

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

not part
of pod exchange

JUDICATION
OF WATER FROM
N WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02662A

Date Received: 10/11/1988

Receipt No: M1570

Received By: LW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DEAN R. ROGERS, INC.
Address: RT 1, BOX 305
BELLEVUE, ID

208-788-3644

83313

2. Date of Priority: MAY 24, 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:

12"CS, ARTESIAN, TO DITCH THEN PIPELINE, 365' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.100		315.00

7. Total Quantity Appropriated is:

2.100 C.F.S. (and/or) 315.00 A.F.A.

8. Total consumptive use is

262.5 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 NE		IRR	26.0
			NW NE		IRR	29.0
			SW NE		IRR	6.0
			SE NE		IRR	38.0

A37-02662A

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	21	NE	SE	IRR	6.0
					Section Acres	105.0
		22	NW	SW	IRR	33.0
			SW	SW	IRR	20.0
					Section Acres	53.0
		27	NW	NW	IRR	13.0
					Section Acres	13.0
					Total Acres	171.0

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:

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

14. Remarks:

EXCHANGE 2906.

15. Basis of Claim: LICENSE

Water Right Number: 29753

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 Wagoner Inc, that I have signed the foregoing Organization document in the space below as Sec Title of

Dean Wagoner Inc and that the statements contained in the Organization foregoing document are true and correct.

Dean Wagoner Inc Signature of Authorized Agent

Sec. Dean Wagoner 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 Bonne Id

My Commission Expires 6/2/94



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

37-02662A
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
BELLEVUE 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:

A37-02662A

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: sks&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:

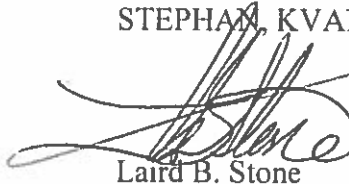
I would request that you add my name to the notification list on behalf of Dean R. Rogers, Inc. Any future notices in regard to the water rights should be sent not only to them at their Bellevue, Idaho address but to me at:

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: 37-2662A

NAME AND ADDRESS: DEAN R ROGERS INC
28 HILLSIDE RANCH RD
BELLEVUE ID 83313SOURCE: CAIN CREEK
GROUND WATER
UNNAMED STREAMTRIBUTARY: SILVER CREEK
TRIBUTARY:
TRIBUTARY: STALKER CREEKQUANTITY: 2.100 CFS
315.000 AFY

Right Nos. 37-2662A and 37-2662B are limited to a total combined diversion rate of 3.42 cfs and to a total combined annual diversion volume of 513 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: 05/24/1961

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	04/01 10/31	2.100 CFS 315.00 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 105 acres within the place of use described above 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

Right Nos. 37-2662A and 37-2662B are limited to the irrigation of a combined total of 171 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:

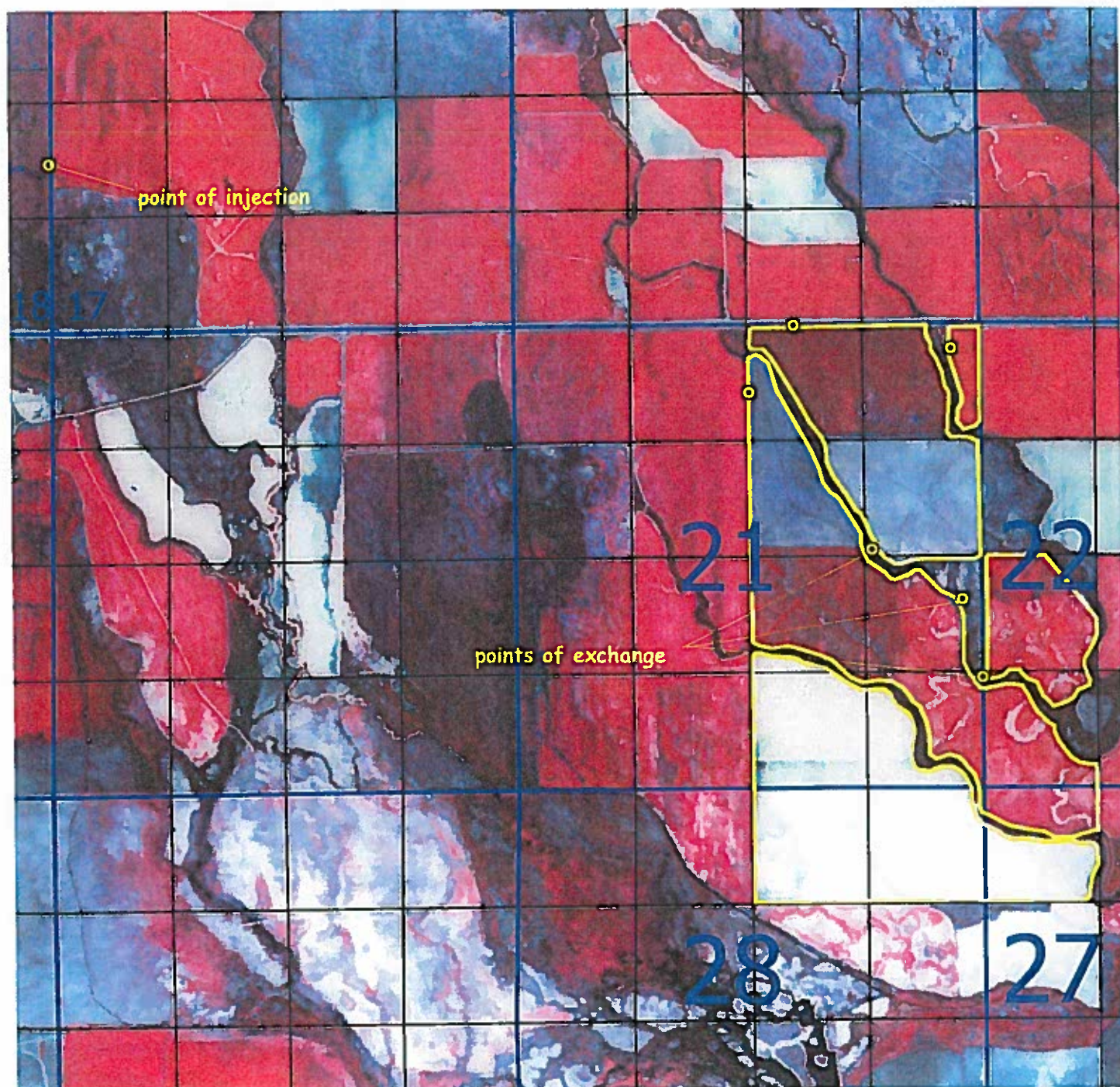
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

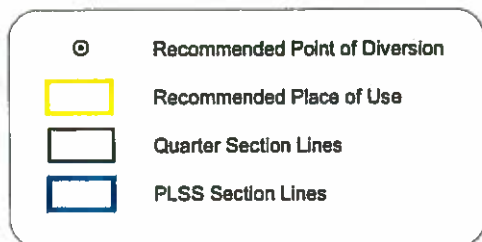
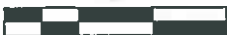
Idaho Department of Water Resources

**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



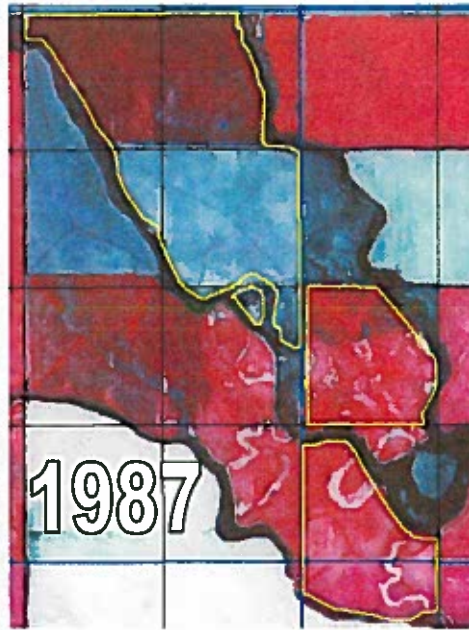
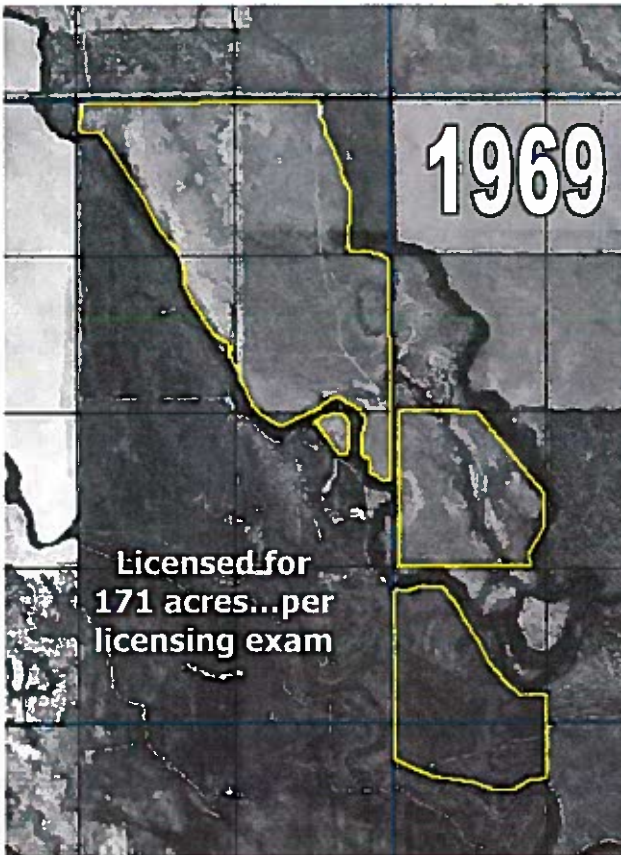
660 0 660 1320 Feet



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

License 37-2662: Parts A & B



License 37-2662: 171 acres, 3.42 cfs, 513 afa

1987 there was a pod exchange...ended up splitting 2662 into 2 portions; **2662** split out 66 acres and established an exchange with the licensed pod where the pod discharged 1.32 cfs of the licensed water into the Buhler Drain and this water was rediverted at various points along Cain Creek.

37-2662B: Exchange broke 66 acres out and 1.32 cfs & 198 afa ...claim matches approved exchange.

37-2662A: Overclaimed; claim is for entire licensed POU...should be 105 acres. CFS and AFA are claimed correctly.

Within the Cain/Cheney Creek area PPU: 37-2662A & B NTE 171 acres, 3.42 cfs, and 513 afa.

WATER LICENSE

Water License No. G-29753/37-2662 Priority May 24, 1961 Amount 3.42 c.f.s.

THIS IS TO CERTIFY, that DEAN R. ROGERS
 of Gooding, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated May 24, 1961; that Permit G-29753/37-2662 was issued pursuant
 to said application; that the proposed works were completed on or about June 1961
 with a storage/or carrying capacity of 4.76 c.f.s., said works consisting of
well, concrete box and ditches; and that on September 22, 1965
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 513
 acre feet per season, with a maximum rate of diversion of 3.42 cubic feet per second of the waters
 of ground-water, tributary of _____,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 1 S, R. 19 E, B.M., and
 other additional points _____, in the County of
Blaine; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 513 acre feet per year.

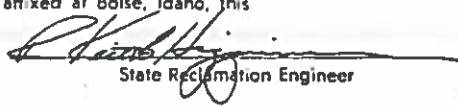
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 S	19 E	21	27 26	27 29	6 6	39 38									6.7 6				105
		22									32 33	23 20							53
		27					14 13												13

Total number of acres irrigated 171

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
 as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of December, 1969.

 State Reclamation Engineer

29753
24. 71.62

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

SD-0601-2 Last Name: DEAN R ROGERS INC

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
DEAN R ROGERS INC								
		C	A37-11620	12/31/1889	GROUNDWATER	0.040	43	DOMEST
		C	A37-11621	05/31/1959	GROUNDWATER	0.120	04	STOCK
		C	A37-11626	10/31/1969	GROUNDWATER	0.150	43	DOMEST
		C	A37-02598	09/27/1957	UNNAMED DRA	2.280	01	IRR
		C	A37-02641A	09/27/1960	GROUNDWATER	4.070	01	IRR
		C	A37-02641B	09/27/1960	GROUNDWATER	0.930	01	IRR
		C	A37-02642	09/27/1960	GROUNDWATER	3.000	01	IRR
		C	A37-02643	09/27/1960	GROUNDWATER	3.400	01	IRR
		C	A37-02661	05/24/1961	GROUNDWATER	2.320	01	IRR
		C	A37-02662A	05/24/1961	GROUNDWATER	2.100	01	IRR
		C	A37-02662B	05/24/1961	GROUNDWATER	1.320	01	IRR
		C	A37-04289A	06/01/1961	GROUNDWATER	0.160	01	IRR
		C	A37-04289B	06/01/1961	GROUNDWATER	0.080	01	IRR
		C	A37-11614	09/27/1957	UNN DRAIN	2.280	01	IRR
		C	A37-00114B	05/01/1886	BIG WOOD RI	15.000	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: DEAN R ROGERS INC

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code	Desc
DEAN R ROGERS INC								
		C	A37-00117B	05/01/1902	BIG WOOD RI	6.000	01	IRR
		C	A37-07633	06/20/1977	GROUNDWATER	6.440	01	IRR
		C	37-11620	12/31/1889	GROUNDWATER	0.040	43	DOMEST
		C	37-11621	05/31/1959	GROUNDWATER	0.120	04	STOCK
		C	37-11626	10/31/1969	GROUNDWATER	0.150	43	DOMEST

17 separate claims
3 decreed in D&S

D&S to get Neaps

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

ATTACHMENT TO CHANGE OF ADDRESS
3/17/99 *sw*

37-2641
37-2662
Identification No. 37-4289
Exchange No. 2906

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 ~~525612757400000~~ 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 NE 1 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							2
			27					13											13 (171)
(3)	1S	19E	21		6	1											1		8
			22																4 (12)
Total number of acres to be irrigated																			451

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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

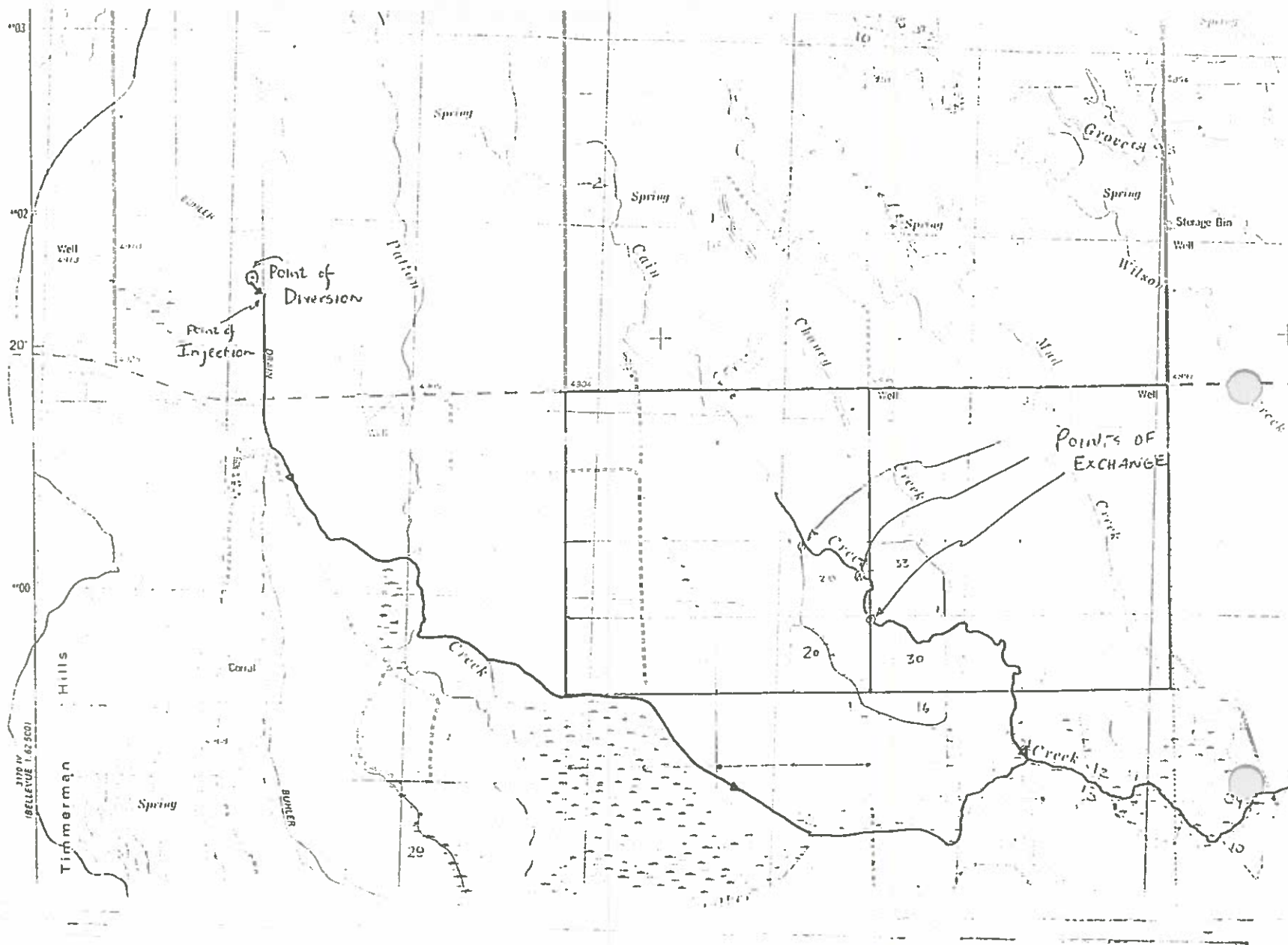
14. 2.33 c.f.s and/or 360 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Buhler Drain at a point in NE 1/4 SE 1/4 of Section 18, Township 1S, Range 19E, B.M. in Blaine County; Additional points, if any (The original points of diversion within the NW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

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

Total number of acres to be irrigated 120



MICROFILMED
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 Receipted 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 Sim DRT
(Title)

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

MICROFILMED
FEB 23 1993

A37-2662A

37-0266A

042594
37-0266A
7.9

2

87.6

53.0

147.1

R
36.4
37-0266A
D

IRR

219.9
IRR
A37-2662A

D
13.8

P
25.5

S
70.7

IRR
36.4

E
40.0

608

F
152.8

B-42
(618)

IRR
52.0

D
26.1

22
21

IRR

MICROFILMED
FEB 23 1993

B-150
(588)

R
45.8

S
31.2

UAT