

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 37-2600
Date Received: 5/11/2005
Receipt No: *5027659*
Received By: *KKC*

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: 12/27/1957

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.72	

7. Total Quantity Appropriated is:
0.72 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	21	NE NE	IRRIGATION	39
			NW NE	IRRIGATION	39
			SW NE	IRRIGATION	39
			SE NE	IRRIGATION	39
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	39
			SW SE	IRRIGATION	40
			SE SE	IRRIGATION	39

					Section Acres	314
01S	19E	22	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	39
					Section Acres	79
01S	19E	27	NW	NW	IRRIGATION	40
					Section Acres	40
01S	19E	28	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
					Section Acres	80
					Total Acres	513

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:

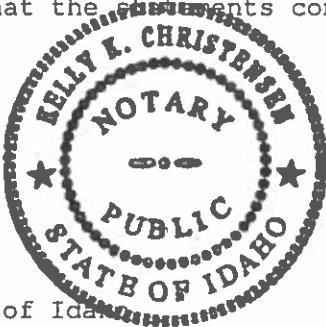
15. Basis of Claim: License

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 R. Rogers Inc., that I have signed the foregoing document in the Organization
 space below as Sec. Treas. of Don R. 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 R. Rogers Inc.
 Title and Organization
5-11-05
 Date

State of Idaho)
) SS.
 County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 11th day of May 2005
Kelly K. Christensen
 Notary Public

Residing at Twin Falls, ID
 My commission Expires 4-2-2010
 05/11/2005

David
Dnr
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: skst@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: 37-2600

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: 0.720 CFS
285.800 AFY

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: 12/27/1957

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	0.720 CFS 285.80 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

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

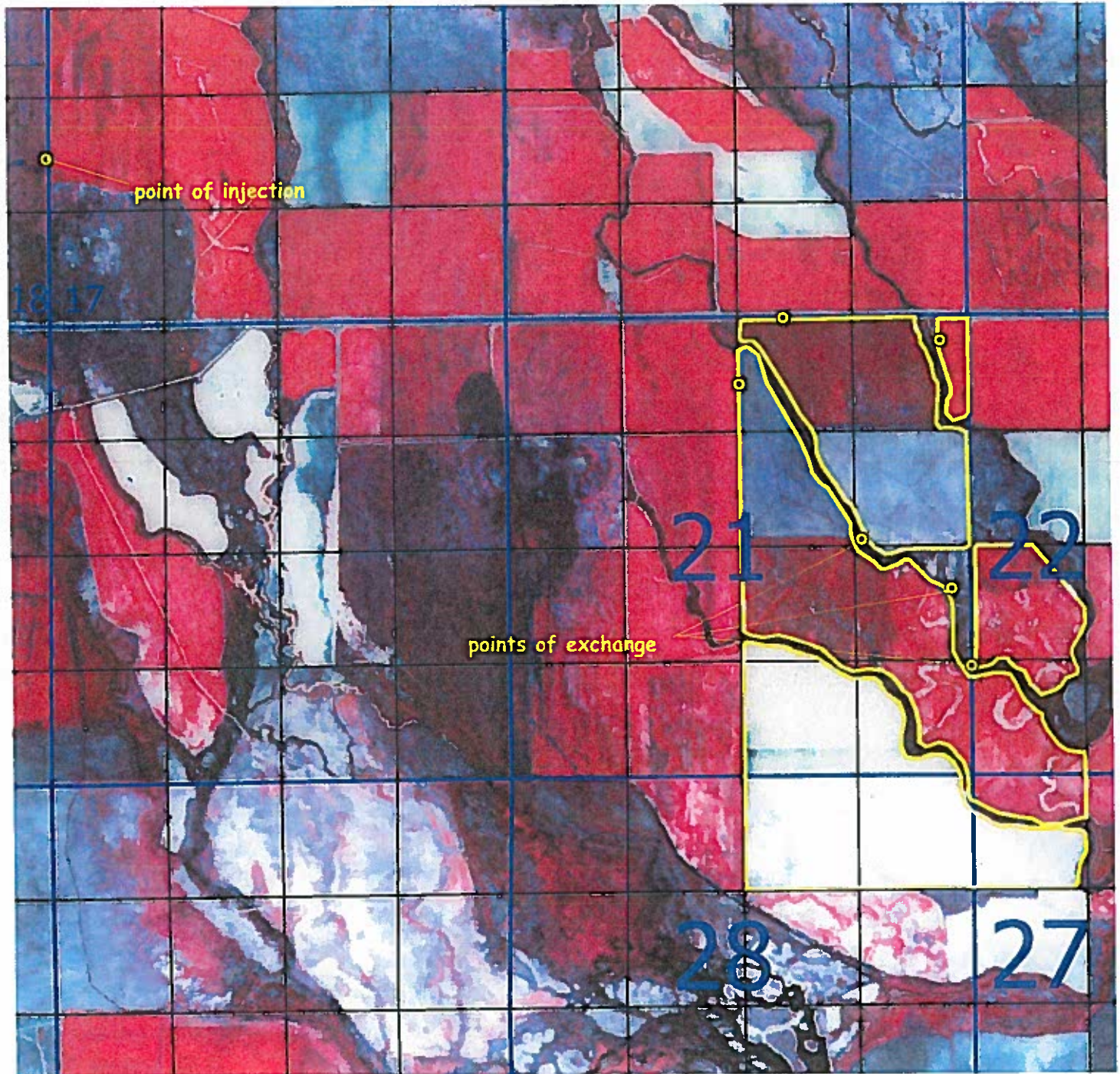
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

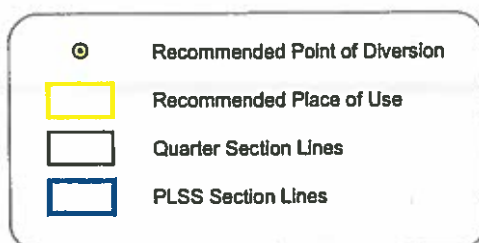
Idaho Department of Water Resources

**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



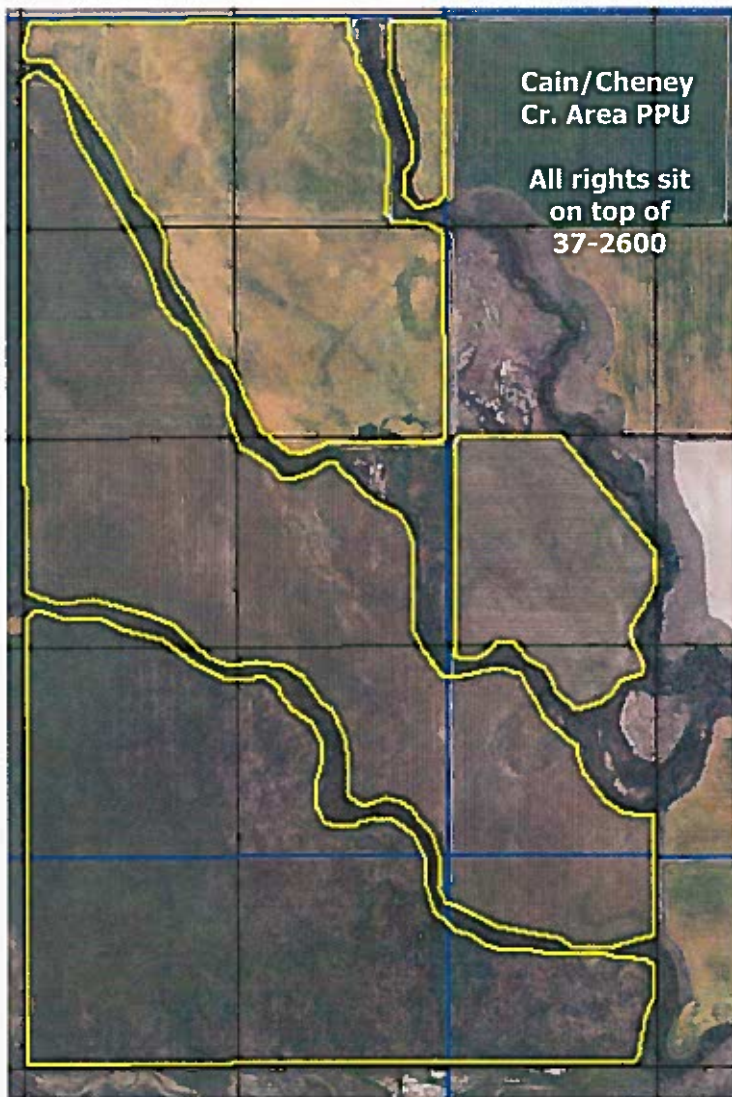
660 0 660 1320 Feet



GIS Place of Use Presentation
1987 NAPP Aerial Photography

Prepared by Amanda Kriwox

Dean Rogers: Cain/Cheney Cr PPU



Cain/Cheney
Cr. Area PPU

All rights sit
on top of
37-2600



37-2641



37-2662



37-4289

POD Exchange: 37-2641B, 2662B, & 4289B

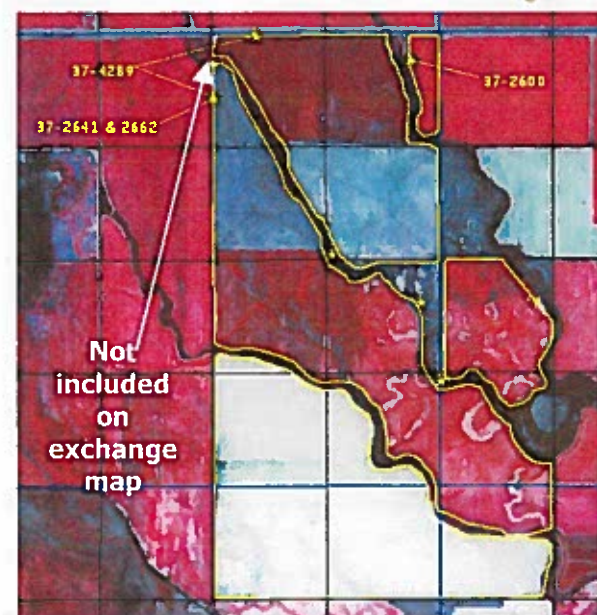
1987 there was an approved pod exchange, these three rights were split into 2 portions...the "B" portions established an exchange with the licensed/claimed pods where the pod discharged a portion of the rate into the Buhler Drain & this water was rediverted at various points along Cain Creek.

37-2600

- ✱ This shape covers the entire PPU...all other claims (37-2641A&B, 37-2662A&B, & 37-4289A&B) sit on top of this place of use.
- ✱ PODs under 37-2600 not included in POD exchange. Lee gpsed the well on May 19, 2005.
- ✱ Licensed for **513 acres at 0.72 cfs**. No volume specified on license. All other licenses on this property have volumes of @ 3 afa per acre...however 0.72 cfs is significantly less than the normally recommended diversion rate...for the 4-15 to 10-31 irrigation season... $(397\text{afa})(0.72\text{cfs}) = 285.8 \text{ AFA}$. 1969-2004 imagery also shows less irrigation occurring than was licensed...**recommendation will be for 458 acres at the licensed diversion rate.**

PPU Conditions:

1. **E56: all rights limited to 458 acres of irrigation**
2. **E54: all rights limited to a combined volume of 1554.8**. For the 4-15 to 10-31 season...3.5 afa/acre...for 458 acres that = 1603AFA...BUT all of these rights combined only add up to 1554.8 AFA, so that rate will be the combined limit.

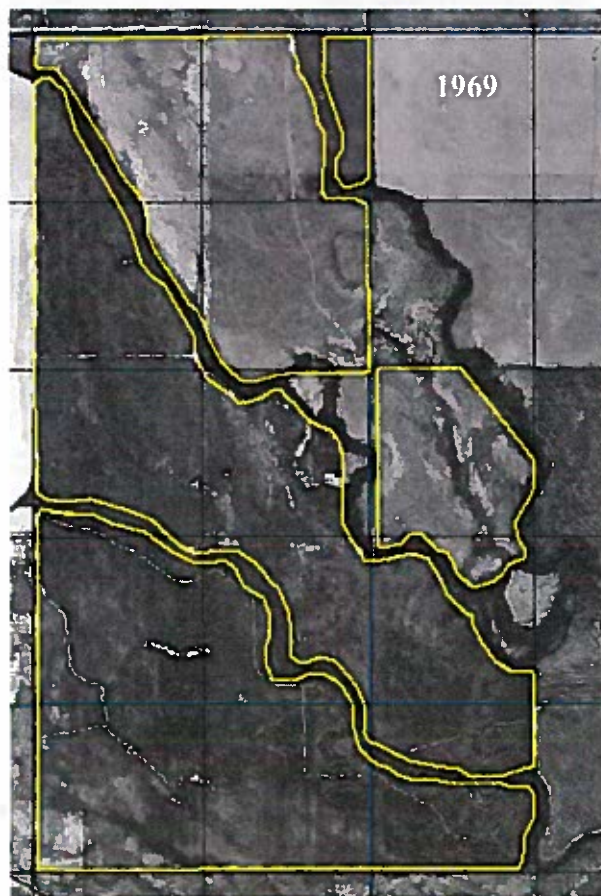


The rest are re-diversion points...plus the POD exchange POD in Section 18

imagery

37-2600

imagery



458 acres of irrigation... loss since seen in 1969.

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

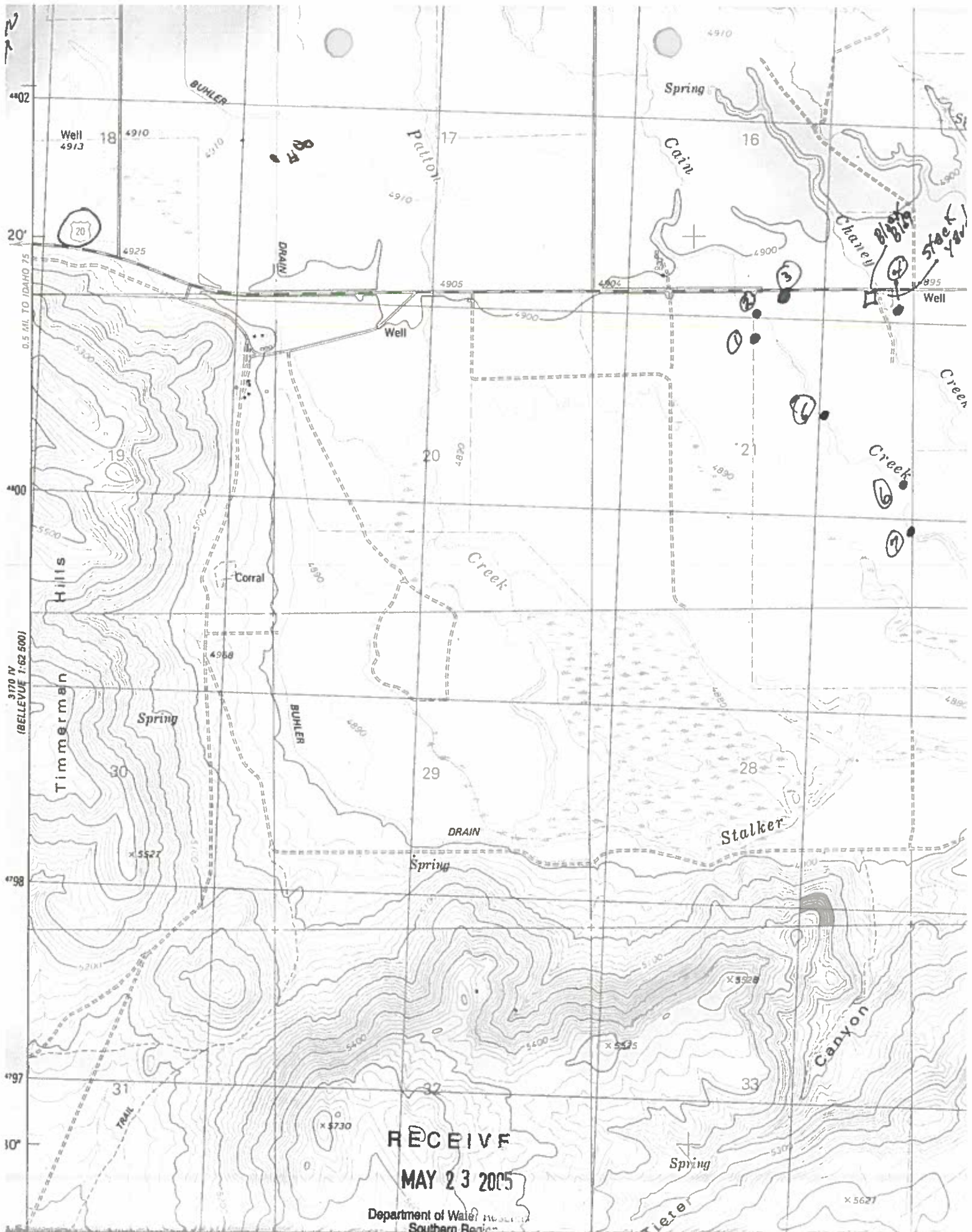
Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Look S	Roger 1	2483348	1347558	A0016185	10505856
S creek diversion	" 2	2483346	1347680	"	5857
S	" 3	2483501	1347776	"	5878
S	" 4	2484058	1347692	"	5889
S Tractor Div	" 5	2483773	1346998	"	58990
" "	" 6	2484094	1346828	"	59091
" "	" 7	2484162	1346548	"	59192
SE well	" 8	2480900	1348358	"	59293

RECEIVED
MAY 23 2005

Lee R. Peterson

Department of Water Resources
Southern Region

5/19/05



RECEIVED
MAY 23 2005

Department of Water
Southern Region

✓ 7561+

State of Idaho License and Certificate of Water Right

Water License No. G-27182

Amount .72 c.f.s.

Water District No. _____

Priority December 27, 1957

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 December 27, 19 57; that Permit No. G-27182 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .72 second feet, was issued thereunder on January 3, 19 63, showing that said works were completed on the 17th day of December, 19 60; and that on the 17th day of December, 19 60,

DEAN R. ROGERS

of Gooding, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-27182 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7541, on the 3 day of January, 19 63; The right hereby confirmed dates from December 27, 19 57;

The Point of Diversion is located

in the NE ¼ NE ¼, Sec. 21, Tp. 1 S., R. 19 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .72 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
1 S.	19 E.	21	NE ₁ NE ₄	40	39	
			NW ₁ NE ₄	40	39	
			SW ₁ NE ₄	40	39	
			SE ₁ NE ₄	40	39	
			NE ₂ SE ₄	40	40	
			NW ₂ SE ₄	40	39	
			SW ₂ SE ₄	40	40	
			SE ₂ SE ₄	40	39	
			NW ₃ SW ₄	40	40	
			SW ₃ SW ₄	40	39	
			NW ₄ NW ₄	40	40	
		NE ₄ NE ₄	80	80		
		22				
			27			
28						
Total number of acres to be irrigated:					513	

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

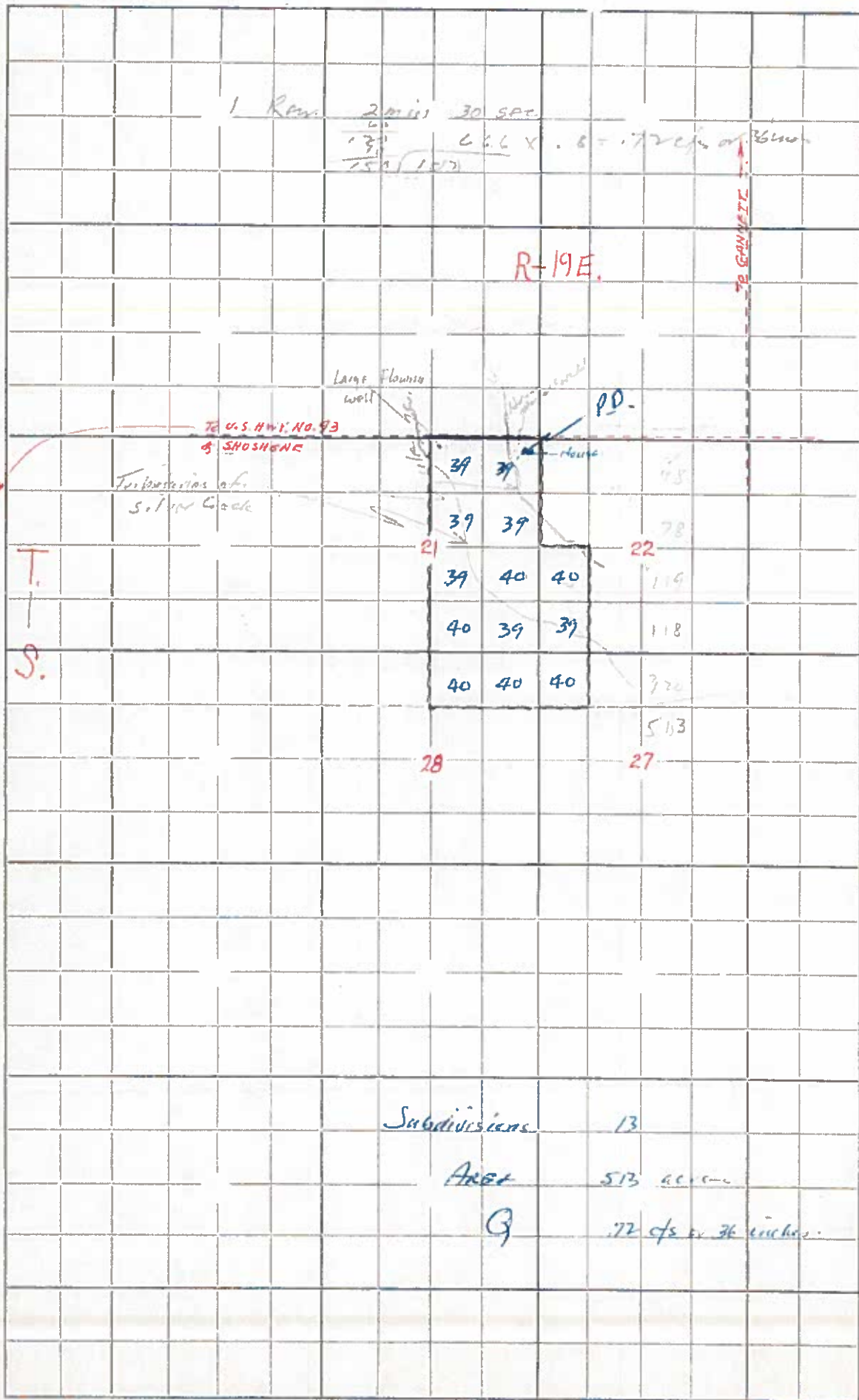
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

3rd day of January, 19 63.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

37 2600



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

27182

Form 28

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 0-27182

Dean E. Rogers, Malta, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

8/6/62

27182

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-27182

This proof is for completion of works & beneficial use In Water District No. _____

1. Name of applicant DEAN R. ROGERS, Gooding, Idaho

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the NE 1/4 of Section 21

T. 1 S. R. 19 E. B. M County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same: Artesian well
170' x 6" cased all the way down, 6" American Gate Valve, above with
2 1/2" x 6" discharge pipe to open ditch

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Rgs. 19 E.B.M.
E. 1/4 Sec. 21; NE 1/4 Sec. 22; NW 1/4 Sec. 27; NE 1/4 Sec. 28, Twp. 1 S.,

This ground has previously been irrigated by Sprinkler Systems -
Wells flow into Silver Creek tributaries and then pumped out. All
sprinkler irrigated land has or is being leveled so as to flood
irrigate. Most of this ground needs only one irrigation.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? ✓

Remarks: Mr Dean Rogers and son along

There is another well that is used on this ground that will be
pumped up at a later date.

Measured by Sparling Meter (1 Rev. 2 min 30 sec.)

This examination was made on the 20th day of July, 1962

(Signed) [Signature] Examiner.

27182