

RECEIVED  
JAN 16 2009  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JAN 15 2009                                                                               |
| By _____<br>Clerk                                                                         |
| Deputy Clerk                                                                              |

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

In Re SRBA ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHTS 02-02435A  
 ) and 63-20611

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for these reporting areas. The *Director's Reports* contained a recommendation or abstract for the elements of these water rights.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report* for water right 63-20611, asserting that the source of water should be described as wastewater. Although no objections were filed to water right 02-02435A, IDWR identified the claim as an uncontested matter that may be affected by the outcome of contested subcase 63-20611. On December 11, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* in subcase 63-20611 which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 02-02435A and 63-20611 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Jan 15, 2009



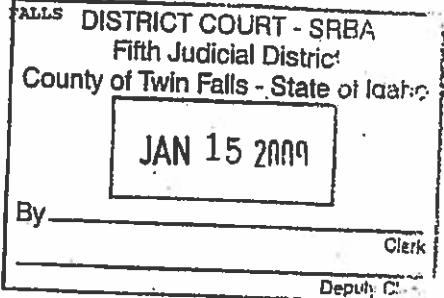
Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

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

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-20611



NAME AND ADDRESS: CHRISTIE L DEWEY  
ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER, ID 83676-5323

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of  
water may be discontinued at any time.

QUANTITY: 0.40 CFS  
90.00 AFY

PRIORITY DATE: 05/20/1965

POINT OF DIVERSION: T04N R05W S29 LOT 3 (NWSE) Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|-------------------------------|----------------|----------------|-----------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 0.40 CFS<br>90.00 AFY |

PLACE OF USE: Irrigation Within Canyon County  
T04N R05W S29 LOT 3 (NWSE) 20.0  
20.0 Acres Total

The rights listed below are limited to the irrigation of a  
combined total of 33 acres in a single irrigation season.  
Combined Right Nos.: 2-2435A and 63-20611

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

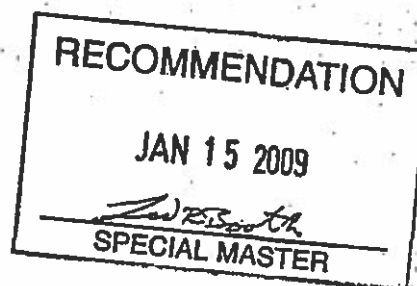
An easement or right of way agreement providing for access to the  
drain by its owner and those responsible for maintaining it -  
and/or for access to the drain by the appropriator to divert  
water pursuant to this right - must be executed among the  
appropriator, the owner of the drain, and if appropriate, those  
responsible for maintaining the drain. Failure to execute such  
an agreement will constitute grounds for legal action to prevent  
water from being diverted under this 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication





United States on behalf of  
Bureau of Reclamation

**IDWR Concurrency:**


 \_\_\_\_\_  
 IDWR Agent Date 11-20-08

\_\_\_\_\_  
 Nicholas Spencer  
 Deputy Attorney General

\_\_\_\_\_  
 Date

STANDARD FORM 5 - 63-20611

RD  
CD

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

WILDER IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CHRISTIE L DEWEY  
ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER, ID 83676-5323

\_\_\_\_\_  
Signature of person or attorney mailing the form

STANDARD FORM 5 - 63-20611

RD  
CD

# SF5 Right No. 63-20611

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

RIGHT NUMBER: 63-20611

NAME AND ADDRESS: ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323  
  
CHRISTIE L DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

SOURCE: UNKNOWN DRAIN TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.400 CFS  
20.000 AFW

PRIORITY DATE: 05/20/1965

POINT OF DIVERSION:  
T04N R05W S29 NWSE Lot 3 Within CANYON County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY               |
|----------------|---------------|------------------------|
| IRRIGATION     | 03/01 11/15   | 0.400 CFS<br>20.00 AFW |

PLACE OF USE: IRRIGATION in CANYON County  
T04N R05W S29 Lot 3 NWSE 20.00  
20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33 acres in a single irrigation season. Combined Right Nos.: 2-2435A and 63-20611

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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 42-1212(6) Idaho Code.

SF5 Right No. 63-20611

*JD*  
*RD*  
*CD*

SF5 Right No. 63-20611

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and for expansion of water rights, to cease wasting water, to change the place or manner of wasting, or to recapture it.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Walder Irrigation District.

RD  
CD  
SF5 Right No. 63-20611

## Walker, Kay

---

**From:** Williams, Ray  
**Sent:** Wednesday, June 25, 2008 11:00 AM  
**To:** Walker, Kay  
**Subject:** RE: Basin 63, Part 3 Initial Hearing Schedule

Kay, I just came upon another SF5 that we just received in 63-20611 (Dewey 9:45 on Friday)- it was prepared by Wilder and also has an error in the other provisions discussing a permit and easement. I'll put it in the file. Paul Arrington is supposed to figure out what he's going to do.

---

**From:** Walker, Kay  
**Sent:** Wednesday, June 25, 2008 10:14 AM  
**To:** Williams, Ray  
**Subject:** RE: Basin 63, Part 3 Initial Hearing Schedule

Thanks Ray!! I was trying to edit that as you e-mailed. Appreciate all your hard work. Kay

---

**From:** Williams, Ray  
**Sent:** Wednesday, June 25, 2008 10:00 AM  
**To:** Ridgeway, Renea; Spencer, Nick; Courtney, Andrea; Shurte, Jan; Music, Vicky; Egbert, Sandy; Walker, Kay  
**Subject:** Basin 63, Part 3 Initial Hearing Schedule

I updated the schedule with some notes, identified the vacated hearings, etc. If you have any questions, let me know.

See you all this afternoon!

Thanks -

Ray

<< File: 63 part 3 initial hearing schedule.xls >>

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

RIGHT NUMBER: 63-20611

NAME AND ADDRESS: ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323CHRISTIE L DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.400 CFS  
90.000 AFY

PRIORITY DATE: 05/20/1965

POINT OF DIVERSION:

T04N R05W S29 NWSE Lot 3 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.400 CFS<br>90.00 AFY |

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S29 Lot 3 NWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33 acres in a single irrigation season. Combined Right Nos.: 2-2435A and 63-20611

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

08/13/2008

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

RIGHT NUMBER: 63-20611

NAME AND ADDRESS: ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

CHRISTIE L DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.400 CFS  
90.000 AFY

PRIORITY DATE: 05/20/1965

POINT OF DIVERSION:

T04N R05W S29 NWSE Lot 3 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.400 CFS<br>90.00 AFY |

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S29 Lot 3 NWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33 acres in a single irrigation season. Combined Right Nos.: 2-2435A and 63-20611

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 this right is combined with water from Wilder Irrigation District.

*Needs  
easement  
remark?  
RW  
8/12*

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 04:35  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER SETTING SUBCASE(S) |
|                | ) | FOR INITIAL HEARING      |
| Case No. 39576 | ) |                          |
| _____          | ) | SUBCASE NO: 63-20611     |

The Initial Hearing for this subcase will be held before  
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 27, 2008 at 09:45 AM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to  
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity  
to meet with a representative of the Idaho Department of  
Water Resources (IDWR) and/or the objector in an attempt  
to reconcile any difference between the claim and the  
Director's Report. Bring any and all information you  
believe is relevant to your claim and/or objection. If  
the claim cannot be reconciled at the Initial Hearing,  
the court will set the subcase(s) for trial within 45  
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR  
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by  
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008.

/S/ THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING  
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,  
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CHRISTIE L DEWEY  
ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER, ID 83676-5323  
Phone: 208-482-6539

In Re SRBA ) A. Subcase 63-20611  
(Insert water right number)  
)  
Case No. 39576 ) STANDARD FORM 1  
) OBJECTION  
)

RECEIVED  
JUN 19 2007  
DEPARTMENT OF  
WATER RESOURCES

Name: Wilder Irrigation District  
Address: 709 Cleveland Blvd  
Caldwell, ID 83605  
Daytime Phone: 208-459-3421

Albert P. Barker  
Barker Rosholt & Simpson, LLP  
1010 W. Jefferson, Ste. 102, Boise ID 83702

Name: Robert and Christie Dewey  
Address: 28313 Middle Rd.  
Wilder, ID 83676

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: \_\_\_\_\_

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☐ **Point of Diversion**

Should be: \_\_\_\_\_

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☐ **Place of Use**

Should be: \_\_\_\_\_

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTIONS(S):** There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho )  
County of Ada )ss.

Albert P. Barker, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)  
[Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 8/2/2012

Karen Joy Edwards

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

## G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Robert and Christie Dewey  
Address: 28313 Middle Rd.  
Wilder, ID 83676

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Signature of objector or attorney  
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-20611  
NAME AND ADDRESS: ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323  
  
CHRISTIE L DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

SOURCE: UNNAMED DRAIN                      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS  
90.00 AFY

PRIORITY DATE: 05/20/1965

POINT OF  
DIVERSION: T04N R05W S29 NWSE Lot 3 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.400 CFS<br>90.00 AFY |

PLACE OF USE: IRRIGATION in CANYON County  
T04N R05W S29 Lot 3 NWSE 20.00  
20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33 acres in a single irrigation season. Combined Right Nos.: 2-2435A and 63-20611

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

07/12/2006

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

RIGHT NUMBER: 63-20611

NAME AND ADDRESS: ROBERT G DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

CHRISTIE L DEWEY  
28313 MIDDLE RD  
WILDER ID 83676-5323

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS  
90.000 AFY

PRIORITY DATE: 05/20/1965

POINT OF DIVERSION:

T04N R05W S29 NWSE Lot 3 Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
03/01 11/15

QUANTITY  
0.400 CFS  
90.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County  
T04N R05W S29 Lot 3 NWSE 20.00

20 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 33  
acres in a single irrigation season. Combined Right Nos.: 2-2435A and  
63-20611

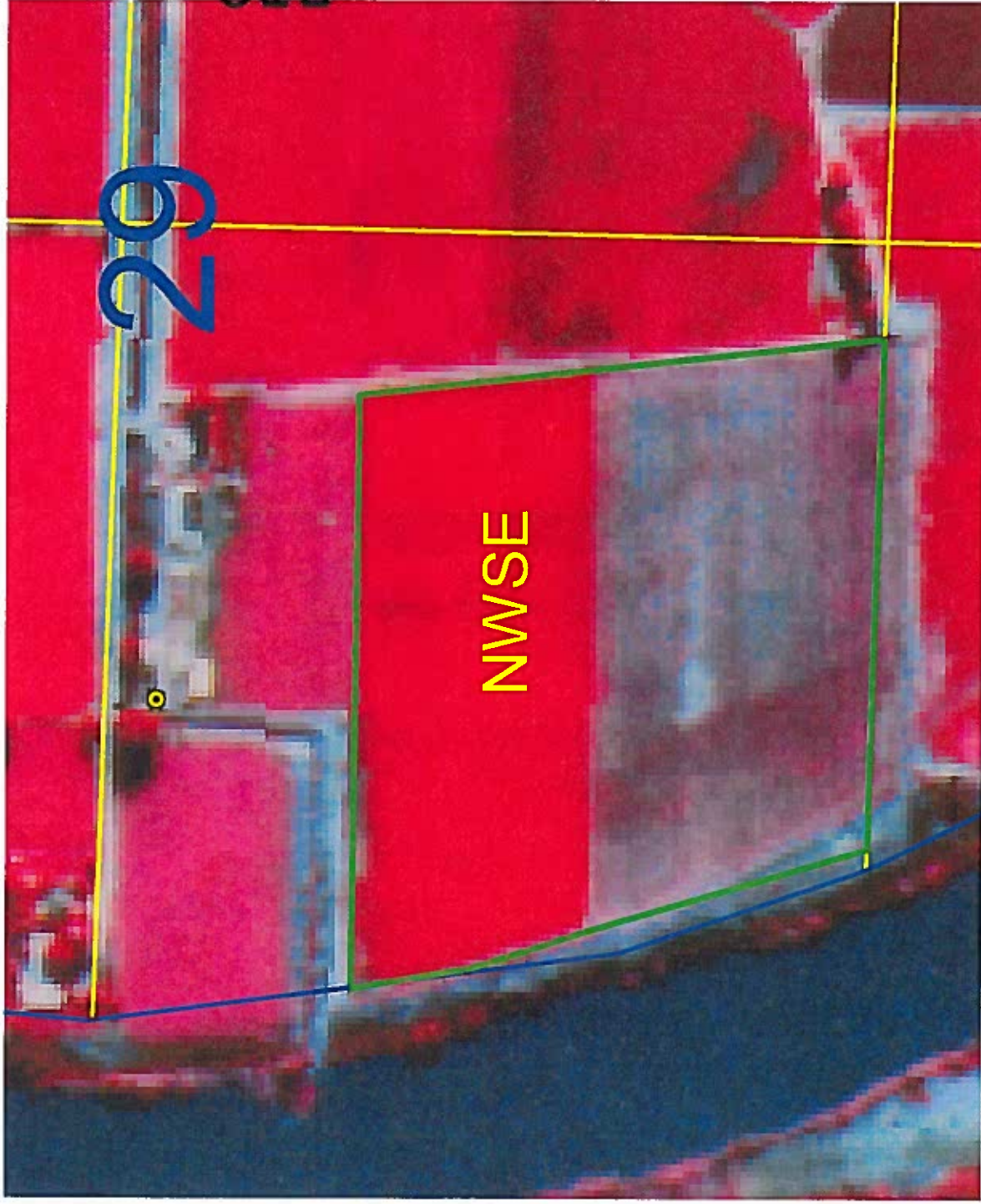
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 this right is combined with water from Wilder Irrigation District.

# Idaho Department of Water Resources



T04N, R05W,  
SEC 29

Claim No: 63-20611

Prepared By: Kimberly Brown

Date: March 17, 2006



Place of Use



Section Lines

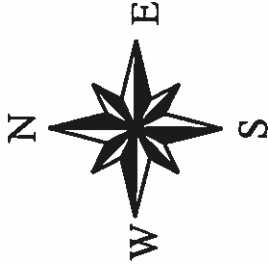


1/4 1/4



Point of Diversion

Irrigated Acres = 20.0



2004 NAPP



Field Exam Date 3.17.06

(in office review)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$50.00 - Wilder Irr. Dist. pd. variable/acresage fee
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in Sec. 29
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-20611

Owner: L. Leroy Dewey Phone No. 482-7682

Current Address: 28313 Middle Rd, Rt. 1 Wilder 83676

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Robert (Bob) G. Dewey
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☒ No change - Complete evidence submitted or not necessary
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 5/20/65

(If priority date, based on your exam, seems questionable, explain below.)

Source: Unnamed Drain Tributary to

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: ADD: Government lot 3
- ☐ If different, when did POD change?

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

*See Field Report.*

## **OVERLAP REVIEW**

Other water rights with the same point of diversion: \_\_\_\_\_

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: \_\_\_\_\_

## **WATER USES**

*Season of Use begins 3/1.*

☐ No change

☐ Different Uses

Use \_\_\_\_\_ From 3/1 To \_\_\_\_\_ Amount \_\_\_\_\_ CFS 90.0 AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

*20.0 AC x 4.5 af/acre = 90.0 af/annum* *Ⓟ 0.4 cfs x 1.9835 x 260 days = 206.3 af/annum*

**TOTAL VOLUME – Groundwater only**

☒ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS 90.0 AFA

☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

## **NON-IRRIGATION USES:**

*None*

☒ No change

☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

## **PLACE OF USE:**

☐ No Change

☒ Changes shown below: ADD: *Government Lot 3*



[illegible]

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7.12.06 (in-office review)  
FIELD EXAMINER: Kimberly Brown

## REAL PROPERTY INQUIRY

```
+++++
01 0R37215-000- -0 025-00 SCH133+ 01 14,500 20.34
+++++
DEWEY, ROBERT G + 10 16,000 1.00
& DEWEY, CHRISTIE L H/W + 19 5.67
+ 31 61,000
+ 32 4,800
+
28313 MIDDLE RD
WILDER ID 83676
+++++
29-4N-5W SE + TOTAL 98,600 34.01
TX 1 OF LTS 3&4 LS TX 98958 + SURVEY INST 9928732
+ DRAIN DR VALUE APPR KGE
+ CLASS 2 REAP 98 MAN 97 UNIT 1
+ PARCEL 0R04N05W297950 H/O N C/B N
+ PRIOR ACCOUNT 9R37215-000- -0
+ 02 MH on Property NO
```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R37215000 0 UNIT 001 TOTAL UNITS 1

```
SITE 28313 MIDDLE RD WI SEC/TWN/RNG 29-4N-5W
ASSESSED VALUE 106,400 ACREAGE 34.01
SUB/PARK NAME YEAR/MAKE
CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK
+++++
YR BUILT 1965 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING GAS FA CARPORT SQ FT
FIRST SQ FT 1536 EXTERIOR VNYL SIDING DECK/PATIO? N
SECOND SQ FT ROOF COMP POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 1 GARAGE A2 NEIGHBORHOOD 0
GARAGE SQ FT 600
```

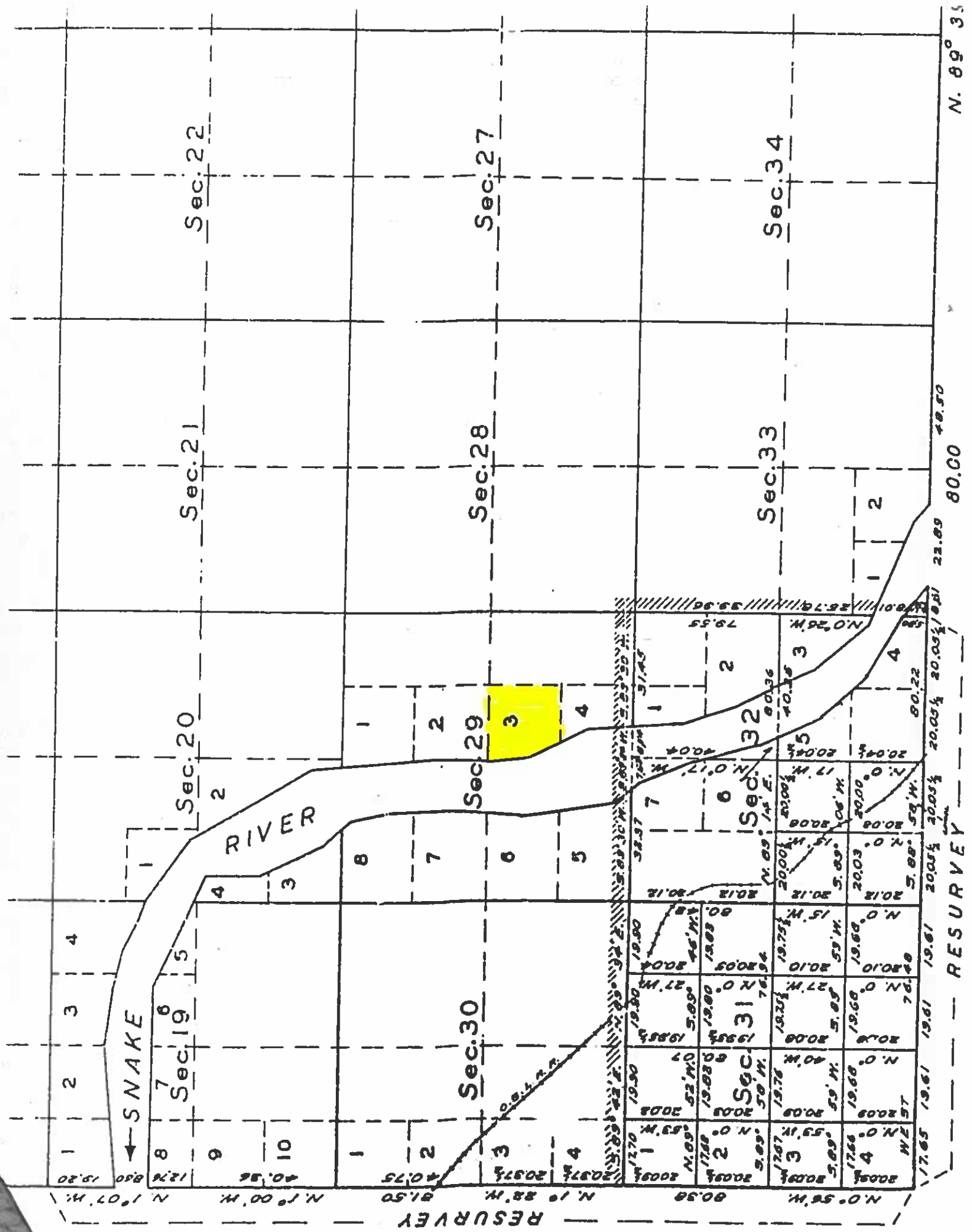
```
+++++
COMMENTS GRAIN BIN, HAY COVER, MISC STO MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO
```

MODE:F ACTION: TRAITS INQUIRY TRQK318

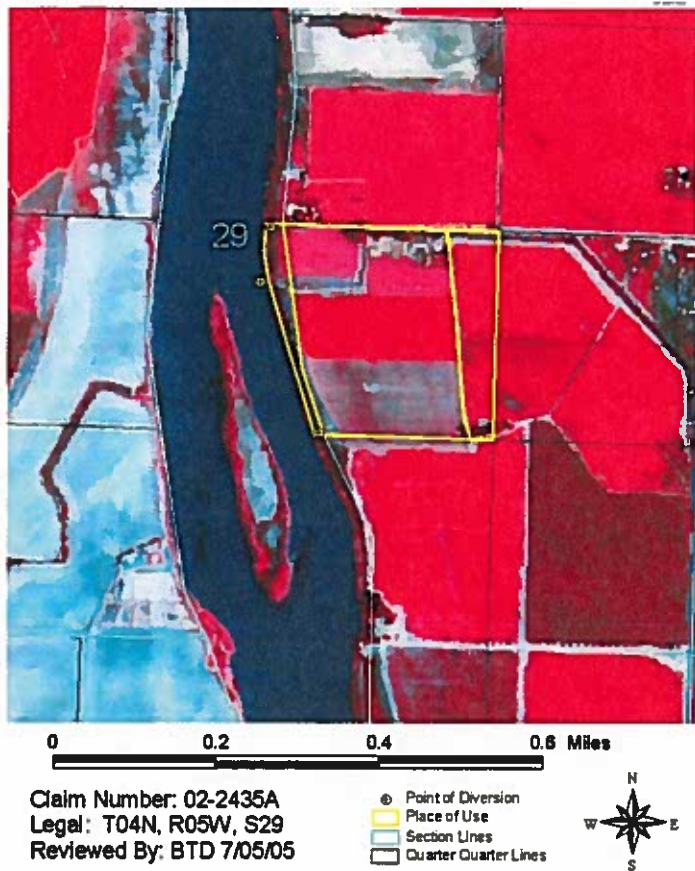
ACCOUNT NUMBER R37215000 0 UNIT 001 TOTAL UNITS 1

```
SITE 28313 MIDDLE RD WI SEC/TWN/RNG 29-4N-5W
ASSESSED VALUE 106,400 ACREAGE 34.01
SUB/PARK NAME YEAR/MAKE
CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK
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STORY 1 STORY HEATING GAS FA CARPORT SQ FT
FIRST SQ FT 1536 EXTERIOR VNYL SIDING DECK/PATIO? N
SECOND SQ FT ROOF COMP POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 1 GARAGE A2 NEIGHBORHOOD 0
GARAGE SQ FT 600
```

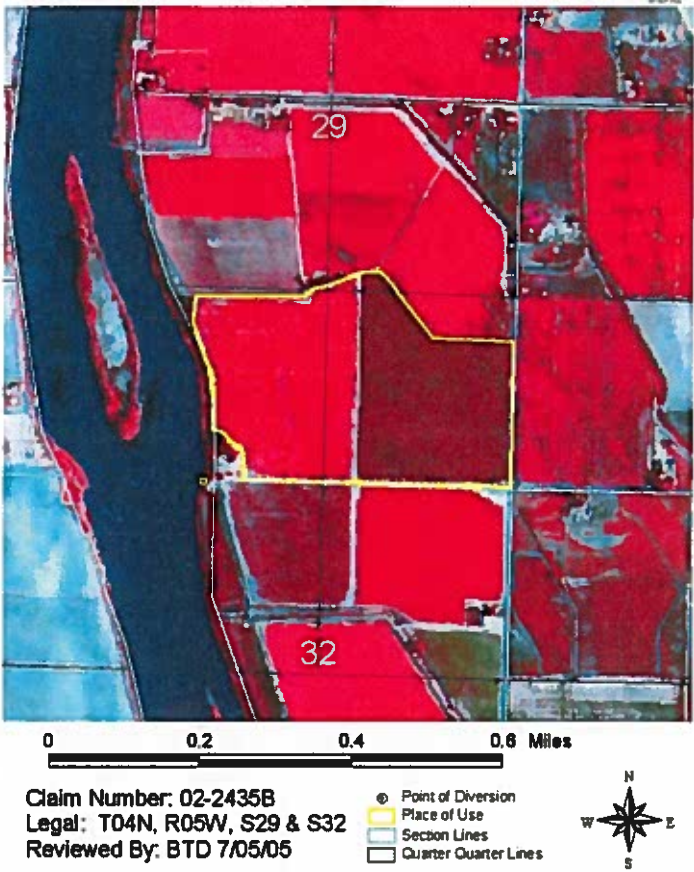
```
+++++
COMMENTS GRAIN BIN, HAY COVER, MISC STO MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO
```



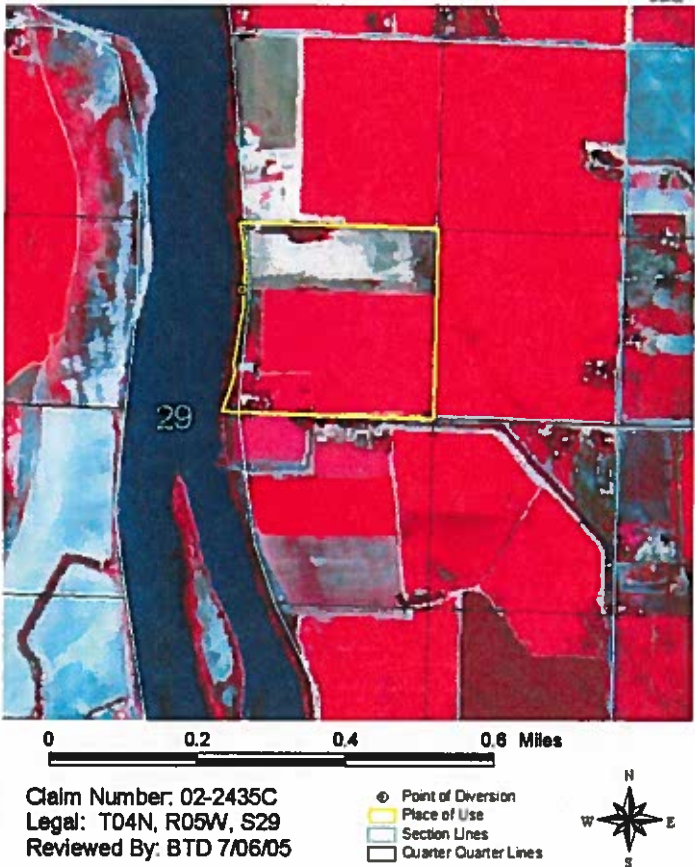
# Idaho Department of Water Resources



Idaho Department of Water Resources



Idaho Department of Water Resources



\*\*\*\*\*  
Canyon County \*  
Snake River \*  
3.54 sec.ft. \*  
Irrigation \*  
Priority - 10-19-07 \*  
\*\*\*\*\*

# 63-2435

STATE OF IDAHO  
Water License No. 3201.  
-----

WHEREAS, On the 19th day of October, A.D.1907, ADONIRAM J. ROCKWOOD of Roswell, County of Canyon and State of Idaho, duly made application (No.4494) to me for a permit to use 3.73 cubic feet per second of the waters of Snake River, County of Canyon, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 26th day of October, A.D.1907, Permit No. 3201 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 26th day of April, A.D.1908, and for the application to beneficial use of said water on or before the 26th day of April, A.D.1908, and,

WHEREAS, On the 30th day of January, A.D.1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.73 cubic feet per second of said waters, as evidenced by my Certificate No. 3201, dated February 21,1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.73 cubic feet per second of water, with date of priority of October 19,1907, and,

WHEREAS, On the 30th day of January, A.D.1908, proof was duly made of the application to beneficial use of 3.54 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ADONIRAM J. ROCKWOOD of Roswell, Idaho, the holder and owner of said Permit No. 3201, a perpetual right, dating from October 19,1907, to the use of 3.54 cubic feet per second of the waters of Snake River in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in Lot 2, Section 4, Township 3 North, and Lot 4 Section 29, Township 4 North, Range 5 West of B.M., and conducted to and upon about (38 acres in Lot 2; 39 acres in Lot 3; 25 acres in Lot 4 and 75 acres in East half of Southeast quarter: All in Section 29, Township 4 North, Range 5 West of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

Witness my hand and the seal of my office at Boise,  
Idaho, this 21st day of February, A.D. Nineteen Hundred  
and eight.

(SEAL)

Recorded February 21,1908;

Jas. S. Stephenson, Jr.,  
State Engineer.

63-2435  
02-243

03-2003 02-2435  
~~03-2003~~  
 No.4494.

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Adoniram J. Rockwood.

Postoffice address: Roswell.

County: Canyon State: Idaho.

2. The quantity of water claimed is 3.73 cubic feet per second.

3. Source of water supply: Snake River.

County of Canyon.

4. Location of point of diversion: Lot 2, Sec. 4, T. 3 N. R. 5 W. B. M. No. 1 & Lot 4 Sec. 29, T. 4 N R. 5 W. E. M. No. 2.

5. To be used for: Irrigation.

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 186.70 acres.

(b) In the following legal subdivisions: Lots, 2,3 & 4 & E2 S. E.4 Sec. 29

T 4 N. R. 5 W. B. M.

6. Estimated cost of works: \$300.00

7. Description of works for diversion:

I. Kind of works: Ditch, flume & raised ditch.

II. Dimensions of works:

(d) Length of conduit is Two miles, and it crosses the following quarter sections:

SW4 & NW4 Sec. 23, SW4 Sec. 28 & SE4 & NE4 Sec. 29 all in T 4 N. R. 5 W.

to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is.....years.

9. Time required for the complete application of the water to the proposed use is.....additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Adoniram J. Rockwood

Applicant.

Remarks: Answer to 8 & 9. The ditches are made & we have irrigated lands for two seasons.

## APPROVAL OF STATE ENGINEER.

The number of this permit is 3201.

Date of first receipt of application 9 A.M. October 19, 1907.

Recorded in Book 9 Page 3201 Approved October 26, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before December 25, 1907, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 26, 1908.

The whole of said work to be completed on or before April 26, 1908.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to April 26, 1908.

Witness my hand this 26th day of October 1907.

\_\_\_\_\_  
Jas. Stephenson, Jr.,

State Engineer.

-----  
Blank notice of proof of completion and beneficial use mailed applicant November 22, 1907.

Notices received November 30, 1907, fixing January 30, 1908, as date and Caldwell as place of proof

Notice for publication mailed Parma Herald November 30, 1907.

Deposition blanks mailed applicant November 30, 1907.

W. H. Schenck authorized November 30, 1907, to make examination of works.

His report received December 10, 1907.

Affidavit of publication, depositions and fees received February 1, 1908.

Certificate and licence issued February 21, 1908.

-----

Permit No. 3201

## CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that ADONIRAM J. ROCKWOOD of Roswell, County of Canyon and State of Idaho, the holder of Permit No. 3201, issued upon Application No. 4494, bearing date of priority of October 19, 1907, authorizing the diversion of 3.73 second feet of the waters of Snake River, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 3.73 second-feet of the waters of Snake River; that the point of diversion of said waters is as follows: No. 1 at a point in Lot 2, Section 4, Township 3 North, Range 5 West of Boise Meridian; No. 2 at a point in Lot 4, Section 29, Township 4 North, Range 5 West of Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 2, 3 and 4 & East half of Southeast quarter (E2 SE4) Section 29, Township 4 North, Range 5 West of Boise Meridian.

Witness my hand this 21st day of February, A.D. 1908.

Jas. Stephenson, Jr.

State Engineer.

License issued for 3.54 second feet  
P. 269

JAN 20 1908

RECORDED IN THE OFFICE OF THE STATE ENGINEER

Walter R. Cupp  
Caldwell, Idaho

Office of  
**United States Commissioner**  
District of Idaho

State of Idaho            )  
                              • SS:  
County of Canyon        )

I hereby certify that at 3 O'clock P. M. on this 30th., day of January 1908, before me, Walter R. Cupp, a United States Commissioner in and for the District of Idaho, at my office at Caldwell, Idaho came Adoniram J. Rockwood of Roswell, Idaho with his witnesses, Lawrence Wamstad and Isaac Smith both of Roswell, Idaho, to submit proof of the completion of works for the diversion of 3.73 cubic feet per second of the waters of Snake River, and of the application to beneficial use of said waters in accordance with the terms and conditions of Permit 3201 heretofore issued by the State Engineer of the State of Idaho. The place where said waters are used being the Lots 2, 3, and 4, and E. 1/2 SE.1/4 Sec. 29, Twp. 4 N. of R. 5 W. B.M. That the said Adoniram J. Rockwood tenders herewith the fees as required by the laws of the State of Idaho, to wit, Completion of works \$5.00 and Application to beneficial use \$10.00.

That to the present time there have been no protests counter or adverse claims presented before me affecting said proof in any manner whatsoever.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal at 6 o'clock P.M. this 30th., day of January A.D.1908.

  
UNITED STATES COMMISSIONER.

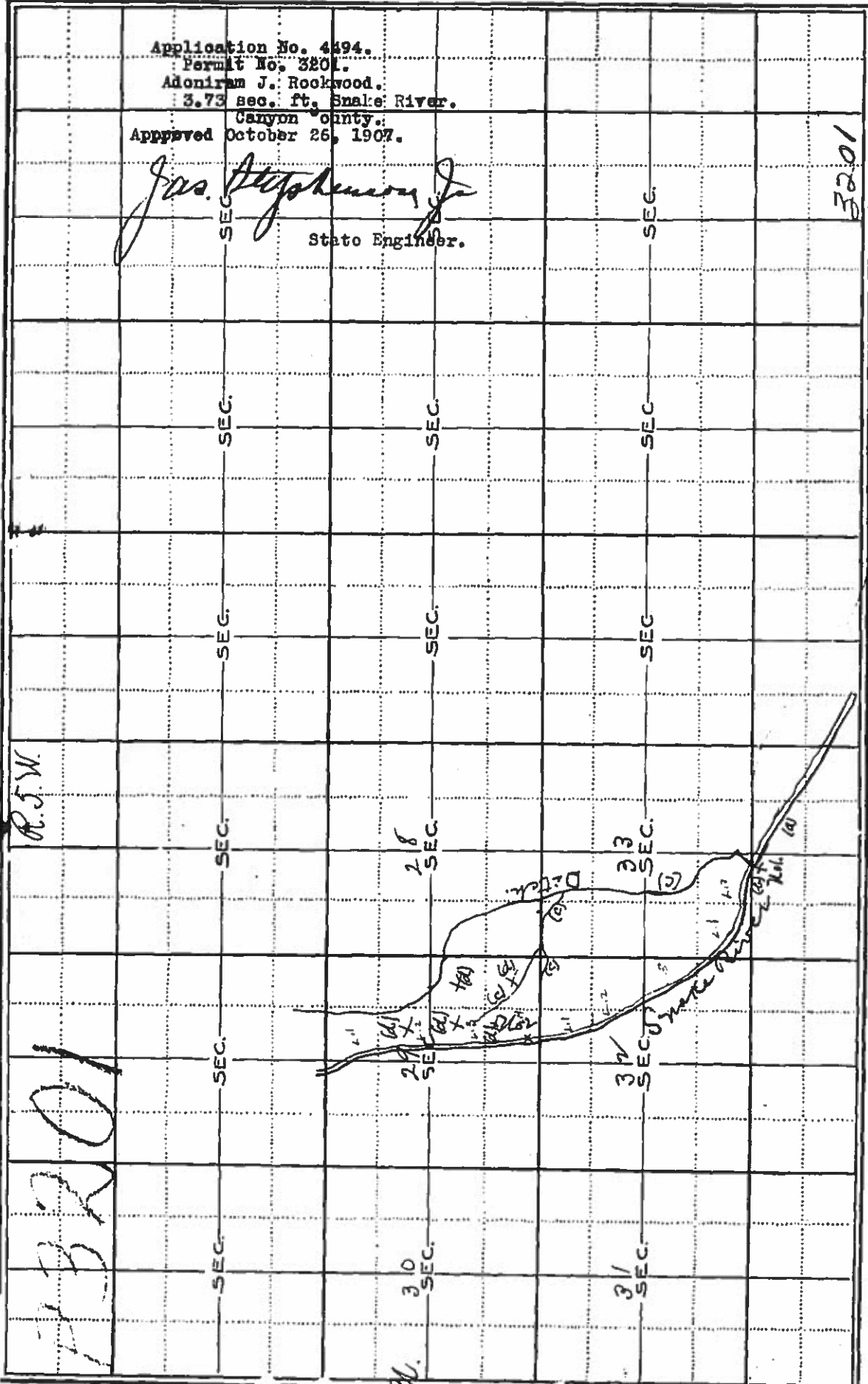
Feb. 1 - '08

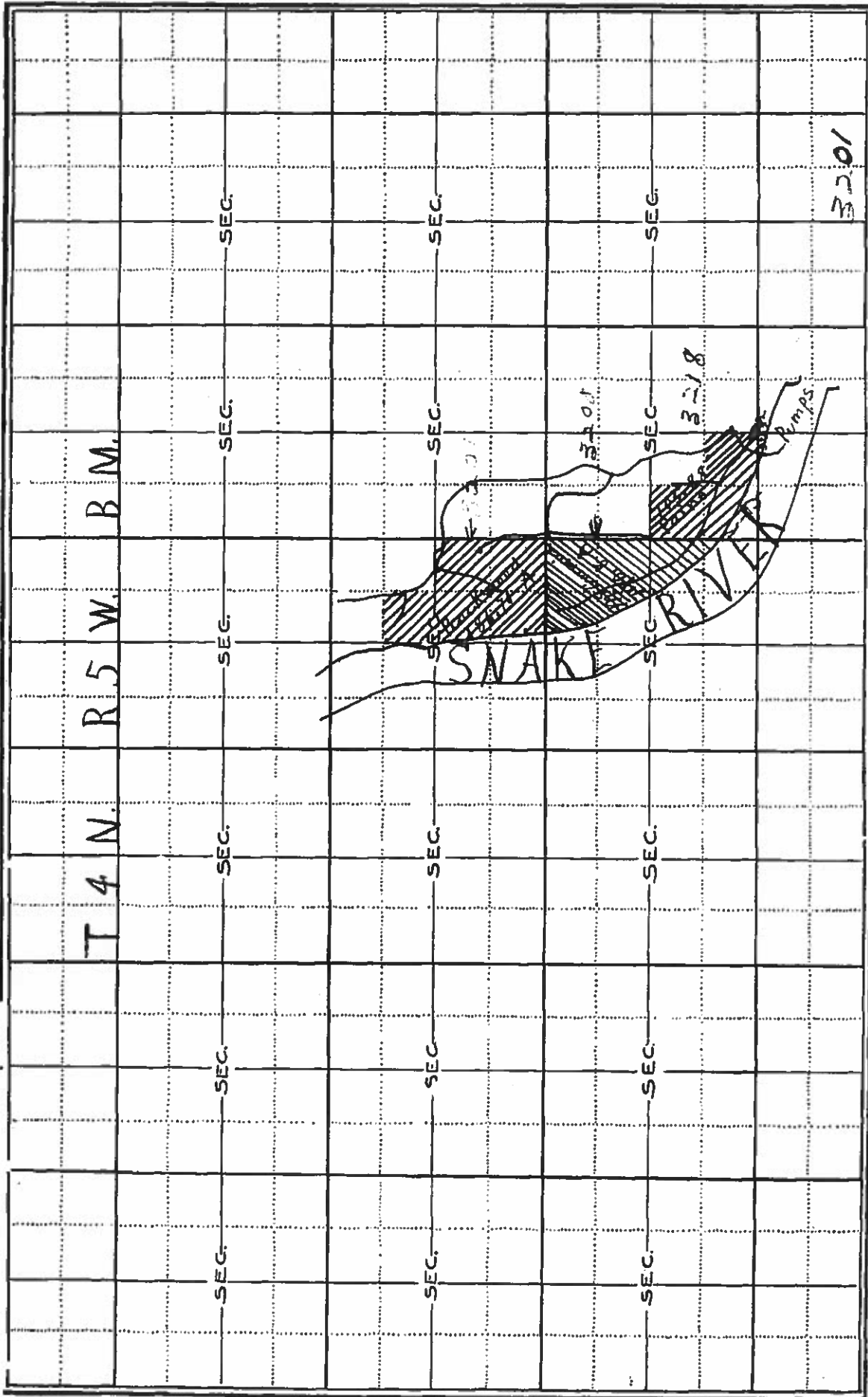
3201

Application No. 4494.  
 Permit No. 3201.  
 Adoniram J. Rockwood.  
 3.73 sec. ft. Snake River.  
 Canyon county.  
 Approved October 26, 1907.

*Gas. Stephenson Jr.*  
 State Engineer.

3201





overlap review

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 2-2435A

WATER RIGHT NUMBER: 2-2435A

|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                               |
| Current Owner     | L LEROY DEWEY<br>28313 MIDDLE RD<br>WILDER, ID 83676<br>(208)482-7682 |

Priority Date: 10/26/1907

Basis: License

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SNAKE RIVER   | COLUMBIA RIVER   |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 3/15                    | 11/15     | 0.030 CFS             |                      |
| IRRIGATION            | 3/15                    | 11/15     | 0.740 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.740 CFS             |                      |

Location of Point(s) of Diversion

|               |                      |                                 |
|---------------|----------------------|---------------------------------|
| SNAKE RIVER   | NW1/4NW1/4SE1/4      | Sec. 29, Twp 04N, Rge 05W, B.M. |
| CANYON County | (Ending of Reach)    |                                 |
| SNAKE RIVER   | L2 (NE1/4SW1/4)      | Sec. 29, Twp 04N, Rge 05W, B.M. |
| CANYON County |                      |                                 |
| SNAKE RIVER   | SW1/4NW1/4SE1/4      | Sec. 29, Twp 04N, Rge 05W, B.M. |
| CANYON County | (Beginning of Reach) |                                 |

Place of Use

STOCKWATER

|             |                   |                   |                   |                   |        |
|-------------|-------------------|-------------------|-------------------|-------------------|--------|
| Twp Rge Sec | NE                | NW                | SW                | SE                | Totals |
| 04N 05W 29  | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | 37.0   |

IRRIGATION

|             |                   |                   |                   |                   |        |
|-------------|-------------------|-------------------|-------------------|-------------------|--------|
| Twp Rge Sec | NE                | NW                | SW                | SE                | Totals |
| 04N 05W 29  | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | 37.0   |

Total Acres: 37

# overlap review

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20610

WATER RIGHT NUMBER: 63-20610

|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                               |
| Current Owner     | L LEROY DEWEY<br>28313 MIDDLE RD<br>WILDER, ID 83676<br>(208)482-7682 |

Priority Date: 05/20/1965

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| DOMESTIC              | 1/01 to 12/31           | 0.040 CFS             |                      |
| STOCKWATER            | 1/01 to 12/31           | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NW1/4SE1/4 | Sec. 29, Twp 04N, Rge 05W, B.M. |
| CANYON County |            |                                 |

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 05W | 29  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 05W | 29  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

Conditions of Approval:

1. STOCKWATER, 50 RANGE CATTLE & HORSES PARCEL NO. IR 37215-000-0 ✓

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20610

2. C18 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-20611

01/27/2006

1

| Right #          | Type             | Twp            | Rge            | Sec           | QQ            | Q             | Lot | Purpose of Use        | Acres/Total      | Name                     |
|------------------|------------------|----------------|----------------|---------------|---------------|---------------|-----|-----------------------|------------------|--------------------------|
| 2435A            | Claim            | 04N            | 05W            | 29            | NW            | SE            |     | IRRIGATION            | 37/37            | L LEROY DEWEY            |
| <del>20611</del> | <del>Claim</del> | <del>04N</del> | <del>05W</del> | <del>29</del> | <del>NW</del> | <del>SE</del> |     | <del>IRRIGATION</del> | <del>20/20</del> | <del>L LEROY DEWEY</del> |
| 2435A            | Claim            | 04N            | 05W            | 29            | NW            | SE            |     | STOCKWATER            |                  | L LEROY DEWEY            |
| 20610            | Water Right      | 04N            | 05W            | 29            | NW            | SE            |     | STOCKWATER            |                  | L LEROY DEWEY            |
| 20610            | Water Right      | 04N            | 05W            | 29            | NW            | SE            |     | DOMESTIC              |                  | L LEROY DEWEY            |
| 2435             | Water Right      | 04N            | 05W            | 29            | NW            | SE            | 3   | IRRIGATION            | 39/177           | ADONIRAM J ROCKWOOD      |

# Receipt Details for ID M005727

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received       | Date Deposited | Region       | Total Amount | Payment Type |
|---------------------|----------------|--------------|--------------|--------------|
| 2/5/1990 2:39:34 PM | 2/5/1990       | Mobile       | \$75.00      | Check        |
| <b>Payer</b>        |                | DEWEY, LEROY |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 4877                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

Comment ADJUDICATION FEE

## Fee Detail:

| Amount  | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------|--------|------|-------------|------------|--------|
| \$75.00 | ADJUDICATION FEE | 410162 | 9337 | 0           | 0          | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 20610           |              | \$25.00 | Claim |
| 63           | 20611           |              | \$50.00 | Claim |

→ Wilder Irr. Dist. pd.  
acreage variable fee.

Print Report

RECEIVED

MAR 16 2006

WATER RESOURCES  
WESTERN REGION

A63-20611

Dewey

**Priority:**

3/9/06 Joan Kaufman, Deed Clerk/Canyon County (454-7475) confirmed the following owners of the property at 28313 Middle Rd., Wilder, Idaho 83676: 1948-1951 Willard Mills, 1952-1954 Applegate, 1955-1973 Franklin Prince (diseased), 1973-7/19/1999 L. Leroy Dewey, 7/20/1999 Robert G. Dewey & Christie L. Dewey.

3/9/06 received a phone call from John Batt (884-8347), previous neighbor to L. Leroy Dewey's property, who is currently residing in a retirement community in Meridian. John confirmed that he was also the neighbor when Franklin Prince owned the property at 28313 Middle Rd., Wilder, Idaho 83676. John Batt stated that the large piece of property was farmed and irrigated by Franklin Prince, but not the small pieces to the south of the house or the small piece to the west of the house. Those pieces were irrigated after L. Leroy Dewey purchased the property. At the time Franklin Prince owned the property, it was pumped from the ditch, and gravity flow irrigated. (John Batt's son Joe Benganetta owns the golf course on Fish Rd. 482-7279).

3/9/06 Robert Dewey stated that when they purchased the property, it had been irrigated with a tractor pump, which was replaced with the existing pump. Buried line was also installed at that time for hooking up the 4" hand-line with Nelson F33 5 3/2" and weather tech 10/30 sprinkler heads. Robert said his father always referred to the back piece of property as "the 21 acres," due to when crops were taken in, that is how they were documented. Robert stated that the house and barn make up 1 acre, 3 acres irrigated directly to the south of the house, to the west is the 4 acre piece that is irrigated, the "21" acres further to the south, with 4 acres along the river bank that is irrigated for grass for livestock. The remaining 3 acres of the total 36 acres is made up of road and river bank. Robert indicated that his father is not healthy enough to write a statement in reference to the above information.

Information obtained by: Sandy Hemenway, IDWR Field Examiner 3/9/06

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

RECEIVED

MAR 16 2006

WATER RESOURCES  
WESTERN REGION

## Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) NA
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-20611Owner: L. Leroy Dewey Phone No. (208) 482-7682Current Address: 28313 Middle Rd, Wilder, Id 83676

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Robert G. Dewey for Christie L. Dewey
- ☒ No change Address
- ☐ NEW ADDRESS —
- ☐ How long owned property? —

Accompanied by: Robert G. Dewey (208) 482-6539

## PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 05/20/1965

(If priority date, based on your exam, seems questionable, explain below.)

\* See attachment: Evidence to support 20 acres irrigated 5/20/1965, + then additional acreage irrigated after Franklin Prince sold property in 1973 to L. Dewey

Source: Unnamed Drain Tributary to Snake River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: —

## POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change? (same quarter quarter but moved pump to the north more, in the ditch)

Unnamed drain starts above Fish Rd.; it is made up of spring + groundwater seepage, + irrigation runoff.

# **DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            | NW  | SE  |     | 29   | 4N   | SW   | Canyon | N43°46.20.11                              |
|      |            |     |     |     |      |      |      |        | W116°59.58.0                              |
|      |            |     |     |     |      |      |      |        | elevation 2184                            |

Description of diverting works

*from unnamed drain*  
Unimount 125 — 384 RPM 15 Hp pump to 6" steel main (buried),  
w/risers to attach 4" hand line. w/ <sup>combination of</sup> Nelson F33, Rainbird 30 + weather tech  
*10/30 nozzles*

## **OVERLAP REVIEW**

Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

## **WATER USES**

☒ No change

☐ Different Uses

Use irrigation From 3/15 To 11/15 Amount 0.400 CFS AFA  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS AFA  
 Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS AFA

**TOTAL VOLUME – Groundwater only** N/A (no groundwater)

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA
- ☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA
- ☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:** N/A (none)

☐ No change

☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

## **PLACE OF USE:**

- ☐ No Change no change from original POU but added additional
- ☒ Changes shown below: acreage since adjudication claim was filed.

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 4N           | 5W  | 29  |    |    |    |    |    |    |    |    |    |    |    |    |    | 31 |    |    | 31.    |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Supplemental water from Wilder Irrigation District

Delivery System Narrative: A 15Hp Unimount 125 pump, 6" steel buried main to risers for 4" hand line w/ Nelson F33, Rainbird 30 & weather tech 10/30 sprinkler nozzles. Sections are done separately to enable irrigating, by running 4 hand-lines at one time.

Prior to the buried 6" line, the 21 acres was irrigated by pumping water to the east & west ends & then it would gravity flow to the center & sink, since the soil is quite sandy there.

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               | Unimount   | 15 | nonlegible       | —         | 6"                                |
|                                               | 125        |    |                  |           |                                   |

Need  
ID  
tag

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

- Robert Dewey stated total irrigated acreage comprised of 21 acres, 3 acres, 4 acres, & 4 acres along bank of Snake River, to equal 32 acres, (20 acre parcel is really 20.5 acres). Map shows 20.5, 2.8, 3.7 acres, but does not list the 4 acres along the ditch bank, which would total 31 acres.
- 3/9/06 per John Batt, neighbor (284-8347), 1955-73 Franklin Prince owned 28313 Middle Rd, Wilder & irrigated & farmed the "21 acres." When the property was sold to L. Dewey Dewey, the additional acreage was irrigated & farmed.

\* More acres are being irrigated than originally applied for.

Wilder Irrigation District supplies supplemental water by means of a head box located at the southeast corner of the property. The water flows by means of a dirt ditch running east to west then through either the 5 3/4" gated pipe or concrete ditch running south to north. If the concrete ditch is utilized, water can go through a small culvert across the unnamed ditch & irrigate the 4 acres in the northwest corner of the property.

Copy of "Change in Water Right Ownership" given to Robert Dewey.

Directions: N. I84, Greenleaf / Wilder off ramp, west on Hwy -  
on Simplot Blvd. Lt. on south on Hwy 95, Rt on west on  
Lower Pleasant Ridge, Lt. Fish Rd & go ~ 1/2 mile, Rt on  
Middle Rd, Last house on left before you get to the river

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

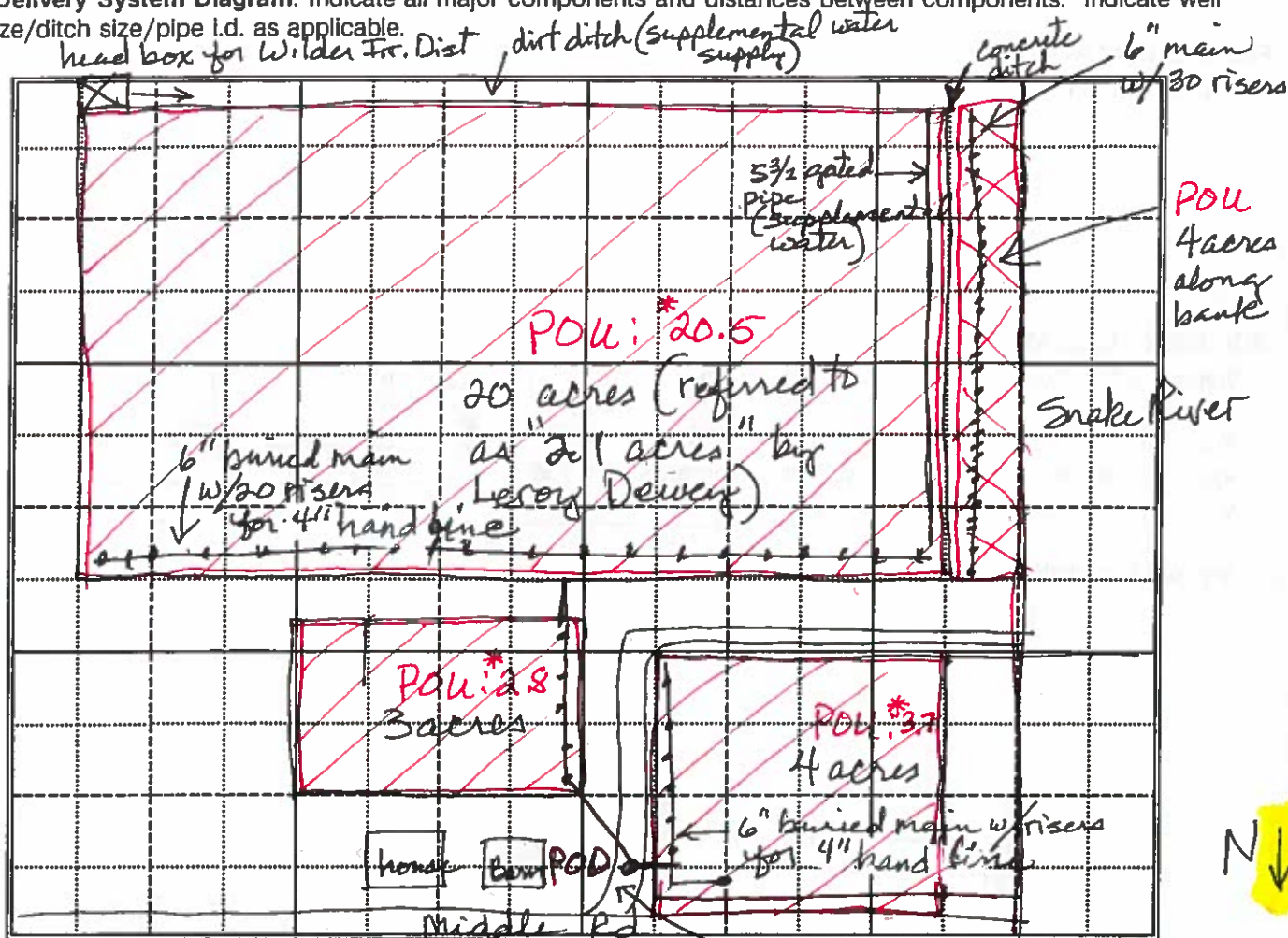
DATE EXAM CONDUCTED:

3-9-06

FIELD EXAMINER:

Judy Hemenway

**Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = \_\_\_\_\_

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached (groundwater seepage + irrigation run-off)

\* See map showing actual acreage

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       | Unimount   | 15 | nonlegible       |           | 6"                                |
|                                       | 125        |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

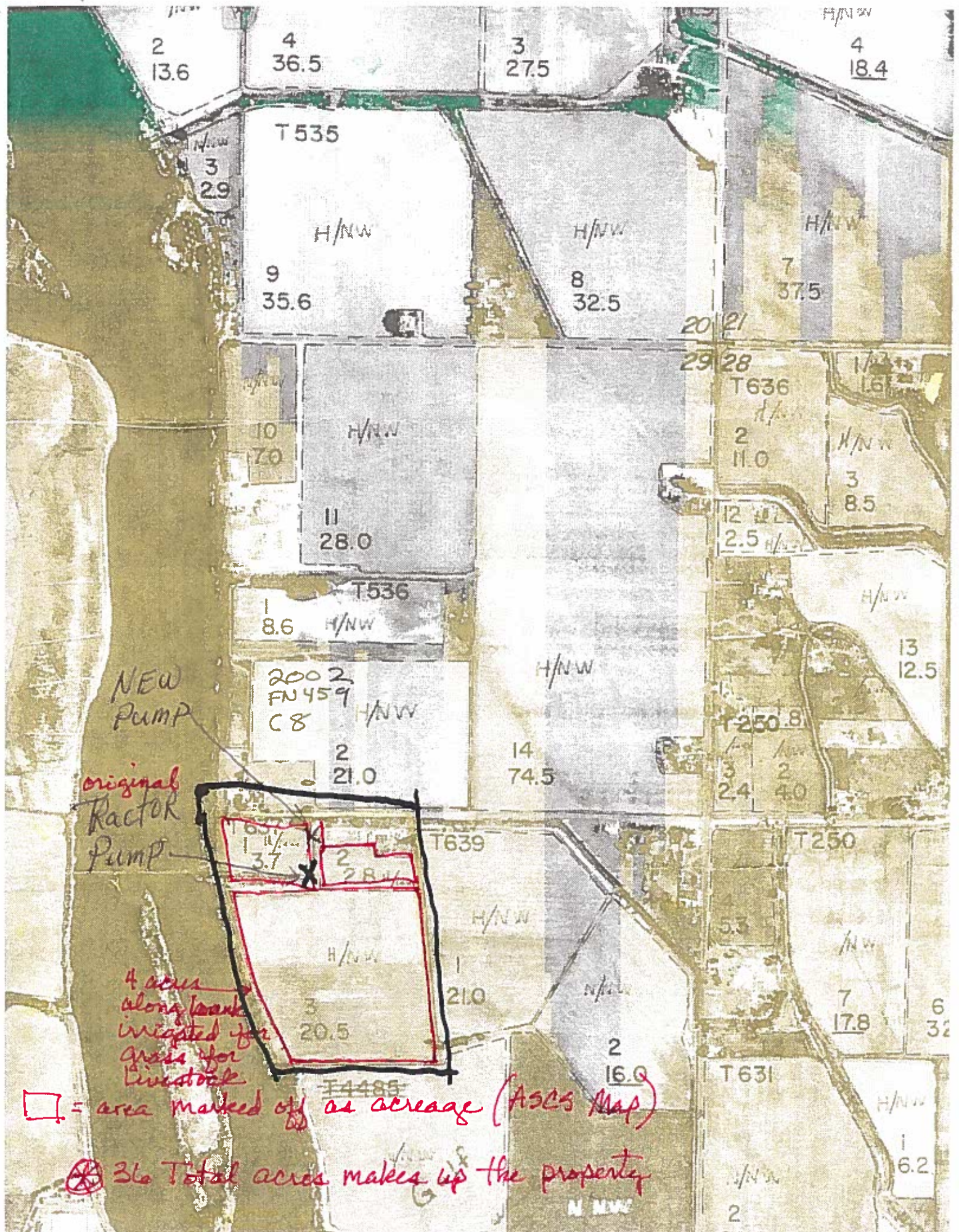
\*Code to correspond with No. on map and aerial photo

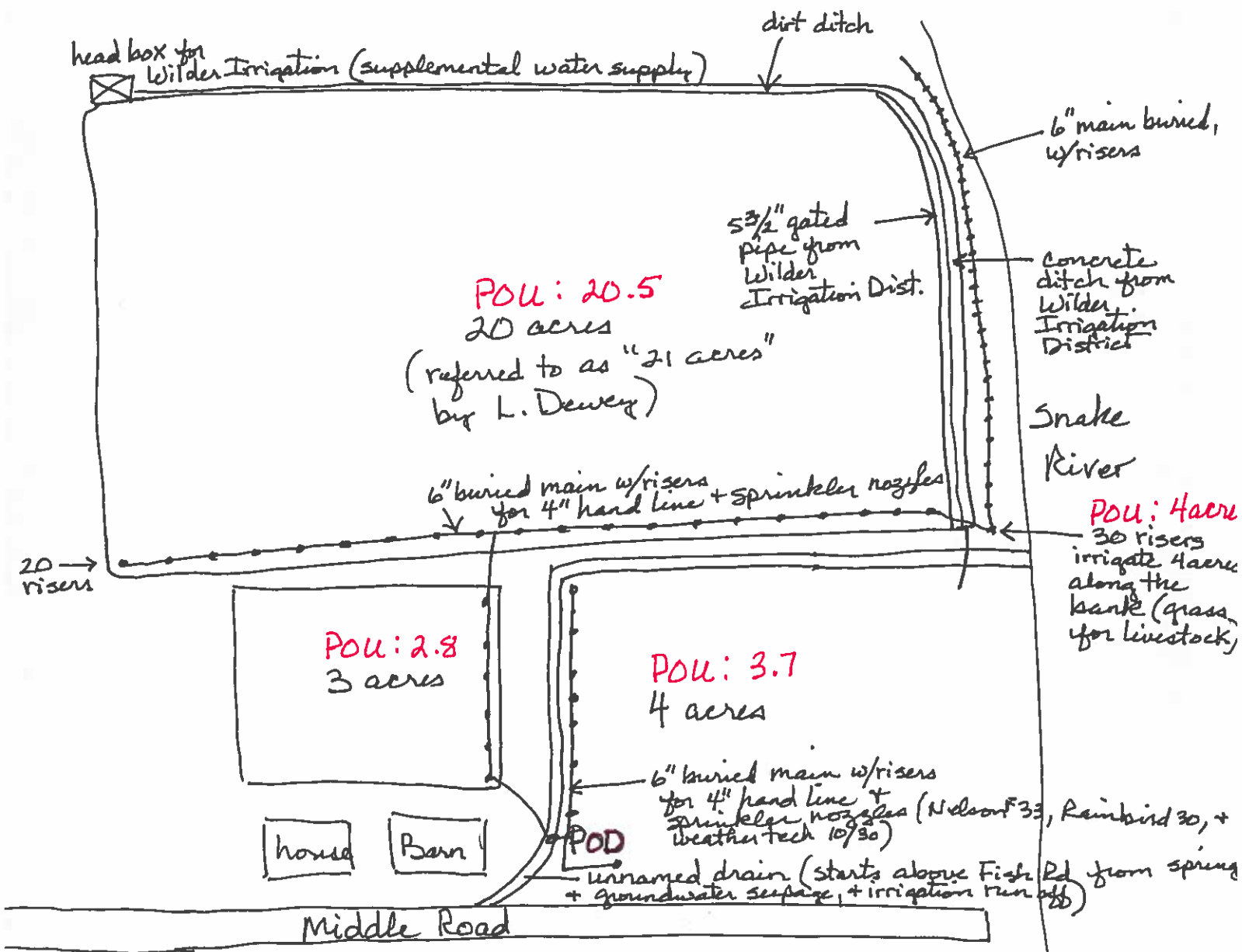
## FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:





house + barn area = 1 acre  
 pads + drain ditch = 3 acres  
 Total perimeter = 36 acres



A63-20611  
 Dewey

POD:

N43°46.20.11

W116°59.58.0

elevation 2184

Unimount 125

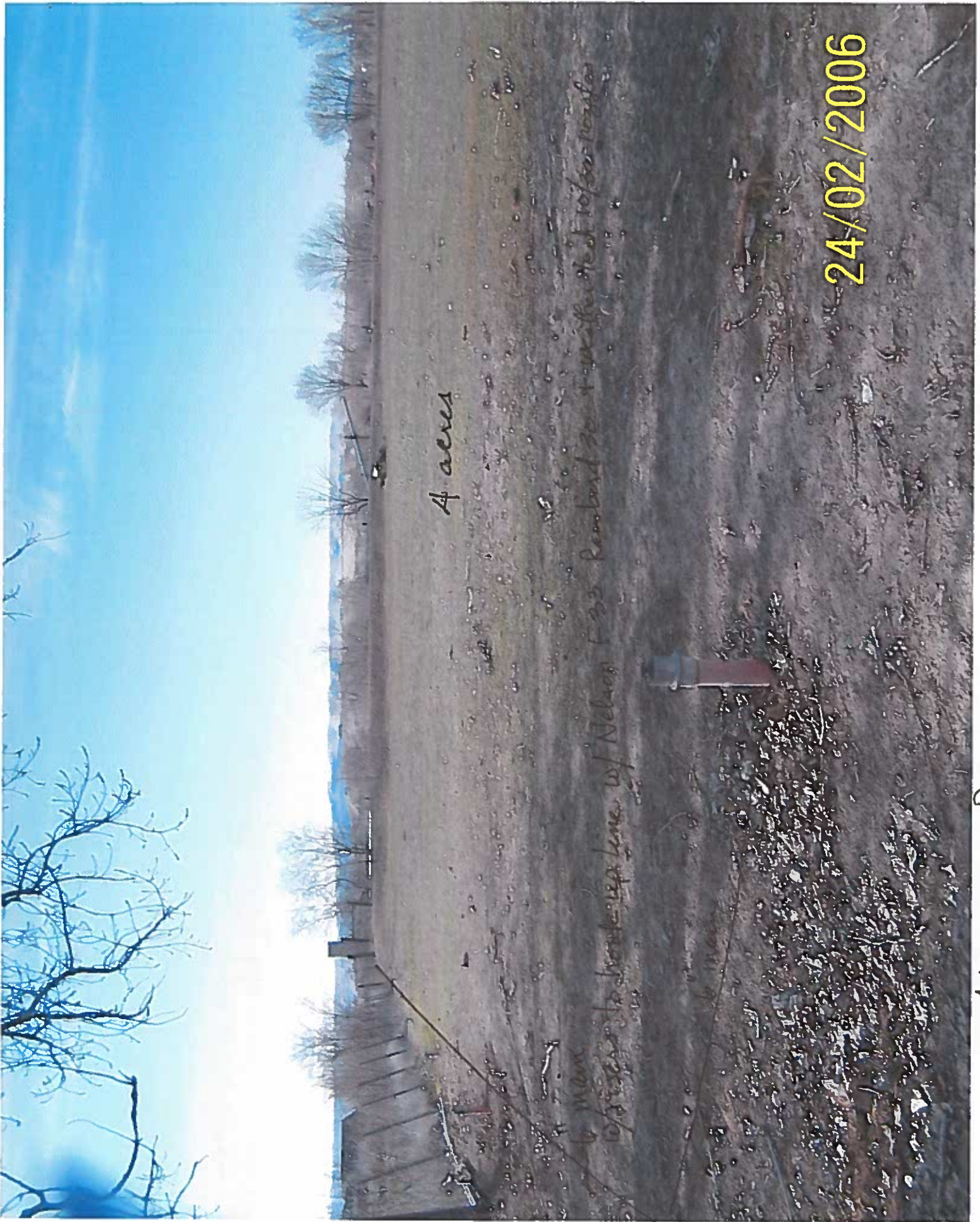
384 RPM 15Hp

6" steel main to 4 acres →

24/02/2006

4.5 Unimount 125

AL2-201111 10mm



4 acres

W/ fence to border up line w/ Nelson F-33 Road and 40' buffer of 10' to 10' to 10' to 10'

24/02/2006

412-77111 Nov. 10.

20 acres (referred to as 21 acres)

6" main  
w/ risers for  
weather tech 10/30  
10/30/64

6" main  
to main

unnamed  
drain

24/02/2006

AL3-005 L11 Denver

Wildcat Irrigation District,  
supplemental irrigation  
gated pipe

POU: 20 acres.  
referred to  
as 21 acres

4" hand line with  
Nelson F33,  
Rainbird 30,  
+ weather tech  
10/30 nozzles

24/02/2006

A63-2061 Newer



dirt ditch  
from Wilder Irrigation

gated pipe  
from Wilder  
Irrigation  
District

POU: 20 acres  
referred to as  
21 acres

24/02/2006

Sandy -

**A63-20611 Field Exam Request:**  
**Dewey**

**Contact:**

02/15/2006

Contact **Leroy Dewey** at #482-7682 or his son, **Robert Dewey**, at #482-6539 to set up a field exam.

**Requests:**

**\*Please verify all the elements of this right.**

In addition, please verify/obtain:

- GPS the location of the Unnamed Drain's diversion point.  
*N 43° 46.20.11 W 116° 59.58.0 elevation 2184*
- Verify that **Wilder Irrigation District** water is used to supplement this right. *Yes*
- Leroy Dewey's son, Robert Dewey, said that they use this water for **36.0 acres**; not just the 20.0 acres that was claimed. If Leroy Dewey is present during the field exam, please ask him why he only claimed 20.0 acres. *Does not know why he only filed for 20 acres, when he can irrigate 31.0 acres*
- **1987 Aerial Photo:** Since the place of use drawn on the aerial photo actually depicts 26.0 acres, **please re-draw the actual 20.0 acres that were claimed** by Leroy Dewey on the enclosed 1987 aerial photograph. Also draw the diversion works on the 1987 aerial photo. Is the POD location correct? *NO. Correct location shown on map (same QQ)*
- **Capacity of System:** Verify that the claimed 0.4 cfs is possible/applicable.

*1 acre = house + barn  
+ 3 acres = road + drain ditch banks  
The back piece was always referred to as "the 21 acres"  
\* See hand drawn map + "Priority" write up - attached.*

Kimberly Brown  
Sr. Water Resource Agent  
IDWR - Western Region

# Idaho Department of Water Resources

Claim Number: 63-20611  
Legal: T04N, R05W, S29  
Reviewed By:

1987 Napp Photo



• Point of Diversion



Place of Use



Section Lines



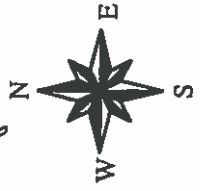
Quarter Quarter Lines



Original 20.0 acres claimed



Additional areas irrigated





170 000 FEET

MICROFILMED

Produced by the Geological Survey  
SEP 03 1992  
Orthophotograph prepared from 1:80,000-scale aerial  
photographs taken July 30, 1981

T40 R5W Sec. 29, NWSE  
102-20011

SECTION 4  
Homedale

## DEED OF TRUST

THIS DEED OF TRUST, Made this July 20, 1999 BETWEEN ROBERT G. DEWEY and CHRISTIE L. DEWEY, husband and wife herein called GRANTOR, whose address is 28313 MIDDLE ROAD, WILDER, ID 83676.

PIONEER TITLE COMPANY OF CANYON COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 100-10th Avenue So., Nampa, Idaho 83651, and L. LEROY DEWEY, a married man, as his sole and separate property, herein called BENEFICIARY, whose address is , ,

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of CANYON State of Idaho, described as follows, and containing not more than forty acres:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

SHOULD THE PROPERTY DESCRIBED IN THIS DEED OF TRUST SECURING A PROMISSORY NOTE BE SOLD OR CONVEYED BY THE MAKER HEREIN, THEIR HEIRS OR ASSIGNS, PRIOR TO THE MATURITY OF SAID NOTE, THEN THE ENTIRE SUM OF PRINCIPAL AND INTEREST SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of ONE HUNDRED THOUSAND AND NO/100 Dollars, (\$100,000.00) final payment due JULY 1, 2019 and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as a continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair, not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay; at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation thereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may:

reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust, of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of an indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters of facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum, all other sums then secured hereby; and the remainder, if any, to the persons or persons legally entitled thereto.

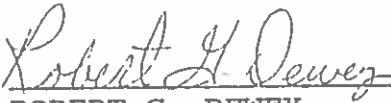
7. This Deed applies to, insures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby, or, if the note has been pledged, the pledges thereof. In this Deed whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

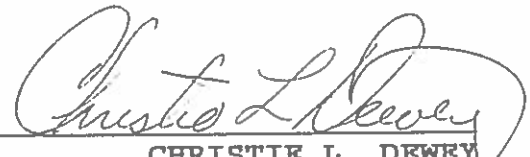
8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

DATED: July 20, 1999

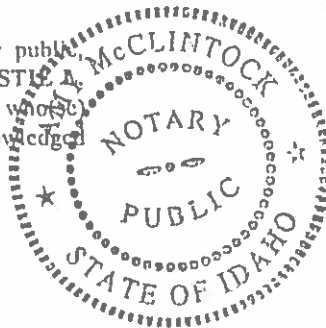
  
ROBERT G. DEWEY

  
CHRISTIE L. DEWEY

STATE OF IDAHO  
COUNTY OF CANYON

On this 20 day of JULY, 1999, before me, a notary public, personally appeared ROBERT G. DEWEY AND CHRISTIE L. DEWEY, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

  
Notary Public  
Residing at NAMPA  
My commission expires: 4/20/2000



**A63-20611 Field Exam Request:**  
**Dewey**

**Contact:**

02/15/2006

Contact **Leroy Dewey** at #482-7682 or his son, **Robert Dewey**, at #482-6539 to set up a field exam.

**Requests:**

\*Please verify **all the elements** of this right.

In addition, please verify/obtain:

- GPS the location of the Unnamed Drain's diversion point.
- Verify that **Wilder Irrigation District** water is used to supplement this right.
- Leroy Dewey's son, Robert Dewey, said that they use this water for **36.0 acres**; not just the 20.0 acres that was claimed. If Leroy Dewey is present during the field exam, please ask him why he only claimed 20.0 acres.
- **1987 Aerial Photo:** Since the place of use drawn on the aerial photo actually depicts 26.0 acres, please re-draw the actual **20.0 acres** that were claimed by Leroy Dewey on the enclosed **1987 aerial photograph**. Also draw the **diversion works** on the 1987 aerial photo. Is the **POD** location correct?
- **Capacity of System:** Verify that the claimed 0.4 cfs is possible/applicable.

Kimberly Brown  
Sr. Water Resource Agent  
IDWR - Western Region

# **CONVERSATION MEMORANDUM**

**RE: Snake River Basin Adjudication Water Right Nos. A63-20611  
Evidence of Priority**

February 14, 2006

Robert Dewey (#482-6539), son of L. Leroy Dewey, called in response to the evidence of priority request he recently received. After explaining what would constitute evidence, Robert Dewey said that he would fill-out an affidavit; based on his personal knowledge of the use of the water. I told Mr. Dewey that after I received the evidence of priority, we would need to send a contractor out to do a field investigation.

While I had Mr. Dewey on the line, I asked him a few questions:

- Mr. Dewey verified that they do use Wilder Irrigation District water to supplement this claim.
- He also verified that they do have a pump in the ditch and stated that, yes, the shapefile that I included in the packet of information he received was correct for the most part; but that they have a sprinkler mainline for the entire property – which, according to Mr. Dewey, totals 36.0 acres; not just 20.0 acres, as was claimed.

According to Robert Dewey, his father no longer is the owner of the property; so I informed Robert that he would need to submit a Change In Ownership.

Kimberly Brown  
Senior Water Resource Agent  
Western Region



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 2, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

L LEROY DEWEY  
28313 MIDDLE RD  
WILDER ID 83676

*(+) sent shapefile*

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-20611

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date."

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by February 24, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-26611

Date: 4-08-02

|       | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 4N  | 5W  | 29  |    |    |    |    |    |    |    |    |    |    |    |    |    | 20 |    |    | 20  |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    | 26 |    |    | 26  |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

Number of POD's 1

Total Claimed Acres: 20

Overlapping POU Claim #'s:

Total GIS Acres: 26

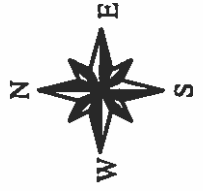
## COMMENTS:

POU + POD per claim map + image interpretation  
+ county data + 94 photo. Claimant only claims  
one of the three parcels this acreage covers.

# Idaho Department of Water Resources

Claim Number: 63-20611  
Legal: T04N, R05W, S29  
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

