

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: A37-04289B
Date Received: 10/12/1988
Receipt No: M1570
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
6" CS, ARTESIAN WELL, APPROX. 180' DEEP, W/PIPELINE TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		

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

8. Total consumptive use is 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	22	SW	SW		IRR	4.0

Section Acres 4.0

Total Acres 4.0

A37-04289B

Page 1

Date: 10/12/88

MICROFILMED
FEB 24 1993

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:

A37042641A & B, A37-02662A & B, A37-04289A

14. Remarks:

PT. OF INJECTION INTO BUHLER CREEK: NESE, S18, T1S, R19E.

PTS. OF EXCHANGE FROM CAIN CREEK: NESE, S21, T1S, R19E, (2 PTS);

SESE, S21, T1S, R19E; OR SWSW S22, T1S, R19E.

EXCHANGE 2906.

A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS WILL BE INSTALLED AT THE POINT OF INJECTION & POINT OF EXCHANGE.

NO MORE THAN 95% OF AMT. INJECTED WILL BE DIV. AT EXCHANGE.

APPROVAL OF EXCHANGE IN NO WAY VALIDATES CLAIM 37-4289A OR B

15. Basis of Claim: STATUTORY CLAIM

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FEB 24 1993

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: 4

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 Carson
Notary Public

Seal

Residing at Boise ID

My Commission Expires 6/3/94



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

37-04289B

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

BELLEUE 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:

A37-04289B

Dean
DW
Doug Jones
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

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

E-MAIL: sk&t@idaho-law.com

RECEIVED

March 20, 2007

MAR 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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:

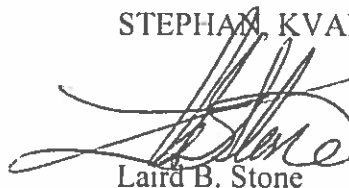
I would request that you add my name to the notification list on behalf of Dean R. Rogers, Inc. Any future notices in regard to the water rights should be sent not only to them at their Bellevue, Idaho address but to me at:

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: 37-4289B

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: 0.080 CFS
12.000 AFY

Right Nos. 37-4289A and 37-4289B are limited to a total combined diversion rate of 0.24 cfs and to a total combined annual diversion volume of 36 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: 06/01/1961

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	04/15 10/31	0.080 CFS 12.00 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

This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.

Right Nos. 37-4289A and 37-4289B are limited to the irrigation of a combined total of 12 acres in a single irrigation season.

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

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.

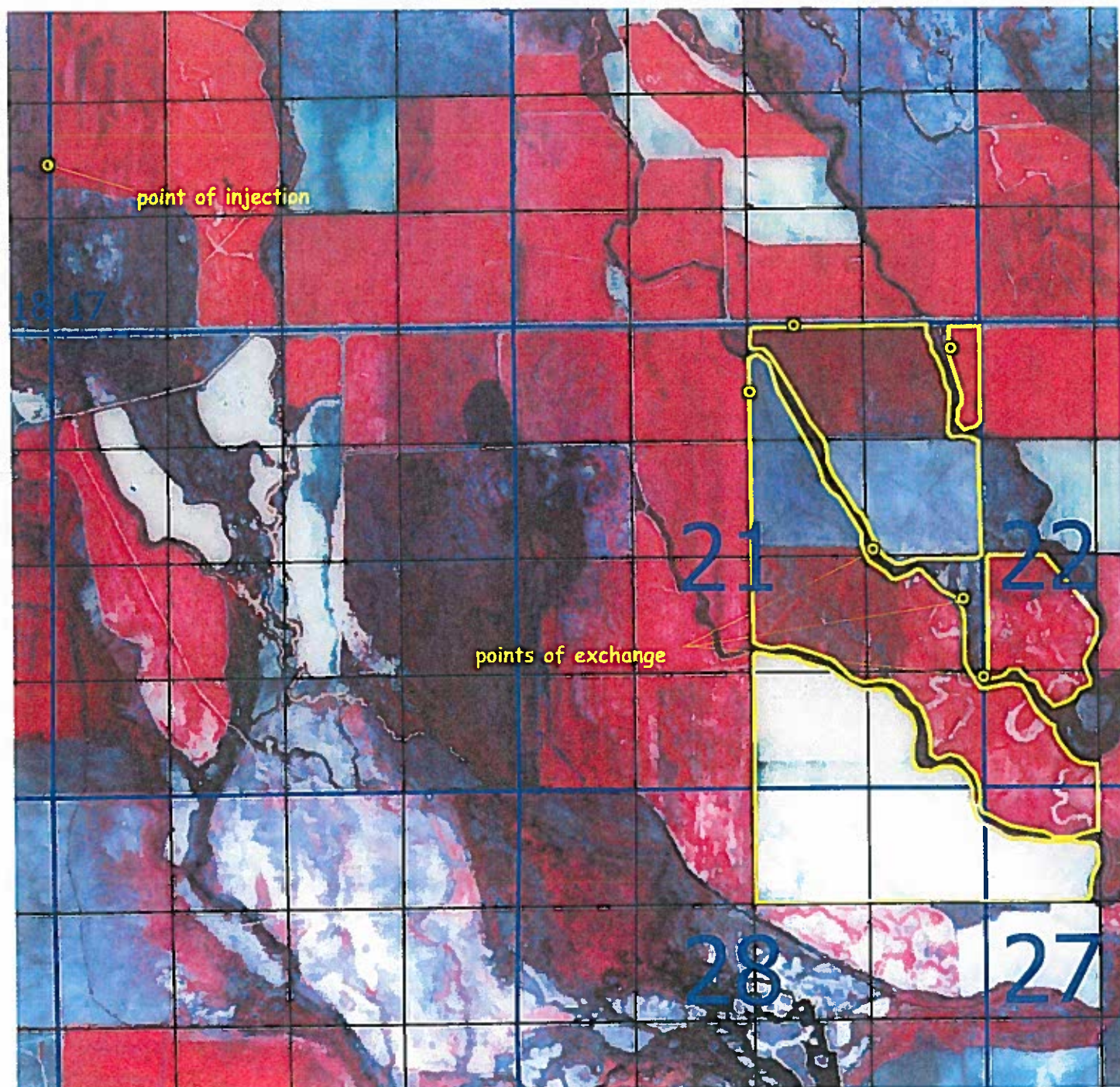
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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



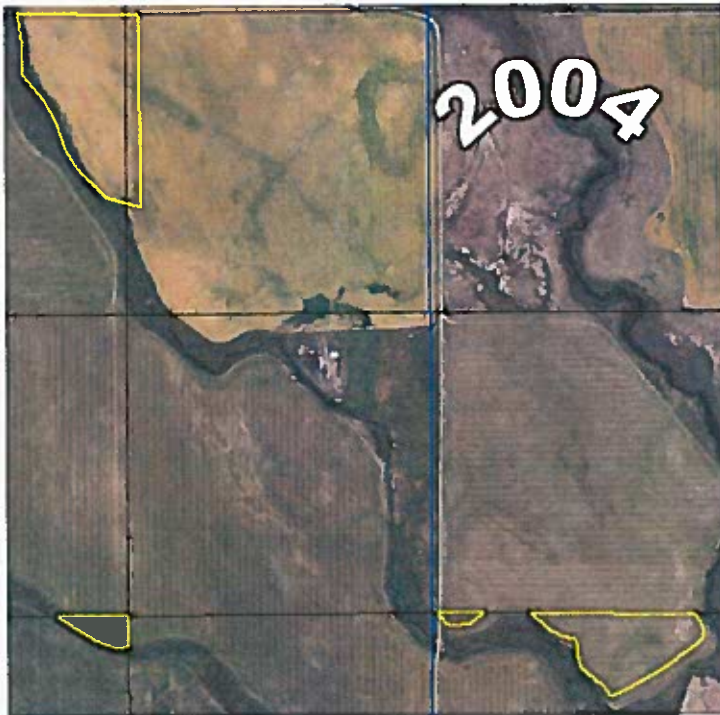
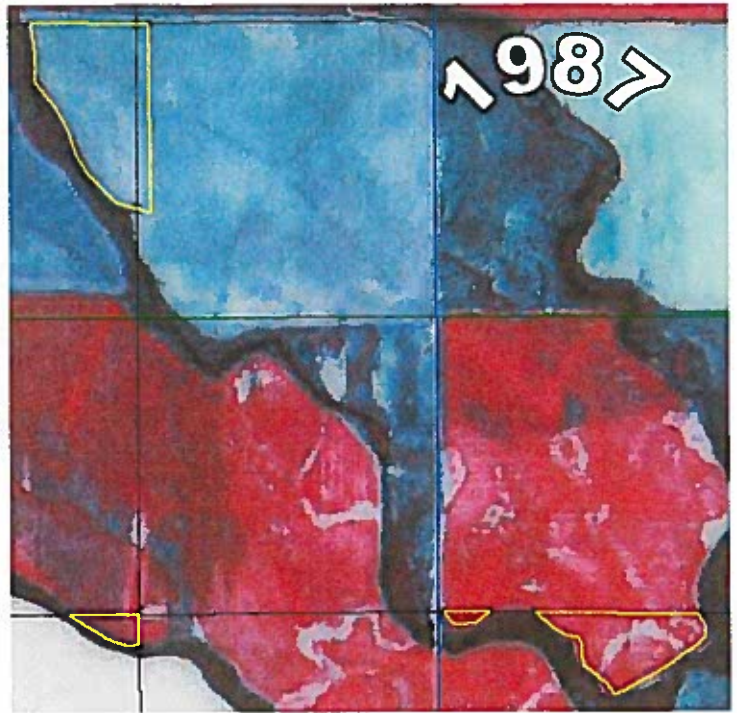
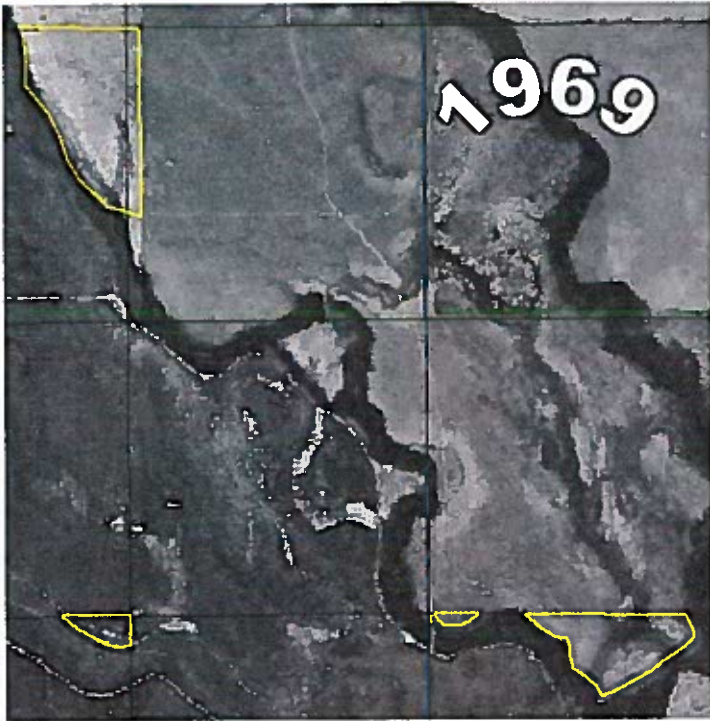
⊙	Recommended Point of Diversion
Yellow outline	Recommended Place of Use
Thin blue line	Quarter Section Lines
Thick blue line	PLSS Section Lines



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

37-4289; parts A&B



Original 37-4289 claim: 12 acres, 0.24 cfs

1987 there was a pod exchange...ended up splitting 4289 into 2 portions; **4289B** split out 4 acres and established an exchange with the claimed pod where the pod discharged 0.08 cfs of the licensed water into the Buhler Drain and this water was rediverted at various points along Cain Creek.

Volume was not part of claims...12 acres at 3.0 afa = 36AFA

37-4289B: Exchange broke 4 acres out and 0.08 cfs & 12 afa...claim matches approved exchange.

37-4289A: claim is overclaimed as far as the POU. Should be 8 (4 acres went to portion B)...but it's claimed as 12 acres. CFS & is claimed correctly and volume should be recommended as 24AFA

Within the Cain/Cheney Creek area PPU: 37-4289A & B NTE 12 acres, 0.24 cfs, and 36 afa.

see 4289A for volume notes

PPU notes in 37-2600



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

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 ~~3.42~~ cfs
(3) 0.24
6. Water is used for Irrigation from 4/1 to 11/1
(Purpose) (Month-Day) (Month-Day)
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is NW (1), (2), (3) NE 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												15 (171)
(3)	1S	19E	21		6	1											1		8
			22																4 (12)
Total number of acres to be irrigated																			451

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FEB 24 1983

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

- 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.

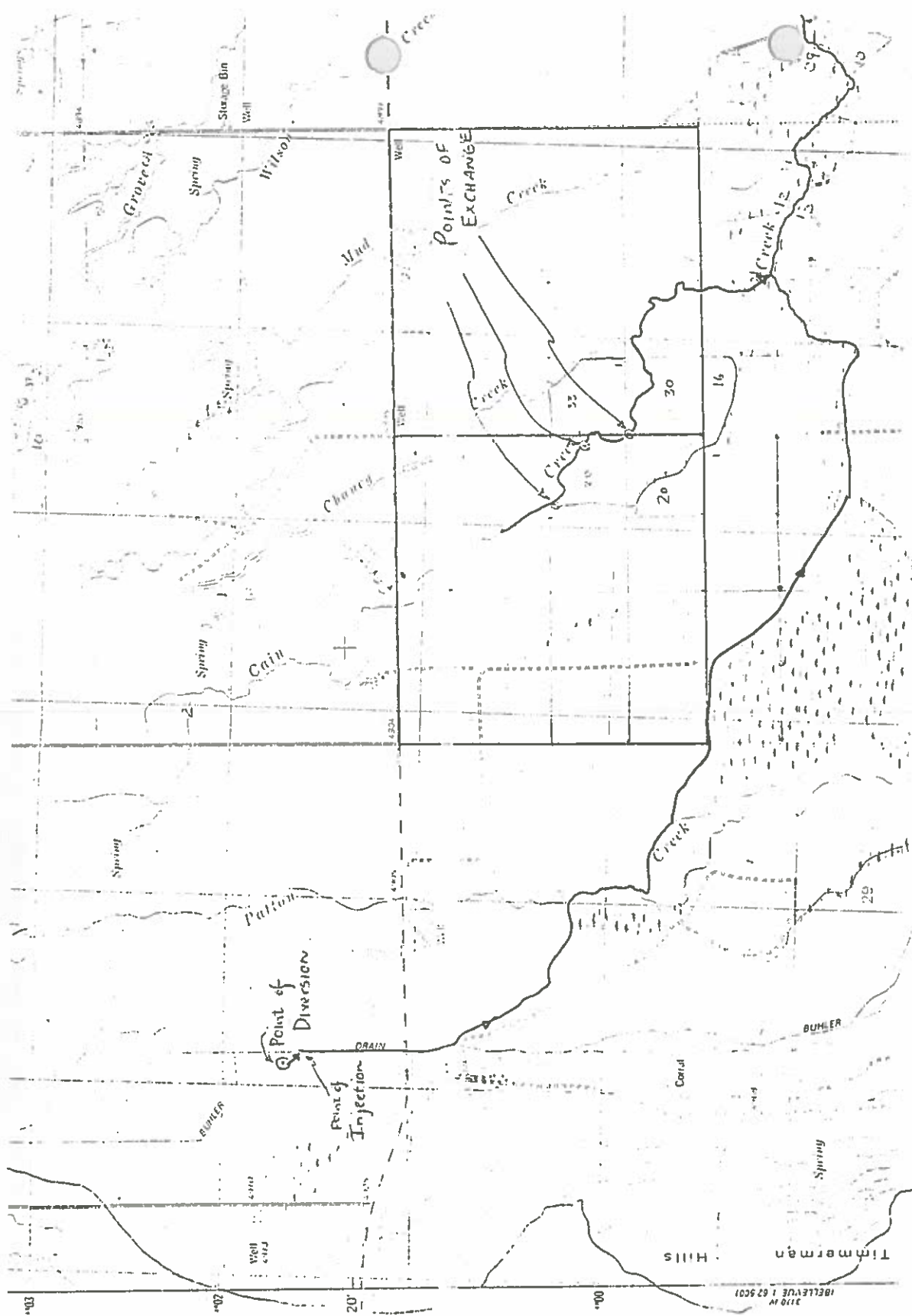
EXCHANGE 37-2641B : 0.93 cfs 37-4289B: 0.08 cfs
 37-2662B : 1.32 cfs

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 NW1/4NE1/4 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.: SE1/4SE1/4, Sec. 21 or SW1/4SW1/4, 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
NE1/4SE1/4, Sec. 18, Twp. 1S, Rge. 19E, and recording the exchange which has been deliv
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 pro-
 posed exchange. Note that parts of 37-2641, 37-2662 and 37-4289 not shown below are label
 parts A and are not affected by the exchange/transfer. The parts identified below are
 _____ belled 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													20			20	(St
		1S 19E 21																	
													6						6
									3										3
																			1
					1														(
(2)	(2)	37-2662B											33	20					53
		1S 19E 22																	
									13										13
(3)	(3)	37-4289B																	4
		1S 19E 22																	(

MICROFILMED
 FEB 24 1993



MICROFILMED
FEB 24 1953

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 Receipted by 2647B 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

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

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

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

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FEB 24 1993