

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 37-11614
Date Received: 10/12/1988
Receipt No: M001570
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEAN R ROGERS INC Phone: (208)788-3644
28 HILLSIDE RANCH RD
BELLEVUE ID USA 83313

2. Date of Priority: 09/27/1957

3. Source: UNNAMED DRAIN Trib. to: STALKER CREEK

4. Point of Diversion:

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

5. Description of diverting works:

DRAINAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2.80	957.6

7. Total Quantity Appropriated is:
2.80 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
01S	19E	18	NE NE	IRRIGATION	40
			NW NE	IRRIGATION	40
			SW NE	IRRIGATION	40
Section Acres					120

AMENDED

01S 19E 19 NE NE IRRIGATION 20
Section Acres 20
Total Acres 140

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:

14. Remarks:

CLAIMANT STATES PRIORITY DATE SHOULD BE SAME AS SHOWN ON WR# A37-02598. REASON THESE ACREAGES WERE NOT SHOWN ON PREVIOUS WATER RIGHT IS DEEMED TO BE AN OVERSITE. THIS WATER RIGHT, WHEN COMBINED WITH WR#A37-02598 SHALL NOT DIVERT MORE THAN 2.28 CFS.

The claim was amended to add 80 acres to the west 1/2 of the NE 1/4 of section 18. Claimant stated that this ground was irrigated with the drainage water by 1962.

15. Basis of Claim: Beneficial Use

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 Sec-Treas of _____ Title

Don Rogers Inc, that I have signed the foregoing document in the _____ Organization
space below as Sec-Treas of Don Rogers Inc Title Organization

and that the statements contained in the foregoing document are true and correct.



[Signature]
Signature of Authorized Agent

Sec-Treas - Don Rogers Inc
Title and Organization

5-11-05
Date

State of Idaho)
County of Twins Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day of May 2005

Kelly K. Christensen
Notary Public

Residing at Twins Falls, ID
My commission Expires 4-2-2005

37-11614



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
BELLEUE ID 83313

Same

☒ New Telephone Number: () 788 - 3644

☐ Signature of Claimant(s):

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:

A37-11614

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: A37-11614
Date Received: 10/12/1988
Receipt No: m 1570
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: SEP 27, 1957

3. Source: UNN DRAIN Trib. to: STALKER CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DRAINAGE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.280		957.60

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

8. Total consumptive use is 150.0 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	18	NE	NE		IRR	40.0
						Section Acres	40.0
		19	NE	NE		IRR	20.0
						Section Acres	20.0

MICROFILMED
FEB 25 1993

10. Place of Use: Continued

Total Acres 60.0

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:
NONE

14. Remarks:

CLAIMANT STATES PRIORITY DATE SHOULD BE SAME AS SHOWN ON WR#
A37-02598. REASON THESE ACREAGES WERE NOT SHOWN ON PREVIOUS
WATER RIGHT IS DEEMED TO BE AN OVERSITE.
THIS WATER RIGHT, WHEN COMBINED WITH WR#A37-02598 SHALL NOT
DIVERT MORE THAN 2.28 CFS.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 25 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: 1

For Organizations:

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

Dean Wagon Inc
Signature of Authorized Agent

Sec. Dean Wagon Inc
Title and Organization

Oct 12-1988
Date

State of Idaho)
County of Blaine) SS.

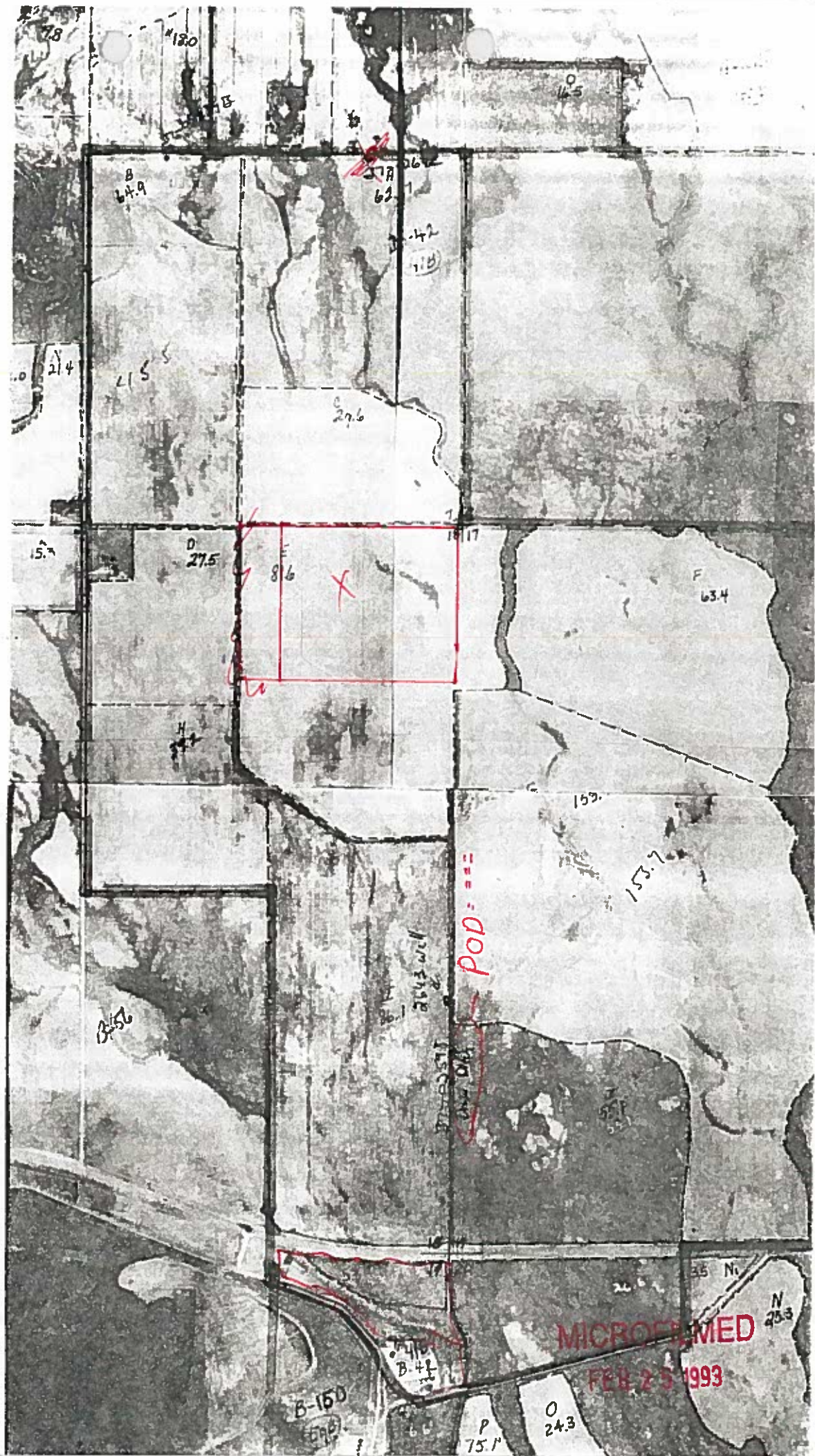
Subscribed and sworn (or affirmed) before me this 12 day
of Oct 19 88

John Dal Carlson
Notary Public

Seal

Residing at Boise ID

My Commission Expires 4/2/94



B
64.9

180

O
14.5

A
62.1

142
115

214

215

27.6

15.7

D
27.5

E
8.6

17

F
63.4

167

153.7

356

POD

B-150
(94)

B-41

P
75.1

O
24.3

35 N

N
233

MICROFILMED
FEB 25 1993

STEPHAN, KVANVIG, STONE & TRAINOR

ATTORNEYS AT LAW

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

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

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

RECEIVED

MAR 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 20, 2007

RECEIVED

MAR 29 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:

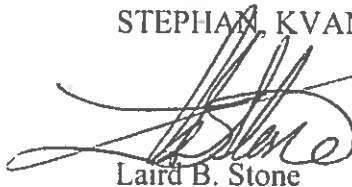
I would request that you add my name to the notification list on behalf of Dean R. Rogers, Inc. Any future notices in regard to the water rights should be sent not only to them at their Bellevue, Idaho address but to me at:

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

12/21/2006

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

RIGHT NUMBER: 37-11614

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

SOURCE: UNNAMED STREAM

TRIBUTARY: STALKER CREEK

QUANTITY: 0.580 CFS

Right Nos. 37-2598 and 37-11614 are limited to a total combined diversion rate of 2.28 cfs.

PRIORITY DATE: 04/15/1962

POINT OF DIVERSION:

T01S R19E S7 SESWSE Within BLAINE County

T01S R19E S17 SWNNW Within BLAINE County

T01S R19E S18 SENWNE 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	0.580 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S07	NESE	39.00	T01S R19E S07	NWSE	39.00
T01S R19E S07	SWSE	40.00	T01S R19E S07	SESE	38.00
T01S R19E S17	NENW	36.00	T01S R19E S17	NWNW	38.00
T01S R19E S17	SWNW	40.00	T01S R19E S17	SENW	34.00
T01S R19E S17	NESW	40.00	T01S R19E S17	NWSW	40.00
T01S R19E S17	SWSW	38.00	T01S R19E S17	SESW	34.00
T01S R19E S18	NENE	40.00	T01S R19E S18	NWNE	40.00
T01S R19E S18	SWNE	39.00	T01S R19E S18	SENE	40.00
T01S R19E S18	NESE	40.00	T01S R19E S18	SESE	37.00
T01S R19E S19	NENE	7.50			

699.5 ACRES TOTAL

This right is limited to the irrigation of 119 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 699.5 acres in a single irrigation season. Combined Right Nos.: 37-2598, 37-2642, 37-2643, 37-2661, 37-7633, 37-11614

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

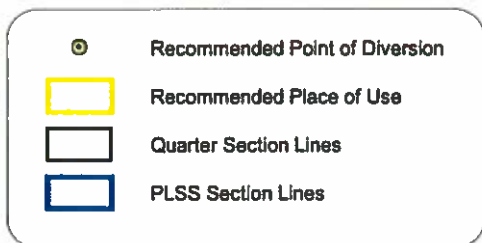
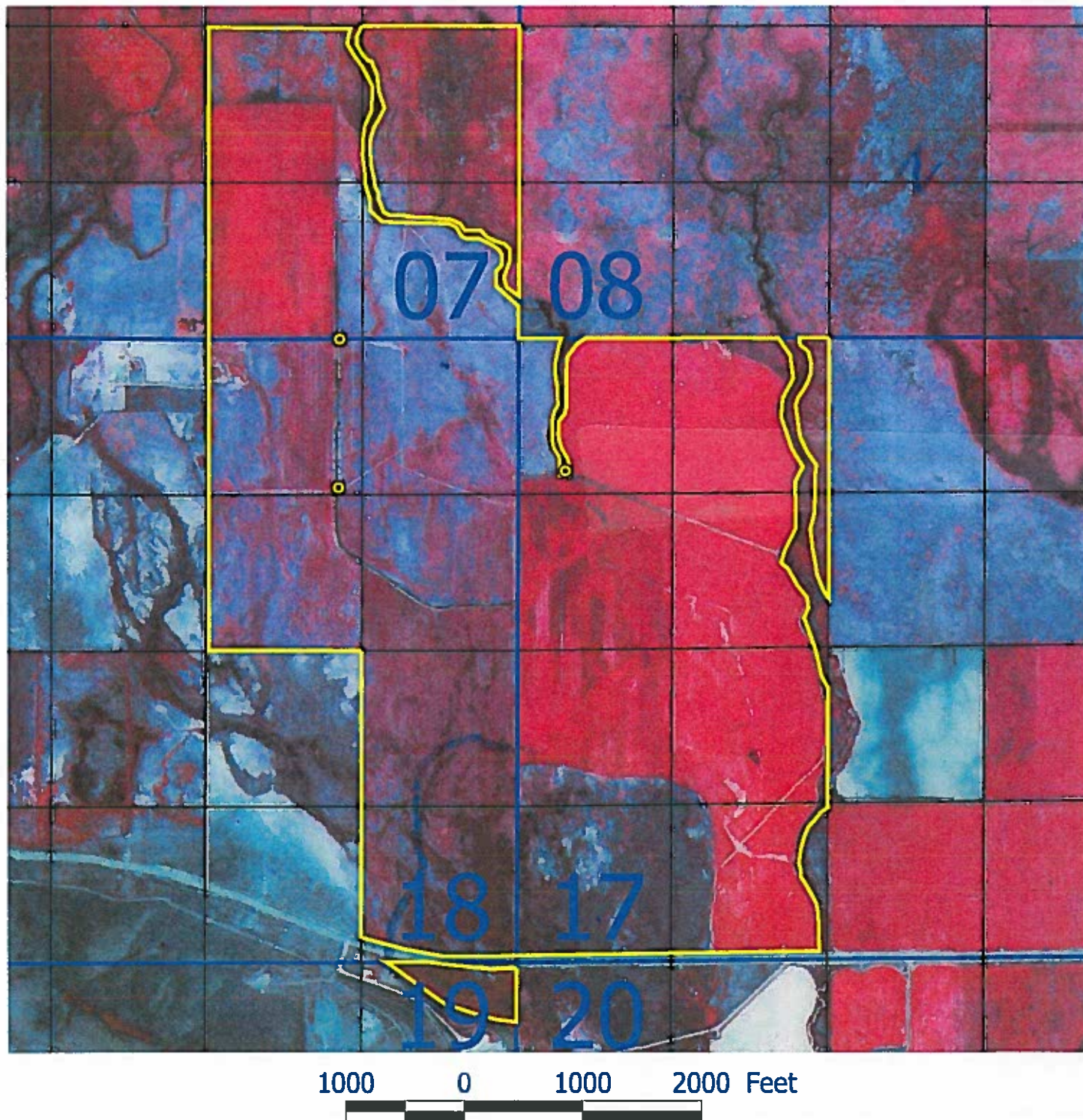
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

Right(s): 37-11614

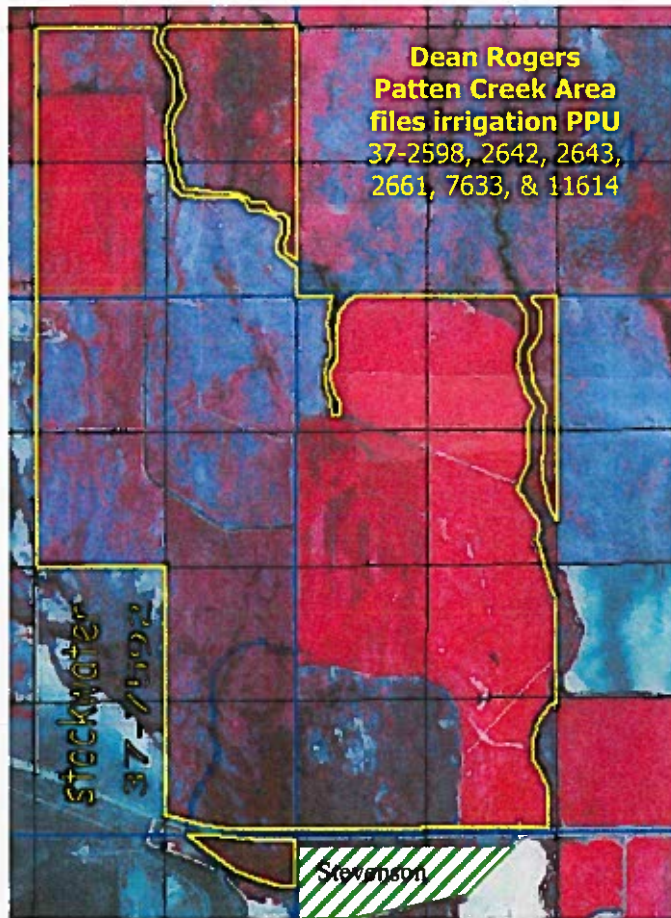
Recommended Place of Use
TWP 01S RNG 19E S7, 17, 18, 19
Prepared December 21, 2006



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

Rogers. Patten Cr Area PPU



37-11614

119 acres within 669.5 acre PPU

Note in claim indicates that this claim is essentially for acreage that should have been included in license 37-2589 but were left off due to an "oversight". This right should be limited to the 2.28 cfs under 37-2589.

Not entirely sure the claimed acres could have been irrigated as the POD is South of them.

recommend 4-15-1962 as p.date based on when the w/3 of NE 1/4 began being irrigated under this claim

Same conditions as 37-2589
change season to standard

Diversion rate

37-2589 for 470 acres @ 2.28 cfs

$2.28 \div 470 = 0.004851 \text{ cfs/acre}$

$119 \text{ acres} \times 0.004851 \text{ cfs/acre} = 0.58 \text{ cfs}$

OK...?

met w/ Dean Rogers 12-20...
changed pod locations for this recommendation ... claimed incorrectly.



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

~~Company Name Here~~

Dean R. Rogers Inc.
28 Hillside Ranch Rd.
Bellevue, Idaho 83313

April 27, 2005

Dept. of Water Resources
Re. Letter of April 25, 2005 To Dean R. Rogers Inc.

RECEIVED
MAY 11 2005
Department of Water Resources
Southern Region

Dear Dept. of Water Resources:

Dear Sirs,

I trust the following narrative will be considered as evidence as to the water Rights in question.

37-4289A

37-4289B

This well has been used for water to sprinkle land on the properties listed on the water right. The water right lists fewer acres than is actuality watered as we leveled and straightened fields to make them easier to irrigate and more efficient use of the available water. We sprinkled with a tractor powered pump in the years of 1957, 1958, 1959, 1960. The well was drilled in late 1954 or early 1955. The priority date listed is the date the Department actually measured the well. I witnessed the measurement. Later Soil Conservation maps with improved measurements (more accurate), I believe are partly responsible for the difference in acreage.

We started leveling land in the summer of 1959. I graduated from the 8th grade to a cat and carryall that year. The first land leveled is marked on map and outlined in red with date.

37-1164 -37-02598

This water is from a drain ditch, which was dug by Dean R. Rogers and Son in 1955 and 1957.
(Completed in 2 different years)

NOTE Dean R. Rogers and Son became Dean R. Rogers Inc. in 1966

This water was as a resource of water to sprinkle lands adjacent to this drain ditch. Years sprinkled were, 1957-1958-1959-1960. The sprinkler system was sold to Baldwin Bros. in 1961. They are no longer in farming.

NOTE . We were sprinkling with the tractor powered pump and leveling land in 1959 and 1960.

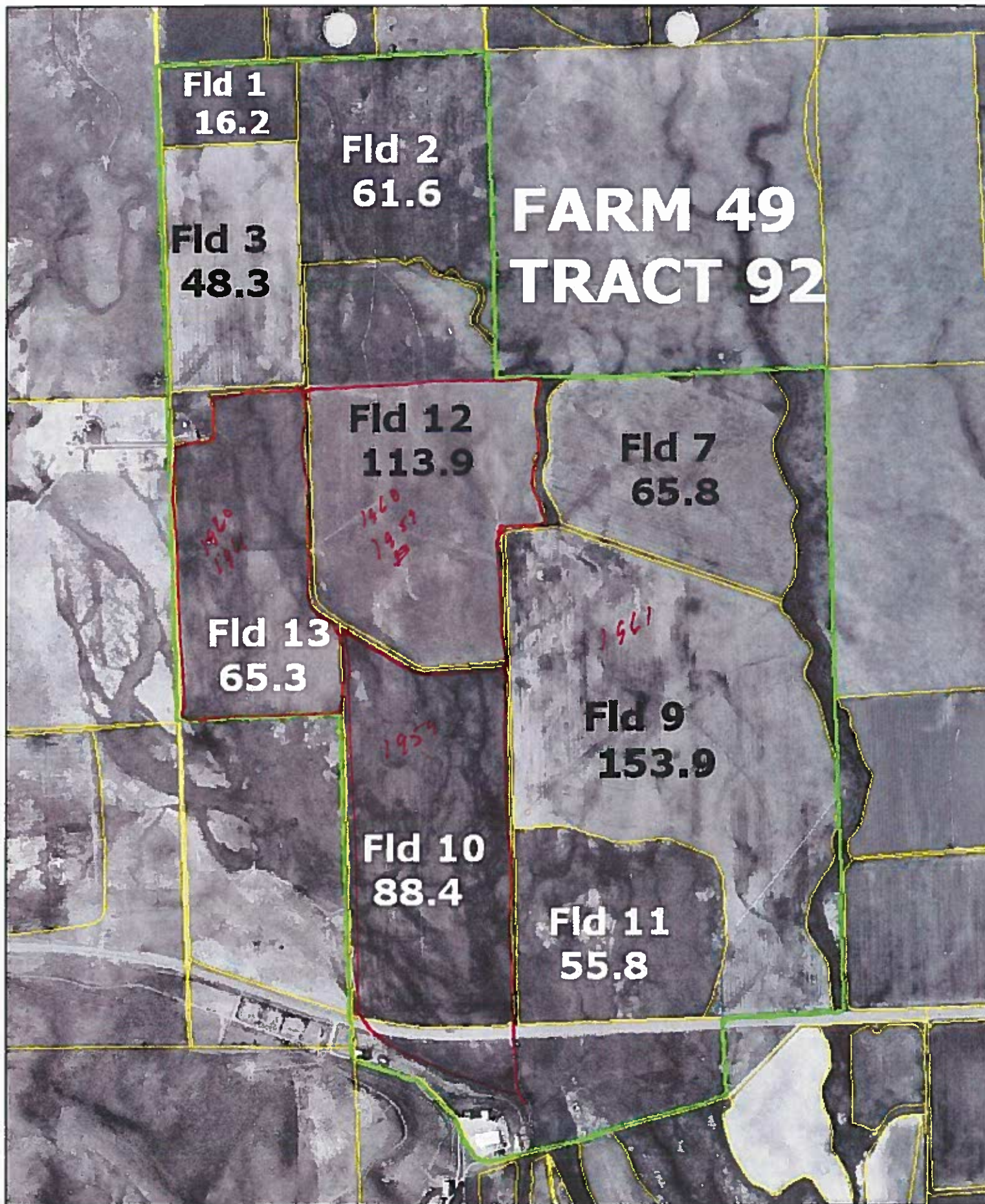
Enclosed are maps marked with years land was leveled.

The building of what is now State Highway 20 made apparent, an omission in the original filing. Before the highway was built, the water flowed across the now leveled land. Now in order to irrigate the land south of the highway it is necessary to pump from the drain ditch. This omission was an oversight and not intentional.

We have used the water as needed during the years since the drain ditch was installed. We believe the use of the water developed by the Rogers family has been beneficial to not only the Rogers family but to all water users down stream from Buhler Drain.

Thank you for your consideration,





FARM 49 TRACT 92
OW/OP DEAN ROGERS INC

RECEIVED

MAY 11 2005

Department of Water Resources
Southern Region



Map Printed: Sep 14, 2004