200 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R02W S32	SWNW	40.00	T15N R02W S32	SENW	22.00
T15N R02W S32	NESW	38.00	T15N R02W S32	NWSW	40.00
T15N R02W S32	SWSW	40.00	T15N R02W S32	SESW	40.00
T15N R02W S32	NWSE	5.30			

225.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 225.3 acres in a single irrigation season. Combined Right Nos.: 67-497, 67-658, 67-2213

This right is limited to the irrigation of 96.0 acres within the place of use described above in a single irrigation season.

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.

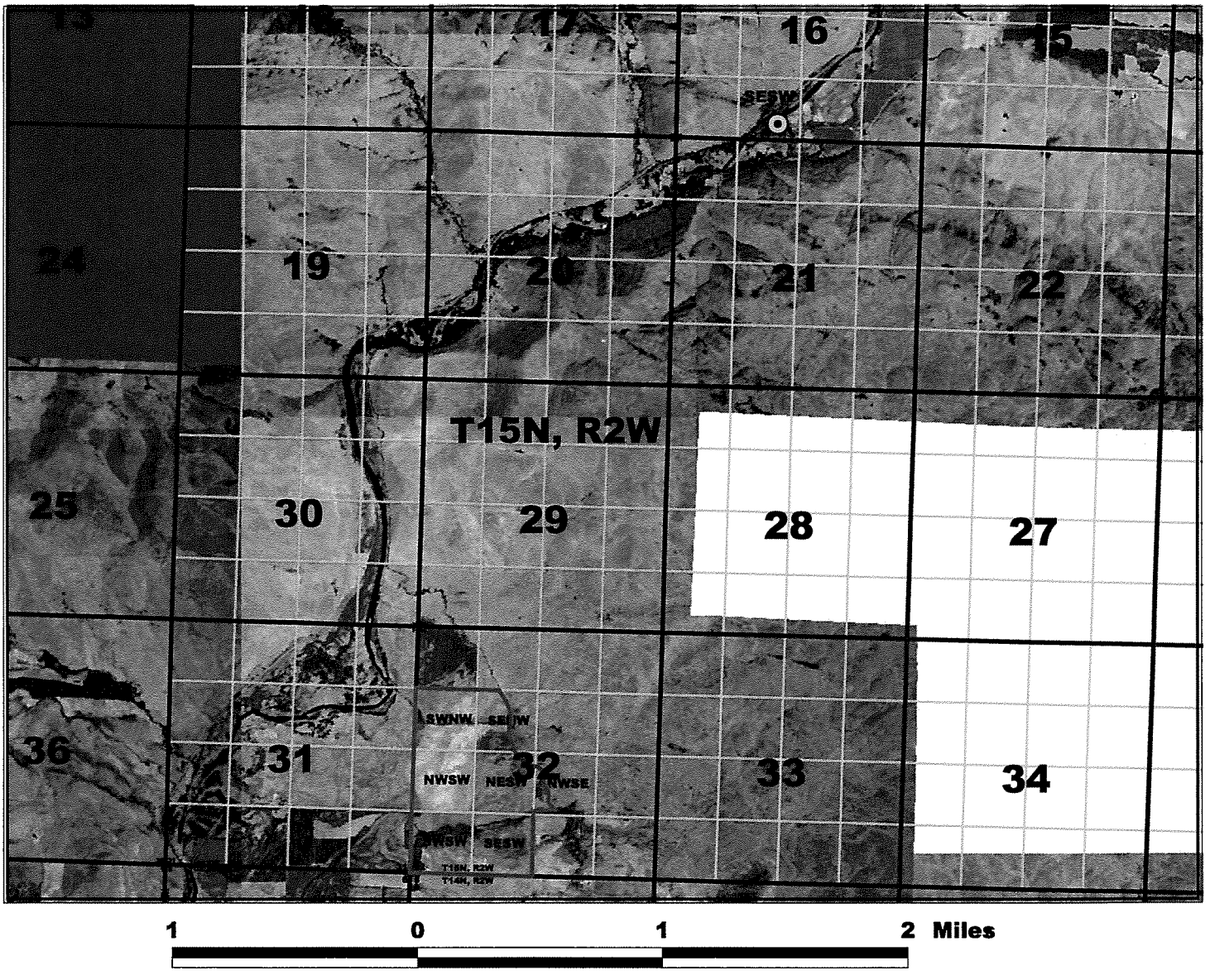
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-497, 67-658, & 67-2213



Point(s) of Diversion

Place of Use

Quarter Quarter Lines

Section Lines

N

W E

S

GIS Place of Use Illustration
1987/1988 NAPP Photoography
Prepared by: C. Saxton
Date: August 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

WATER RIGHT NUMBER: 67-497 V1

Owner Type	Name and Address
Current Owner	CHE ENTERPRISES INC C/O CAMERON OR BARBARA ERTEL 3054 GOODRICH RD CAMBRIDGE, ID 83610 (208) 257-3491
Original Owner	E C LAUGHLIN CAMBRIDGE, ID

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 10/31	1.200 CFS	
	Total Diversion:	1.200 CFS	

Location of Point(s) of Diversion

WEISER RIVER SE1/4SE1/4SW1/4 Sec. 16, Twp 15N, Rge 02W, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N 02W 32							40.0	22.0	38.0	40.0	40.0	40.0		5.3			225.3

Total Acres: 225.3

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 225.3 acres in a single irrigation season. Combined Right Nos.: 67-497, 67-658, 67-2213
2. 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 96.0 acres within the place of use described above in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

Comments:

1. csaxton 6/19/2006 PPU
Comment: Recommended as PPU with 67-658 and 67-2213.

2. csaxton 6/20/2006 Quantity Remark
Comment: Ditch loss was calculated to be 1.36 cfs so there is no limiting remarks on quantity for 67-437, 67-658, and 67-2213.

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: OR
Water District Number: 67
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/25/2004 10:58:50 AM	awarntje			Active
Source	6/25/2004 11:00:31 AM	awarntje			Active
POU	6/25/2004 11:22:46 AM	awarntje			Active
Use	6/25/2004 11:28:43 AM	awarntje			Active
Season	6/25/2004 11:29:12 AM	awarntje			Active
Quantity	6/25/2004 11:29:48 AM	awarntje			Active
Contacts	8/9/2005 3:03:43 PM	csaxton			Active
Summary			08/09/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

Priority Date	6/25/2004 10:58:50 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Source	6/25/2004 11:00:32 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	6/25/2004 11:26:40 AM	awarntje	Edited shape boundary
Season	6/25/2004 11:29:12 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use?
Use	6/25/2004 11:28:44 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use?
POU	6/25/2004 11:29:19 AM	awarntje	Edited Season Of Use
Quantity	6/25/2004 11:29:49 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?
POU	6/25/2004 11:22:47 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU?
POU	8/9/2005 3:04:34 PM	csaxton	Updated PLS for Active POU
Contacts	8/9/2005 3:03:52 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

Summary	8/9/2005 3:07:08 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 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? (No) 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?
POD	8/9/2005 3:04:07 PM	csaxton	Updated shape

Water Supply Bank:

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Craig L. Saxton

FIELD EXAM DATE: 6/19/2006

FOR CLAIM(S) 67-497 | 67-658 | 67-2213

FORMULA: S = (W)(i)(0.0667)

S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

i TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

W = 6 **FT** **i =** 1 **FT/DAY**

S = 0.4002 **CFS/MILE**

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (CFS/MILE)(MILE)

LENGTH OF DITCH IN MILES = FT / 5280 ft

Measured feet = 17956
Miles = 3.40

CONVEYANCE LOSS = 1.36098 **CFS**

TOP OF DITCH = W

Section 1 = 6
Section 2 = 0
Section 3 = 0

Total.... = 6

/2or 3... = 6 =W feet

MAP MEASUREMENT
Length in Inches = _____ = ***A***
Map Scale: _____ ***In.= 1 Mile = B***
A/X: B/5,280 = Ft./5,280 = Mile

Notes: Ditch can be seen on aerial photography so it is probably wider than 6 feet acress, however, a similar ditch in the area that can be seen in aerial photography was measured to be 6 feet across on average.
* **i** value was assumed.

KEY
Data Entry Cells
Ditch Loss in CFS

IDWR Field Exam Form 08/09/2005

Contacts Data Entry Form

Claim Number: 67-497

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	CHE ENTERPRISES INC	C/O BARBARA A ERTEL 3054 GOODRICH RD	CAMBRIDGE	ID	83610	(208)257-3491
Original Owner	E C LAUGHLIN		CAMBRIDGE	ID		

Date of Field Exam: N/A Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Ownership Info looks Correct

Desktop Review

Reviewer: C. Saxton Date: 8-9-05

IDWR Field Exam Form 08/09/2005

Priority Date Data Entry Form

Claim Number 67-497

Claimed Priority Date: 6/1/1904 Claimed Basis: Decreed

✓ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 6/1/1904 Water Right Basis: Decreed

Recommended Priority Date ___ ___ _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer: C. Sutton Date: 8-9-05

IDWR Field Exam Form 08/09/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-497

Claimed Point of Diversion and Source

T15N R02W S16 SESESW Within ADAMS County Source: WEISER RIVER SNAKE RIVER

✓ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

T15N R02W S21 NENE Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Bosco Roster GPS'd on July 7, 04 A 00/4003

Reviewer: _____ Date: 9-9-05

IDWR Field Exam Form 08/09/2005

Place Of Use Data Entry Form

Claim Number 67-497

Claimed Place Of Use

T15N R02W S32	SWNE	40.0	T15N R02W S32	SWNW	40.0
T15N R02W S32	SENW	40.0	T15N R02W S32	NESW	40.0
T15N R02W S32	NWSW	40.0	T15N R02W S32	SWSW	40.0
T15N R02W S32	SESW	40.0	T15N R02W S32	NWSE	40.0

Total Acres 320

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T15N R02W S32	SWNE	T15N R02W S32	SWNW
T15N R02W S32	SENW	T15N R02W S32	NESW
T15N R02W S32	NWSW	T15N R02W S32	NWSE

Total Acres

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 225.3

Document how the POU was verified:

See attached map.

* This right and 67-658, 67-2213 limit to 225.3 ac

* This right limited to 96 acres

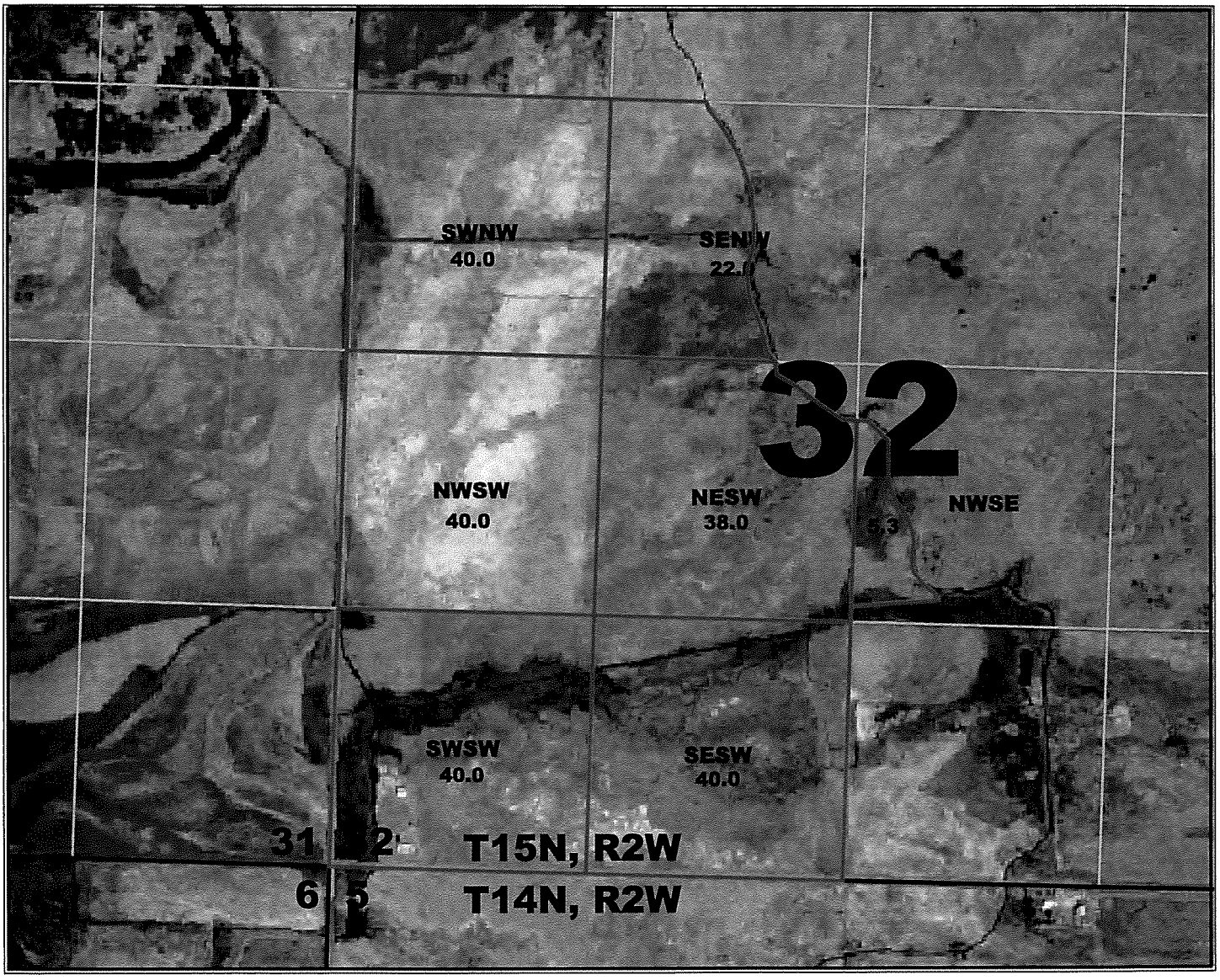
* C05

Reviewer: _____ Date: 6-9-05

State of Idaho

Map Source: 1987 True Color
Claim #(s): 67-497

Acreage Distribution Map



Point of Diversion

Claimed Place of Use

Tax Lot Property Bndy

Quarter Quarter Lines

Section Lines

Claimed Irrigated Acres: 320.0

Initial Acres Found: ~~255.3~~
225.3

N
W
E
S

Prepared By: Craig L. Saxton
Date: August 2005

Purpose of Use Data Entry Form

Claim Number 67-497

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

X **Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer: C. Gaston Date: 8-9-05

IDWR Field Exam Form 08/09/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-497

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	1.2	

Overall Diversion Rate 1.2 Overall Diversion Volume

__ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	1.2	

Overall Diversion Rate 1.2 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irr	3-16		1.2	N/A

Overall Diversion Rate 1.2 Overall Diversion Volume N/A

Document how the Period of Use and/or Diversion Rate were verified:

As Decreed

* This Right + 67-658, 67-2213 limited to 4.5 cfs

Reviewer: C. Sylvester Date: 8-8-05

5-11-05 : Same POD as Cambridge Ditch CO

: Decreed @ 96 acres : 160 ac total w/ 67-658

Found 225.3 overlap w/ 67-2213

CAMPAD 22-139 100 sheets

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-497

WATER RIGHT NUMBER: 67-497

Owner Type	Name and Address
Current Owner	E C LAUGHLIN
	CAMBRIDGE, ID

Priority Date: 06/01/1904
Basis: Decreed
Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	/ to /	1.200 CFS	
	Total Diversion:	1.200 CFS	

Location of Point(s) of Diversion

WEISER RIVER NE1/4NE1/4 Sec. 21, Twp 15N, Rge 02W, B.M.
WASHINGTON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N 02W 32			X				X	X	X	X				X			

Conditions of Approval:

1. AC. IRR.=96.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-497

Licensed Date:
Decreed Date: 7/9/1924
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Franklin County Sugar Co, et al
Decree Plaintiff: Henry T McEwan
Civil Case Number:
Judicial District: Fifth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

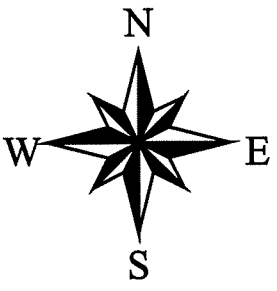
Element	Date Time Stamp	Reviewer	Log text

Water Supply Bank:

Idaho Department of Water Resources

67-497

T15N, R02W, S32



Prepared by Anita L. Warntjes
June 25, 2004
Adj 1987 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

WATER RIGHT NUMBER: 67-497 V1

Owner Type	Name and Address
Current Owner	CHE ENTERPRISES INC C/O BARBARA A ERTEL 3054 GOODRICH RD CAMBRIDGE, ID 83610 (208)257-3491
Original Owner	E C LAUGHLIN CAMBRIDGE, ID

Draft

Priority Date: 06/01/1904

Basis: Decreed

Status:

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 10/31	1.200 CFS	
	Total Diversion:	1.200 CFS	

Location of Point(s) of Diversion

WEISER RIVER SE1/4SE1/4SW1/4 Sec. 16, Twp 15N, Rge 02W, B.M.

ADAMS 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	
15N 02W 32			40.0				40.0	40.0	40.0	40.0	40.0	40.0			40.0		320.0

Total Acres: 320

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-497 V1

Comments:

1. awarntje 6/25/2004 POU
Comment: Decree 67-A-1 addresses 67-497. Claim has more acreage than on decree

2. awarntje 6/25/2004 Water Use
Comment: Decree does not list water use for this right

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: OR
Water District Number: 67
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	6/25/2004 10:58:50 AM	awarntje			
Source	6/25/2004 11:00:31 AM	awarntje			
POU	6/25/2004 11:22:46 AM	awarntje			
Use	6/25/2004 11:28:43 AM	awarntje			
Season	6/25/2004 11:29:12 AM	awarntje			
Quantity	6/25/2004 11:29:48 AM	awarntje			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Priority Date	6/25/2004 10:58:50 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Source	6/25/2004 11:00:32 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?

DO NOT SCAN

67-A-1

1. DECREE -- E. C. Laughlin -vs- W. E. Talboy

2. DECREE -- J. F. Mitchell -vs- W. E. Talboy

MICROFILMED

MICROFILMED

JUL 2 4 1996

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

67-A-1

E C LAUGHLIN, Plaintiff

vs

W E TALBOY, Water Master of District No 41 of the State of Idaho, Defendant

D E C R E E.

This action coming on for trial on the 8th day of July, 1924, before the Court without a jury, the plaintiff appearing by counsel and the defendant neither appearing at the trial in person nor by counsel, the default of the defendant having been duly entered herein, and it appearing that due notice has been published as provided by law, witnesses were thereupon sworn and testified in behalf of the plaintiff, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I

That the defendant, W E Talboy, is now and for several months last past has been the duly appointed, qualified and acting water master of District No 41 of the State of Idaho, having charge of the distribution of the water of the Weiser River and its tributaries; that said water District No 41 is a duly and legally classified, segregated and named water District of the State of Idaho, and comprises the water of said Weiser River and its tributaries.

II

That the plaintiff is now and for several months last past has been the owner of title in fee simple of

The North Half of the Southwest Quarter, South Half of the Northwest Quarter, Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Thirty-two, Township Fifteen North, Range Two East of the Boise Meridian,

and that said premises are situate in Washington County, State of Idaho; that on the 17th day of June, 1915, a suit was instituted in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, by John T Muir and William H Muir, doing business under the firm name and style of Muir Brothers, against William Allison, Weiser Irrigation District, a corporation, et al, for the adjudication of the priorities and of the rights to the use of the waters of the Weiser River and its tributaries, and thereafter on the 21st day of July 1921, a decree was made and entered in said action decreeing all of said priorities and determining and establishing the rights and priorities of the parties to said suit.

III

That the plaintiff became the owner of said premises by mesne conveyance through a warranty deed on the 21st day of January, 1924, which said deed was duly executed and recorded in the office of the County Recorder of Washington County, Idaho, and that the plaintiff ever since the date of the purchase of said premises has been and still is owner of the same.

IV

That the predecessors in interest and the owners and holders of the legal title during the pendency of said suit to adjudicate the water rights of Weiser River were neither made parties [illegible] made for or in behalf of any of them, although

during the pendency of said suit they held the legal title of record in the office of the County Recorder of Washington County, Idaho, in and to said premises and every part thereof and were the owners of the same.

V

That said lands of the plaintiff are arid in character and require the application of water for irrigation in order to produce profitable crops thereon and upon the application of such water, said lands will produce remunerative crops.

VI

That said lands require for their proper irrigation five-eights miners inch of water per acre, measured under a four inch pressure and that 160 acres of said lands have been and can be irrigated from the water of said Weiser River through ditches now constructed and leading to and upon and across said lands as hereinafter set forth, but that this plaintiff agrees to accept the duty of water as determined in said Weiser River adjudication suit for the irrigation of said lands and that the decree made and entered in this suit may provide that the duty of water shall be five-eighths miner's inch per acre, measured under a four inch pressure.

VII

That on the 28th day of October, 1895, R E Wilson, L D Looney, Albert Abernathy and Bernard Haas, the predecessors in interest of this plaintiff and others, executed a notice of water right claiming the right to the use of the water of the Weiser River in the irrigation of the above described lands of the plaintiff and other lands, a copy of which said notice was marked Exhibit "A" and attached to the complaint on file herein and made a part thereof; that said notice was on the 28th day of October, 1895, duly posted on the bank of the Weiser River at a point in the

[redacted] the Boise Meridian,

and close to the north line of said Southwest Quarter, a copy of said notice duly executed and acknowledged was, as provided by law, duly filed in the office of the County Recorder of Washington County, Idaho, on the 1st day of November, 1895, and recorded in Book One of Water Rights at pages 401-402.

VIII

That immediately after the filing of said notice as aforesaid the predecessors in interest of this plaintiff, and others, commenced the construction of a ditch leading from the South bank of the Weiser River at the point where said notice was posted, to the above described lands of the plaintiff and other lands, and that the work on said ditch was prosecuted diligently and continuously to, upon and across said lands of the plaintiff and by the 1st of June, 1904, there was conveyed through said ditch to the said lands of the plaintiff and for the irrigation thereof 60 miner's inches of water, measured under a four inch pressure, and during said year there was irrigated of said lands of the plaintiff at least 96 acres thereof, and continuously during each and every year thereafter, additional acreage of said lands was irrigated until by June 1st, 1910 there was irrigated of said lands 160 acres; that from the year 1904 until the year 1910, there was irrigated during each and every year 96 acres of said lands and from the year 1910 until this date, there has been irrigated of said lands out of the water of said Weiser River, at least 160 acres.

IX

That on or about the 1st day of May, 1910, the point of diversion and head of said ditch was changed to a place in the

North Half of the Northeast Quarter, Section Twenty-one, Township Fifteen North,

JUL 24 1996

Range Two West of the Boise Meridian,
but that no appropriator or user of the water of the Weiser River and no person claiming a right to the use of any of said water was injured in any manner whatsoever by reason of the change in the point of diversion and head of said ditch.

X

That the plaintiff hereby accepts as binding upon him the said decree and findings of fact and conclusions of law upon which said decree is based in the said former adjudication suit of the water of Weiser River, and agrees to abide by the same.

XI

That the plaintiff has no plain, speedy or adequate remedy at law for the redress of grievances herein complained of and for that reason seeks relief in equity.

67 0497

X

That the plaintiff is entitled to, and there is hereby decreed to him, the right to the use of the water of said Weiser River for the irrigation of said premises with date of priority of June 1st, 1904, for the irrigation of 96 acres thereof, of 60 miner's inches of water measured under a four inch pressure and for 64 acres additional of said lands of 40 miner's inches of water measured under a four inch pressure, with date of priority June 1st, 1910, and providing that said amount of water be distributed to the plaintiff in accordance with said priority.

X 61-0458

Dated and signed at Weiser, Idaho, July 9, 1924.

B S VARIAN, District Judge.

Filed and Entered July 9, 1924
Frank E Smith, Clerk District Co

STATE OF IDAHO }
County of Washington } ss

I, FRANK E SMITH, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, hereby certify that the above and foregoing is a full, true and complete copy of the Decree rendered and entered in the action entitled E C LAUGHLIN, plaintiff, against W E TALBOY, WATER MASTER OF DISTRICT NO 41 of the State of Idaho, Defendant, as the same appears of record in Judgment Book F, at page 417, records of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 9th day of July, 1924.

FRANK E SMITH
Clerk of the District Court
By B. B Smith Deputy

JUL 2 4 1996

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 67-497
Date Received: 10/23/1989
Receipt No: C012451
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHE ENTERPRISES INC Phone: (208) 257-3491

C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/01/1904

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	16	SE SE SW	ADAMS	

5. Description of diverting works:

FLOOD AND SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.2	

7. Total Quantity Appropriated is:
1.2 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
15N	02W	32	SW	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40

SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	40
NW	SW	IRRIGATION	40
NW	SE	IRRIGATION	40
SW	SW	IRRIGATION	40
SE	SW	IRRIGATION	40
		Section Acres	320
		Total Acres	320

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=96.

15. Basis of Claim: Decreed

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.

MEMORANDUM

Date: August 30, 2005

To: File

From: Craig L. Saxton

Re: CHE Enterprises contact information

On August 22nd, 2005, IDWR received a Change of Ownership request for 67-36 and 67-2212. We also received a request for change in address for 67-497, 67-658, 67-2213, 67-37, and 67-2055B

This issue was on the change of ownership the contact information was listed as:

CHE ENTERPRISES, INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

And on the change of address form the contact information was listed as:

CHE ENTERPRISES, INC
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

I called and left a message for Barbara Ertel at about 3:45 pm on Monday August 29, 2005 to inquire if she wanted all water rights to be changed to the same contact.

I received a message from Barbara Ertel on August 30, 2005 at 10:10 am saying that she wanted all water rights under CHE Enterprises Inc to list the address as:

CHE ENTERPRISES, INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

Based on the verbal approval from Barbara Ertel, I will change the addresses as requested.

DATA ENTRY BY

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: **A67-00497**
Date Received: 10/20/1989
Receipt No: C012451
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C.H.E. ENTERPRISES INC. 208-257-3491
   Address: C/O PETER H. ERTEL
   COW CREEK RANCH
   RT 1 BOX 152
   CAMBRIDGE, ID 83610

2. Date of Priority: JUN 01, 1904

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
15N	02W	16	SE	SE	SW		ADAMS

5. Description of diverting works:
   FLOOD AND SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.200		

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

8. Total consumptive use is 336.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NA

SCANNED
APR 0 6 2004

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
15N	02W	32	SW	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
15N	02W	32	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
					Section Acres		320.0
					Total Acres		320.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-00658, 67-2213, 67-7376,

14. Remarks:
AC. IRR.=96.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

LAUGHLIN
Decree Plaintiff

vs

TALBOY
Decree Defendant

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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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

_____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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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: A67-00497
Date Received: ~~10/09/1989~~ 10/20/89
Receipt No: C012451
Received By: OK

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: C.H.E. ENTERPRISES INC. 208-257-3491
   Address: C/O PETER H. ERTEL
   COW CREEK RANCH
   RT 1 BOX 152
   CAMBRIDGE, ID 83610

RECEIVED
OCT 20 1989
Department of Water Resources

2. Date of Priority: JUN 01, 1904

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
15N	02W	~~21~~ 16	SE NE SE NE SW		~~WASHINGTON~~ ADAM

5. Description of diverting works:
   FLOOD AND SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.200		

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

8. Total consumptive use is 336.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NA

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	02W	32	SW NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
15N	02W	32	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SW			40.0
			SE	SW			40.0
						Section Acres	~~240.0~~ 320.0
						Total Acres	~~240.0~~ 320.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-00658, 67-2213, 67-7376,

14. Remarks:
AC. IRR.=96.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

LAUGHLIN (Decree Plaintiff) vs TALBOY (Decree Defendant)

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OCT 0 1 1992

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): Barbara A. Ertel Date: _____

Vice-President for Operations Date: 10/19/89
C.H.C. Enterprises, Inc.

State of Idaho)
) SS.
County of Washington)

Subscribed and sworn (or affirmed) before me this 19th day of October 19 89

John C. Demenway
Notary Public

Seal

Residing at Cambridge

My Commission Expires 11-8-93

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OCT 0 1 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am V.P. for Operations of (Title)
C.H.E. Enterprises, Inc., that I have signed the foregoing (Organization)
document in the space below as V.P. for Operations of (Title)
C.H.E. Enterprises, Inc. and that the statements contained in the (Organization)
foregoing document are true and correct.

Barbara A. Ertel
Signature of Authorized Agent

V.P. for Ops, C.H.E. Enterprises, Inc.
Title and Organization

Oct. 27, 1989
Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 27th day of October 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public Residing at Boise, Idaho

My Commission Expires My Commission Expires December 1, 1994

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OCT 01 1992

1/30/1988 SRBA CLAIMS RECEIVING CHECKLIST #2 C012457

CLAIMANT'S NAME C.H.E. Enterprises CLAIM IDENT. NO. A67-00497

DATE RECEIVED 10/20/89 CK # _____ AMOUNT $ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	✓		*
2. Is a priority date entered?	✓		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	✓		*
3. (a) Is a source entered?	✓		*
(b) Is a tributary to entered? (if required) N/A ✓	✓		
4. Is the legal description of the p.d. sufficient?	✓		*
5. Is there a description of the diverting works?	✓		
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	✓		*
Is the period of use included?	✓		
Is a quantity claimed for each use?	✓		*
7. Is a total quantity claimed entered?	✓		
8. If required is a consumptive use entered? N/A ___	✓		
Is the consumptive use correct? N/A ___	✓		
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓			*
10. Is (are) the place(s) of use and purpose(s) indicated?	✓		*
11. Is (are) the county(ies) entered?	✓		
12. Is the ownership of p.u. checked?	✓		
13. Are other water rights listed or "none" indicated?	✓		
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ___	✓		
15. Is the basis of the claim indicated?	✓		
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ✓			
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	✓		*
18. Has the claim been signed, sealed, and dated by a notary?	✓		*
19. Was this claim filed on time, or was an extension granted?	✓		*
20. Is the fee enclosed correct? Exempt ___	✓		*
21. If this claim is based on an existing water right, has the identification number been entered? N/A ___	✓		
22. Should this claim be receipted and data entered?	✓		

Claim checked by: [illegible] Date: 11-2-89

Claim must be returned to claimant: ___(Yes) ✓(No)

Claimant must be notified of modifications: ___(Yes) ✓(No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____ Checked by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Comments: _____

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OCT 01 1992