

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

IN RE: JUDICATION
OF WATER FROM
A WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02641B
Date Received: 10/11/1988
Receipt No: M 1570
Received By: L W

*part
of
pool exchange!*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DEAN R. ROGERS, INC. 208-788-3644
Address: RT 1, BOX 305
BELLEVUE, ID 83313

2. Date of Priority: SEP 27, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	18	NE	SE			BLAINE
		21	NW	NE			BLAINE

5. Description of diverting works:
ARTESIAN, 12" CS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.930		139.37

7. Total Quantity Appropriated is:
0.930 C.F.S. (and/or) 139.37 A.F.A.

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	21	NE	SE		IRR	20.0
			SE	SE		IRR	20.0
Section Acres							40.0

A37-02641B

Page 1

Date: 10/12/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	22	SW	SW		IRR	6.0
						Section Acres	6.0
		27	NW	NW		IRR	3.0
						Section Acres	3.0
		28	NE	NE		IRR	1.0
						Section Acres	1.0
						Total Acres	50.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-02641A, A37-02662A & B, A37-04289 A & B

14. Remarks:

PT. OF INJECTION INTO BUHLER DRAIN: NESE, S18, T1S, R19E. PTS. OF EXCHANGE FROM CAIN CK: NESE, S21, T1S, R19E, (2 PTS); SESE, S21, T1S, R19E. EXCHANGE 2906. A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AT THE PT. OF INJECTION INTO BUHLER DRAIN & AT THE PTS. OF DIVERSION (EXCHANGE) FROM CAIN CK. NO MORE THAN 95% OF THE RATE OF FLOW INJECTED INTO BUHLER DRAIN SHALL BE DIVERTED FROM CAIN CK. APPROVAL OF THIS EXCHANGE IN NO WAY VALIDATES CLAIM NO. 37-4289B.

15. Basis of Claim: LICENSE

Water Right Number: 29052

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: 5

For Organizations:

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

Dean Rogers Inc
Signature of Authorized Agent

Sec. Dean Rogers Inc
Title and Organization

Oct 12-1988
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Oct 19 88

John Dale Carlson
Notary Public

Seal

Residing at Blaine Id

My Commission Expires 2/2/90



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s):

(See ATTACHED LIST)

☐ Old Mailing Address:

Dean R Rogers INC

RT 1 Box 305

☐ New Mailing Address:

28 HILLSIDE RANCH RD

BELLEVOUE ID 83313

Same

☒ New Telephone Number:

() 788 - 3644

☐ Signature of Claimant(s):

Dean R Rogers

Date:

3-17-88

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 3/17/99 By: SCC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

A37-02641B

STEPHAN, KVANVIG, STONE & TRAINOR

ATTORNEYS AT LAW

RUSSELL G. KVANVIG
LAIRD B. STONE
KEVIN F. TRAINOR

WELLS FARGO BANK BUILDING
102 MAIN AVENUE SOUTH
POST OFFICE BOX 83
TWIN FALLS, IDAHO 83303-0083

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987
ROBERT W. STEPHAN 1918-2003

E-MAIL: skst@idaho-law.com

TELEPHONE 208-733-2722
FAX 208-733-3619

RECEIVED
MAR 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 20, 2007

RECEIVED
MAR 23 2007
DEPARTMENT OF
WATER RESOURCES

David R. Tuthill
Interim Director
State of Idaho, Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Rights in Reporting Area 16, Basin 37, Part 3, Snake River Basin Adjudication
Dean R. Rogers, Inc.
28 Hillside Ranch Road
Bellevue, Idaho 83313

Dear Mr. Tuthill:

I would request that you add my name to the notification list on behalf of Dean R. Rogers, Inc. Any future notices in regard to the water rights should be sent not only to them at their Bellevue, Idaho address but to me at:

Laird B. Stone
Stephan, Kvanvig, Stone & Trainor
P. O. Box 83
Twin Falls, ID 83303-0083

as their attorney.

Respectfully yours,

STEPHAN, KVANVIG, STONE & TRAINOR



Laird B. Stone

LBS:lm

cc: Dean Rogers

12/18/2006

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

RIGHT NUMBER: 37-2641B

NAME AND ADDRESS: DEAN R ROGERS INC
28 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: CAIN CREEK
GROUND WATER
UNNAMED STREAM

TRIBUTARY: SILVER CREEK
TRIBUTARY:
TRIBUTARY: STALKER CREEK

QUANTITY: 0.930 CFS
139.370 AFY

Right Nos. 37-2641A and 37-2641B are limited to a total combined diversion rate of 5.0 cfs and to a total combined annual diversion volume of 747 AF.

The rights listed below are limited to a total combined annual diversion volume of 1554.8 af. Combined Right Nos.: 37-2600, 37-2641A, 37-2641B, 37-2662A, 37-2662B, 37-4289A, 37-4289B

PRIORITY DATE: 09/27/1960

POINT OF DIVERSION:

T01S R19E S18 SENESE Injection Within BLAINE County
T01S R19E S21 NENENE Within BLAINE County
T01S R19E S21 NWNWNE Within BLAINE County
T01S R19E S21 SWNWNE Within BLAINE County
T01S R19E S21 SWSENE Rediversion Within BLAINE County
T01S R19E S21 NENESE Rediversion Within BLAINE County
T01S R19E S22 NWSWSW Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.930 CFS 139.37 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S21	NENE	35.00	T01S R19E S21	NWNE	36.00
T01S R19E S21	SWNE	37.00	T01S R19E S21	SENE	39.00
T01S R19E S21	NESE	28.00	T01S R19E S21	NWSE	37.00
T01S R19E S21	SWSE	39.00	T01S R19E S21	SESE	34.00
T01S R19E S22	NWSW	32.00	T01S R19E S22	SWSW	28.00
T01S R19E S27	NWNW	35.00	T01S R19E S28	NENE	39.00
T01S R19E S28	NWNE	39.00			

458 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 458 acres in a single irrigation season. Combined Right Nos.: 37-2600, 37-2641A, 37-2641B, 37-2662A, 37-2662B, 37-4289A, 37-4289B

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

Right Nos. 37-2641A and 37-2641B are limited to the irrigation of a combined total of 268 acres in a single irrigation season.

12/18/2006

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

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.

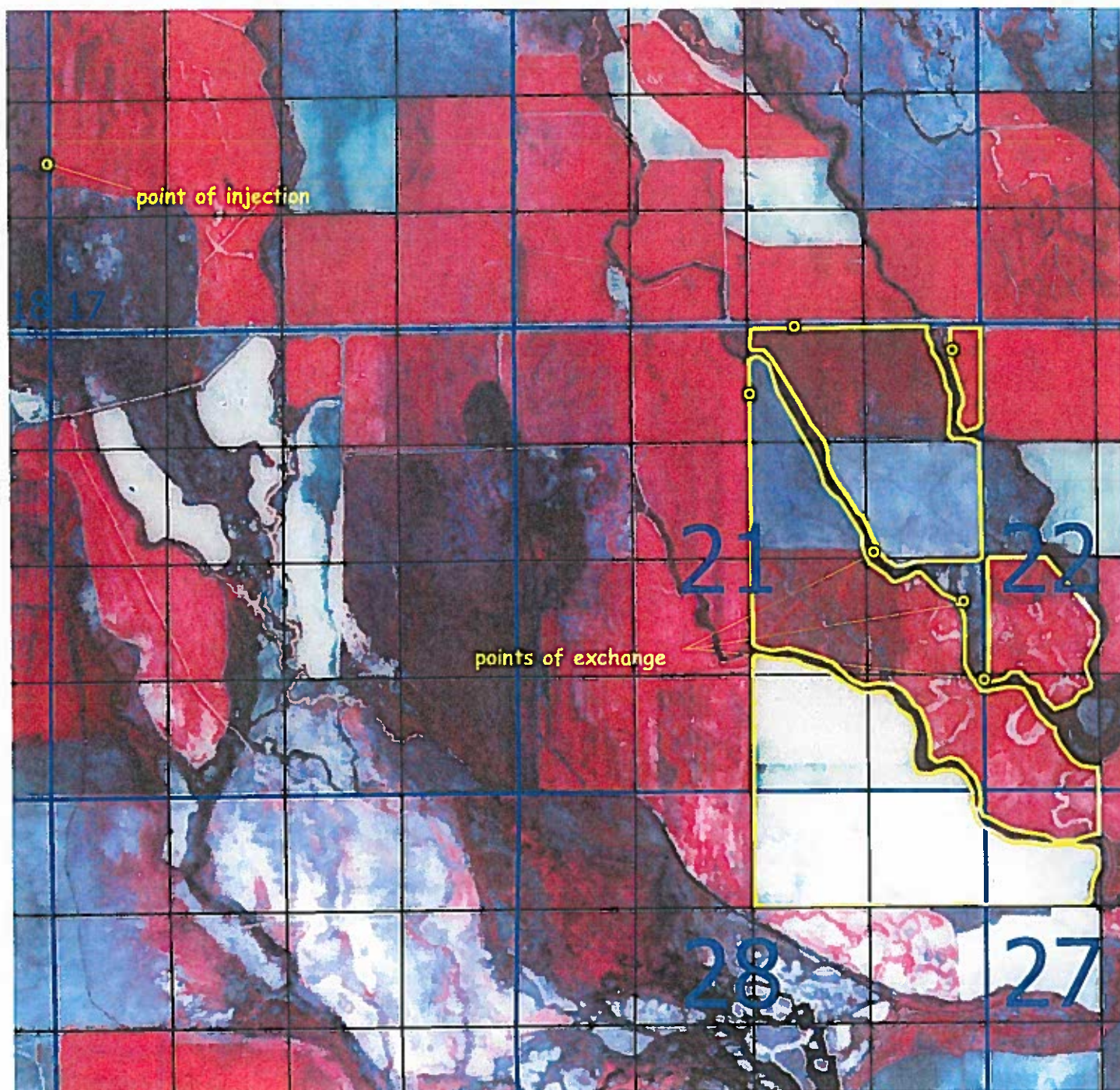
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37 DISTRICT.

Idaho Department of Water Resources

**Right(s): 37-2600, 2641A&B
2662A&B, 4289A&B**

Recommended Place of Use
TWP 01S RNG 19E S21, 22, 27, 28
Prepared December 18, 2006



660 0 660 1320 Feet



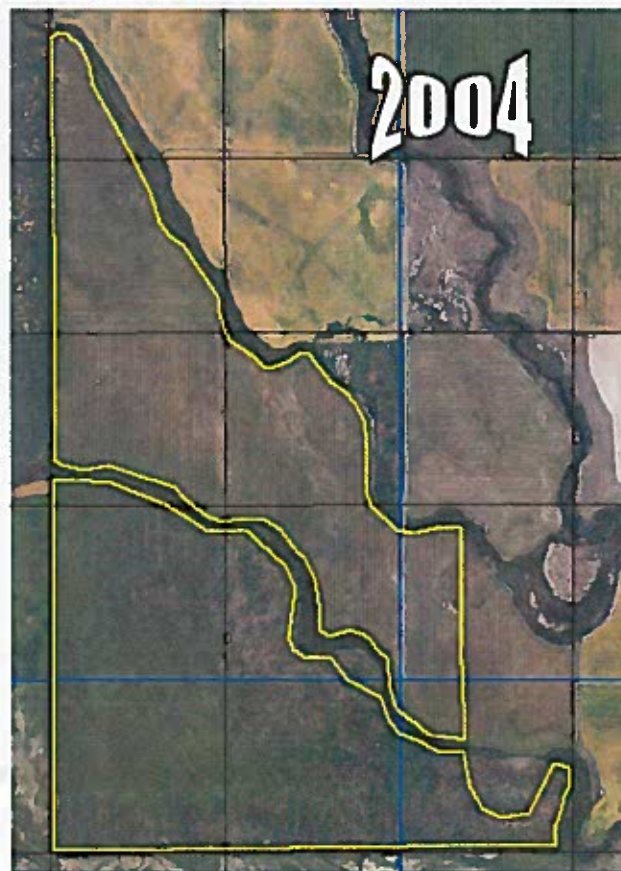
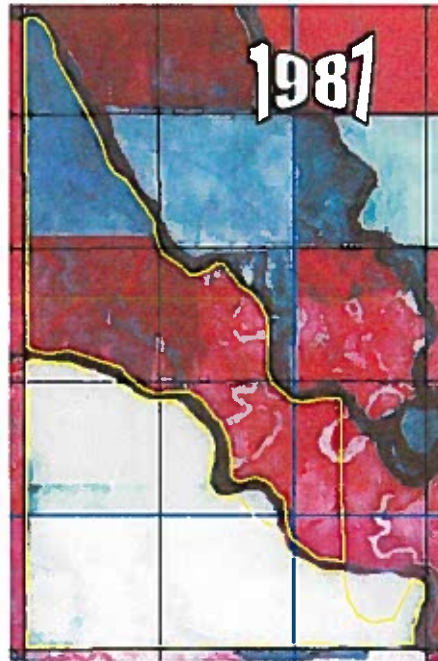
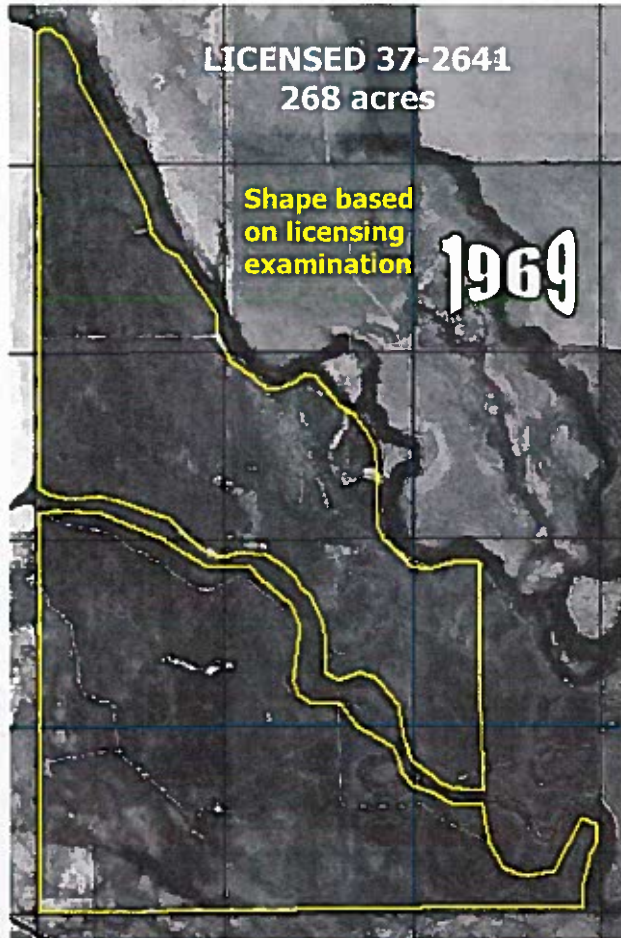
⊙	Recommended Point of Diversion
Yellow outline	Recommended Place of Use
Black outline	Quarter Section Lines
Blue outline	PLSS Section Lines



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

Licensed 37-2641 vs 2641A & B



License 37-2641: 268 acres, 5.0 cfs, 747 afa

1987 there was a pod exchange...ended up splitting 2641 into 2 portions; **2641B** split out 50 acres and established an exchange with the licensed pod where the pod discharged 0.93 cfs of the licensed water into the Buhler Drain and this water was rediverted at various points along Cain Creek.

37-2641B: Exchange broke 50 acres out and 0.93 cfs & 139.37 afa...claim matches approved exchange.

37-2641A: claim is overclaimed as far as the POU. Should be 218 acres (50 acres went to portion B)...but it's claimed as 262 acres. CFS & AFA are claimed correctly.

Within the Cain/Cheney Creek area PPU: 37-2641A & B NTE 268 acres, 5.0 cfs, and 747 afa.

37-2641
37-2662
Identification No. 37-4289
Exchange No. 1906

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Dean R. Rogers, Inc.
Post office address Rt. 1, Box 305, Bellevue, ID 83313
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
- b. Permit, License, or Claim No. (1) 37-2641 in the records of the Department of
Water Resources. (2) 37-2662
(3) 37-4289
3. Source of water Groundwater tributary to _____
(Name of stream or source)
4. Date of Priority of Right (1) 9/27/1960 (2) 5/24/1961
(3) 6/1/1961
5. Amount of water a (1) 5.0 c.f.s. and/or
b (2) 3.42 ~~gpm~~ cfs
(3) 0.24
6. Water is used for Irrigation from 4/1 to 11/1
(Purpose) (Month-Day) (Month-Day)
(Purpose) from _____ to _____
(Month-Day) (Month-Day)
7. Location of point of diversion is NW (1), (2), (3) of Section 21
Township 1S, Range 19E, B.M., in Blaine County.
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
(1)	1S	19E	21	8	23										24	38	38	33	164 (Sub Totals)
			22								6								6
			27				22												22
			28	37	39														76 (268)
(2)	1S	19E	21	26	29	6	38								6				105
			22								33	20							53
			27				13												13 (171)
(3)	1S	19E	21		6	1											1		8
			22																4
																			451 (12)

Total number of acres to be irrigated

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SCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

1. Name of Right Holder Dean R. Rogers, Inc.
 Post office address Rt. 1, Box 305 Bellevue, ID 83313
 10. Source of water Groundwater tributary to _____
 (Name of stream or source)
 11. Name of canal or ditch _____
 12. Amount of water a. _____ c.f.s. and/or
 b. _____ acre feet/annum
 13. Right obtained by:
 a. Decree to _____ in Case of _____
 (Name)
 vs. _____, Dated _____ in _____
 (Name of Court)
 Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Idaho Department of Water Resources.

EXCHANGE 37-2641B : 0.93 cfs 37-4289B : 0.08 cfs
 37-2662B : 1.32 cfs

14. 2.33 c.f.s and/or 360 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Buhler Drain at a point in NE 1/4 SE 1/4 of Section 18, Township 1S, Range 19E, B.M. in Blaine County; Additional points, if any (The original points of diversion within the NW 1/4 NE 1/4 Sec. 21, Twp. 1S, Rge. 19E are still valid)

15. In lieu thereof 2.33 c.f.s. and/or 360 acre feet per annum will be diverted from Cain Creek at a point within the NE 1/4 SE 1/4 of Section 21, Township 1S, Range 19E, B.M., in Blaine County. (2p)

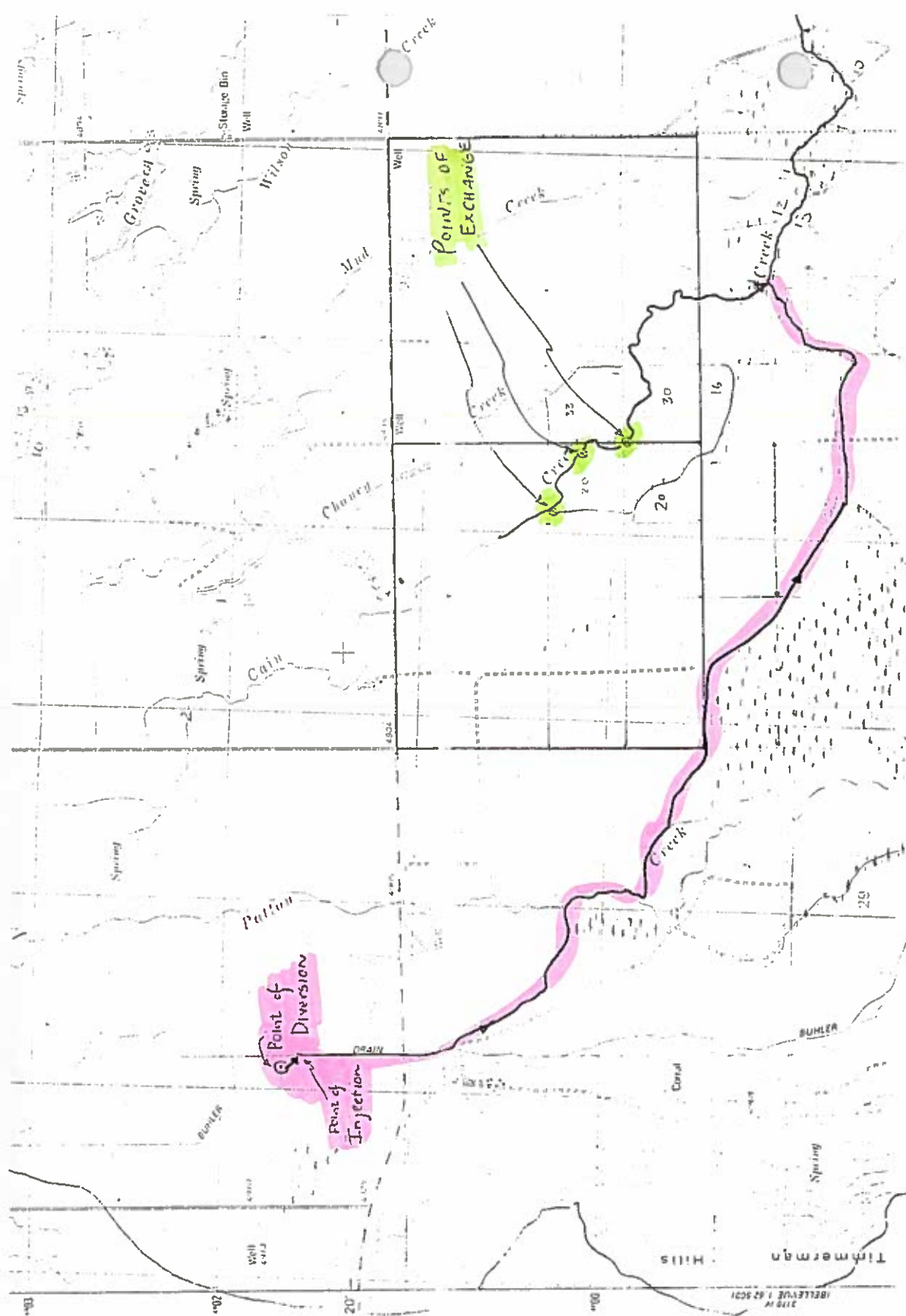
16. Explanation (Additional p.d.: SE 1/4 Sec. 21 or SW 1/4 Sec. 22, Twp. 1S, Rge. 19E)
Groundwater is discharged into Buhler Drain in exchange for surface water diverted Cain Creek. This document has a dual purpose of adding a point of diversion in the NE 1/4 Sec. 18, Twp. 1S, Rge. 19E, and recording the exchange which has been delivered as shown for many years.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange. Note that parts of 37-2641, 37-2662 and 37-4289 not shown below are labeled parts A and are not affected by the exchange/transfer. The parts identified below are labeled p

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
(1)	(1)	37-2641B 1S 19E 21													20		20	40	(S)
		22											6					6	
		27						3										3	
		28	1															1	(
(2)	(2)	37-2662B 1S 19E 22										33	20					53	
		27						13										13	(
(3)	(3)	37-4289B 1S 19E 22											4					4	(

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FEB 23 1993

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

[Signature]
(Signature of Applicant) - Sec.

Subscribed and sworn to before me this 15 day of April, 1983.

[Signature]
(Notary Public)

My commission expires Sept 10, 1984

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES
37-2641B, 37-2662B

I have examined Application for Exchange of Water No. & 37-4289B and said application is hereby APPROVED

Approval of said application is subject to the following limitations and conditions:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 37M, Little Wood River.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained at the point of injection into Buhler Drain and at the points of diversion (exchange) from Cain Creek.
3. No more than 95% of the rate of flow injected into Buhler Drain shall be diverted from Cain Creek.
4. Approval of this exchange in no way validates Claim No. 37-4289B.

Witness my hand this 10th day of January, 1984

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by DRT Date 4/15/1983 Time 11:20 Preliminary check by ADM
Fee \$ 50.00 Received by 26478 Date 4/15/83 Publication prepared by Mary
Date 7/5/83 Published in Wood River Journal Dates _____
Affidavit of Publication received Yes Publication approved by Mary A
Republished Dates 7/14 & 7/21/83
Protests Filed By: None
Copies Forwarded _____
Protestant _____ Address _____ Date Filed _____ by _____ Date _____ Action Taken _____

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by ADM Jim DRT
(Title)

*For up to 0.2 cfs or 20 af....\$30.00
For greater amounts.....\$50.00

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FEB 23 1983

A 37-2641A

37-0266A

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Right
Div.

Coin Creek
Point
Div.

Chuney
Creek

D 13.8

5.7
70.7

3.4

Right
Div.

52.0

E 40.0

608

152.8

612

618

D 26.1

22
21
20

MICROFILMED
FEB 23 1993

NOT

File No.
37-2600-2662B-2662A-2641A-2641B

Owner
Dean R. Rogers Inc

788-3644

Date
5/19/05

28 Hillside Ranch Rd
Bellevue

On Wednesday afternoon I called Dean and made appointment so see him Thursday . I went up and reviewed his files and he and I drew on the photo and attached map of where this water is used regarding the yellow areas marked on photo, he then showed me where all 8 diversion points are which are marked on photo and map. The exchange water from no. 8 is re-diverted to cain creek when there is ample water In the system

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Look S	Roger 1	2483348	1347558	A0016185	1050585 6
S creek diversion	" 2	2483346	1347680	"	586 7
S	" 3	2483501	1347776	"	587 8
S	" 4	2484058	1347692	"	588 9
S Tractor Div	" 5	2483773	1346998	"	589 90
" "	" 6	2484094	1346828	"	590 91
" "	" 7	2484162	1346548	"	591 92
SE well	" 8	2480900	1348358	"	592 93

Lee R. Peterson

5/19/05