

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 67-575
Date Received: 2/15/2006
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BOGNUDA LAND TRUST Phone: (805) 680-3426

C/O ROY BOGNUDA TRUSTEE
680 CAMINO CABALLO
NIPOMO CA USA 93444-9559

2. Date of Priority: 04/01/1886

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	6	SW SE	WASHINGTON	

5. Description of diverting works:

Lund Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.14	

7. Total Quantity Appropriated is:
0.28 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
11N	04W	17	SW	NW	IRRIGATION	7
Section Acres						7
Total Acres						7

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LUND DITCH.
FLOODWATER .4 CFS. AC. IRR.=20.

Stock water for 100 head of cattle.

Amended claim from null acres to 7 acres as claimed. 7 acres on original typed claim; presumably it was simply missed in data entry. DLN, 3/31/06.

15. Basis of Claim: Decreed

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 _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 67-575
Date Received: 2/15/2006
Receipt No: C080336
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BOGNUDA LAND TRUST Phone: (805) 680-3426

C/O ROY BOGNUDA TRUSTEE
680 CAMINO CABALLO
NIPOMO CA USA 93444-9559

2. Date of Priority: 04/01/1886

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
11N	04W	6	SW	SE	WASHINGTON	

5. Description of diverting works:

Lund Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.14	

7. Total Quantity Appropriated is:
0.28 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
11N	04W	17	SW	NW	IRRIGATION	

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LUND DITCH.
FLOODWATER .4 CFS. AC. IRR.=20.

Stock water for 100 head of cattle.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-575

Date Received 2-15-06

Receipt Number C080336

d.e. as 3-24-06

RECEIVED

FEB 15 2006

DEPARTMENT OF
WATER RESOURCESNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR Right #67-575

Please type or print clearly Roy Bognuda, Trustee

1. Name of Claimant (s) Bognuda Land Trust Phone (805) 680-3426

Mailing Address 680 Camino Caballo, Nipomo, California (CA) Zip 93444-9559

2. Date of Priority (Only one (1) per claim) April 1, 1886

3. Source of water supply (a) Mann Creek
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 11N Range 04W Section 6,

SW 1/4 of SE 1/4 of --- 1/4, Govt. Lot, --- B.M., County of Washington

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Lund Ditch

SCANNED

MAR 24 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/15 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock water for 100 head cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11N	04W	17							7										7

Total number of acres irrigated 7

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: Secondary right as decreed by Jefferson v. Higgenbotham

Last Name Bognuda Land Ident No. 67-575

SCANNED
MAR 24 2006



Idaho Department of Water Resources

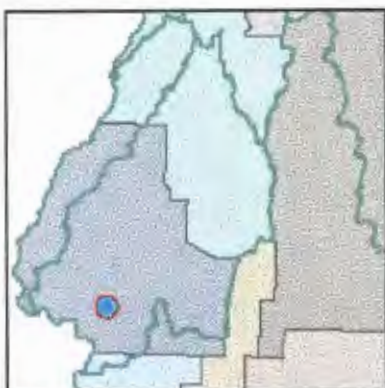
Water Right Number:

67-575

T11N R04W

Legend

-  Place of Use
-  Section Lines
-  GCDB11N04W GCDB



SCANNED
MAR 24 2006

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree x

If applicable provide IDWR Water Right Number 67-575

Court Washington County Dist. Case Number _____ Decree Date 1921

Plaintiff vs Defendant Jefferson v. Higgenbotham

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 x do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am the Trustee

Title

of The Bognuda Land Trust, that I have signed the foregoing

Organization

document in the space below as Trustee of The Bognuda Land Trust

Title

Organization

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

Signature of Authorized Agent Roy Bognuda

Title and Organization Trustee of the Bognuda Land Trust

Date 2-4-06

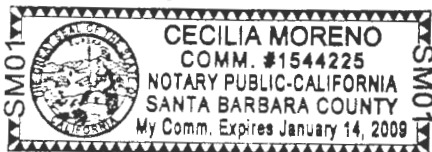
State of ~~Idaho~~ California)

) SS.

County of Santa Barbara)

Subscribed and sworn (or affirmed) before me this 8 day of February ~~19~~ 2006

SEAL



Notary Public Cecilia Moreno

Residing at Santa Maria, California

My Commission Expires JANUARY 14, 2009

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Philip A. Peterson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Philip A. Peterson

Address Post Office Box 247, Nampa, Idaho (ID) 83653-0247

Date February 14, 2006

Last Name Bognuda Land Ident. Number 67-575

SCANNED

MAR 7 4 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-575 V1

WATER RIGHT NUMBER: 67-575 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W G PARKS
	, ZZ
Current Owner	BOGNUDA LAND TRUST C/O ROY BOGNUDA TRUSTEE 680 CAMINO CABALLO NIPOMO, CA 93444-9559 (805)680-3426

Priority Date: 04/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANN CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.140 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

MANN CREEK	SW1/4SE1/4	Sec. 6,	Twp 11N,	Rge 04W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	17							7.0										7.0

Total Acres: 7

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate to all Primary Rights on Mann Creek.
2. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-575 V1

3. 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.

Remarks:Comments:

1. dnarsavage 3/31/2006 Water Use

Comment: Added stockwater as a use, as per remarks in original claim

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	3/31/2006 7:30:25 AM	dnarsavage			Active
POD	3/31/2006 7:31:08 AM	dnarsavage			Active
Source	3/31/2006 7:33:14 AM	dnarsavage			Active
POU	3/31/2006 7:33:31 AM	dnarsavage			Active
Season	3/31/2006 7:53:46 AM	dnarsavage			Active
Quantity	3/31/2006 8:04:57 AM	dnarsavage			Active
Use	3/31/2006 8:04:57 AM	dnarsavage			Active
Quantity	3/31/2006 9:14:31 AM	dnarsavage			Active
Summary			03/31/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-575 V1

General	3/31/2006 7:30:25 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	3/31/2006 7:31:09 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	3/31/2006 7:32:06 AM	dnarsavage	Updated shape
Source	3/31/2006 7:33:14 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/31/2006 7:33:31 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Season	3/31/2006 7:53:46 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Use	3/31/2006 8:04:57 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or

condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-575 V1

Summary	3/31/2006 9:16:08 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	3/31/2006 7:42:02 AM	dnarsavage	Updated shape for Active POU
Quantity	3/31/2006 9:14:31 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Quantity	3/31/2006 8:04:58 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License?

Water Supply Bank:



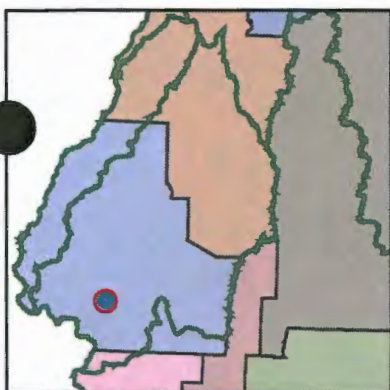
Idaho Department of Water Resources

Adjudication Claim:

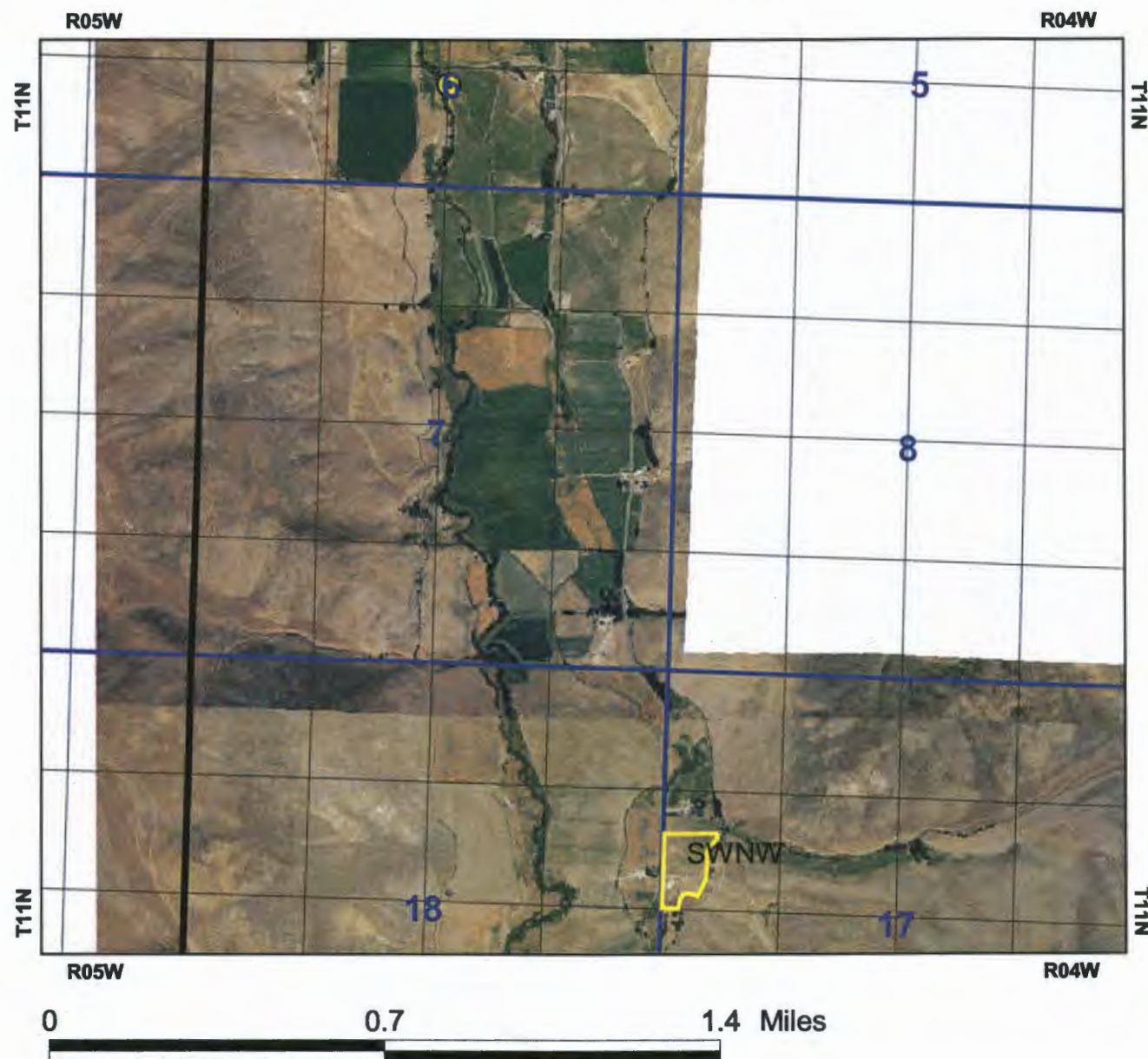
67-575

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Friday, March 31, 2006
1987/88 Aerial Photography

67-575



Narsavage, Dan

From: Narsavage, Dan
Sent: Friday, March 31, 2006 8:53 AM
To: 'pap@whitepeterson.com'
Subject: Roy Bognuda SRBA claim (67-575)

Hello Mr. Peterson,

In my initial review of the claim to a water right in Washington County (67-575) submitted by the Bognuda Land Trust (BLT), I discovered that some minor errors were made by our staff when transcribing the original claim form into our database. Consequently, the claim report mailed to you from this office on March 24, 2006 does not represent your claim entirely accurately. I have made the appropriate changes in our database so that our records conform to BLT's claim, and I am enclosing with this email a copy of the updated claim information. Please see the "Remarks" section near the end of the report for notes regarding my changes.

To be clear, the BLT's claim is adequate for me to continue with my review. This email is intended only to inform you of our change and to allow you to update your records. I require no action from you or from BLT at this time. Thank you, and please contact me if you have any questions.

Sincerely,
Dan Narsavage

Dan Narsavage
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4885



Bognuda_Claim_ame-
ended.pdf

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 67-575
Date Received: 2/15/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOGNUDA LAND TRUST Phone: (805)680-3426

C/O ROY BOGNUDA TRUSTEE
680 CAMINO CABALLO
NIPOMO CA USA 93444-9559

2. Date of Priority: 04/01/1886

3. Source: MANN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	6	SW SE	WASHINGTON	

5. Description of diverting works:

Lund Ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.14	

7. Total Quantity Appropriated is:
0.14 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
11N	04W	17	SW NW	IRRIGATION	7
Section Acres					7
Total Acres					7

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS IS A SECONDARY RIGHT.
WATER CARRIED IN THE LUND DITCH.
FLOODWATER .4 CFS. AC. IRR.=20.

Stock water for 100 head of cattle.

Amended claim from null acres to 7 acres as claimed. 7 acres on original typed claim; presumably it was simply missed in data entry. Also amended amended total quantity to 0.14 CFS, as claimed; and added Philip A. Peterson as an attorney. DLN, 3/31/06.

15. Basis of Claim: Decreed



Idaho Department of Water Resources

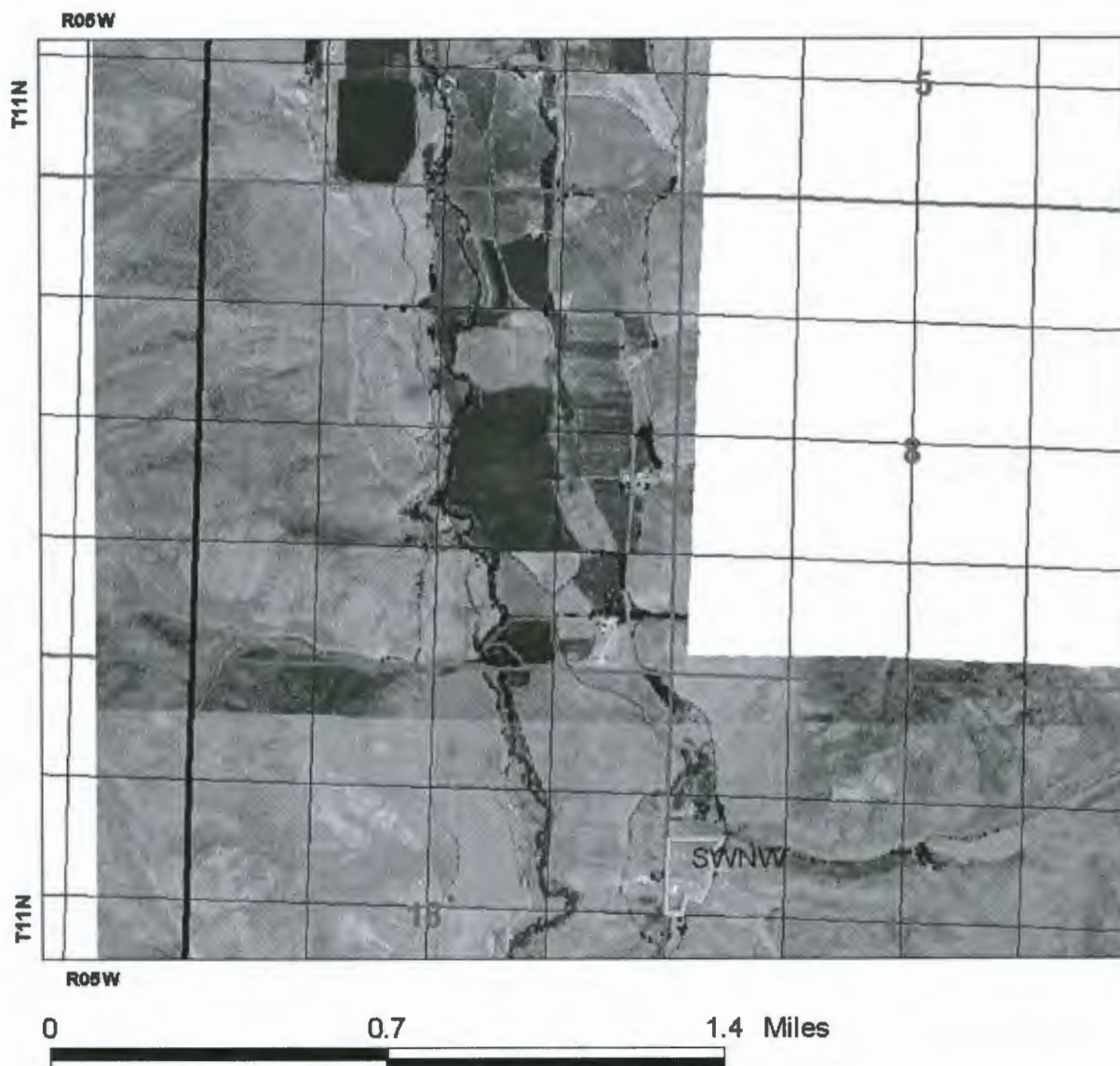
Adjudication Claim:
67-575

Legend

- ⊙ Point of Diversion
- Place of Use
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Friday, March 31, 2006
1987/88 Aerial Photography

WHITE PETERSON
ATTORNEYS AT LAW

WHITE PETERSON, P.A., an Idaho Professional Service Corporation

RECEIVED

FEB 15 2006

DEPARTMENT OF
WATER RESOURCES

PHILIP A. PETERSON

(208) 466-9272 (telephone)
(208) 724-6649 (cellular)
(208) 466-4405 (facsimile)
pap@whitepeterson.com

Offices:

CANYON PARK AT THE IDAHO CENTER
5700 EAST FRANKLIN ROAD, SUITE 200
NAMPA, IDAHO

Mailing Address:

Post Office Box 247
Nampa, Idaho (ID) 83653-0247

February 14, 2006

Mr. Dan Narsavage, GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources (IDWR)
Western Region
Attention: SRBA (Snake River Basin Adjudication)
Post Office Box 83720
Boise, Idaho (ID) 83720-0098

Re: Water Right #67-575 — Bognuda Land Trust

Dear Dan:

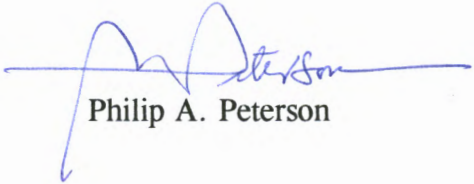
Enclosed are an original and two copies of a Notice of Claim to a Water Right for Water Right #67-575. Also enclosed is our check in the amount of \$57.00 for the filing fee.

Please file the original Notice of Claim, conform the copies with the filing data, and return the conformed copies to this office in the enclosed envelope.

If you have any questions, please do not hesitate to contact me.

Thanks very much, Dan.

Sincerely,


Philip A. Peterson

Enclosures

Copy to: Roy Bognuda (w/o encs.)

VVVV/A:\BOGNUDA-LTR21406.wpd

SC. ED

MAR 24 2006