

DISTRICT COURT - 8REB
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 25 2009

By _____

Deputy Clerk

In Re SRBA) **SPECIAL MASTER'S REPORT**
)
Case No. 39576) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**
)
) **FOR WATER RIGHT 63-21611**

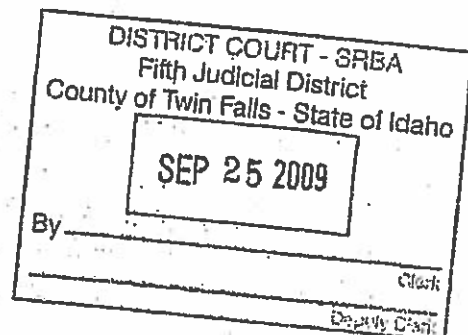
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that this water right be disallowed.

On October 10, 2008, pursuant to an order granting a motion to file late objection, the claimants of the water right, L. Dean Goodner and Rebecca L. Goodner, filed an objection to the *Director's Report*, asserting that the water right should not be disallowed. On September 18, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-21611 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept 25, 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

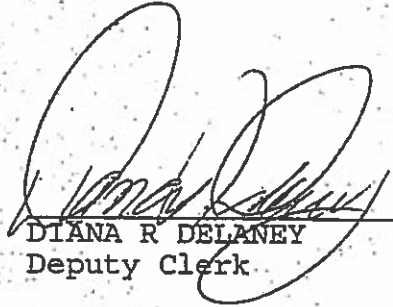
Water Right(s): 63-21611

On September 25, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

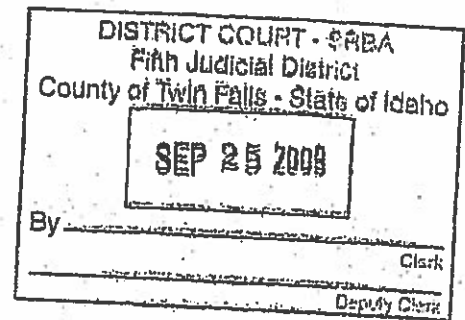
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 25, 2009.



DIANA R DELANEY
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

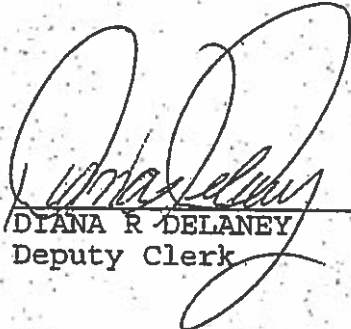
Water Right(s) : 63-21611

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 25, 2009, with sufficient first-class postage prepaid to the following:

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

L DEAN GOODNER
REBECCA LYNN GOODNER
12555 S CLOVERDALE RD
KUNA, ID 83634-1437
Phone: 208-362-4247



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/25/09

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 25 2009

By _____
Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)

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

Water Right 63-21611

NAME AND ADDRESS: L DEAN GOODNER
REBECCA LYNN GOODNER
12555 S CLOVERDALE RD
KUNA, ID 83634-1437

SOURCE: DIXIE SLOUGH TRIBUTARY: BOISE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION: T05N R05W S36 SENW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	0.08 CFS

PLACE OF USE: Irrigation Within Canyon County
T05N R05W S36 SENW 4.0
4.0 Acres Total

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

The source of this water right includes waste water. To the extent that this right includes waste water, 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.

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

RECOMMENDATION

SEP 25 2009

John M. Melanson
SPECIAL MASTER

Sent to
JO. on
9-14-09

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

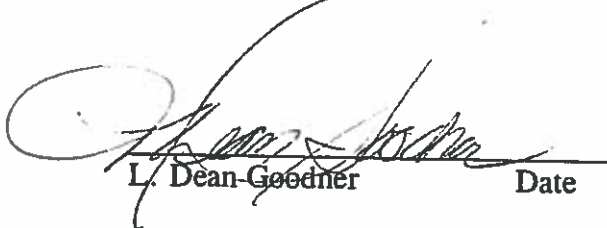
) Subcase No. 63-21611
) *Previously Disallowed*
)
) STANDARD FORM 5
)
) STIPULATED ELEMENTS OF A
) WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

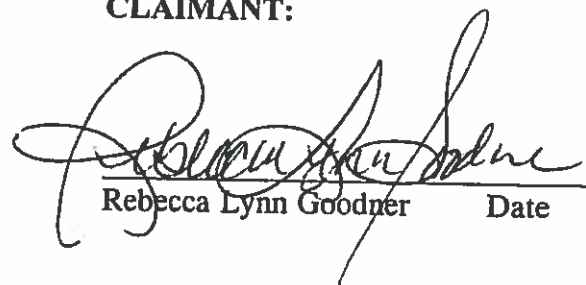
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

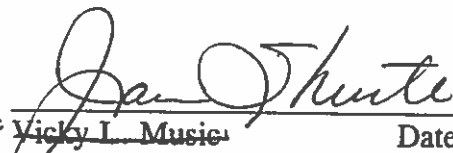
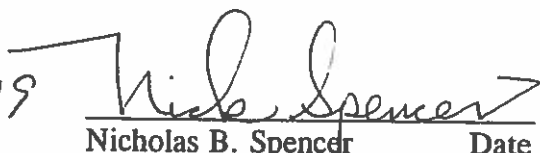

L. Dean Goodner Date

CLAIMANT:


Rebecca Lynn Goodner Date

9/8/09

IDWR Concurrence:

JAN SHURTE		9-14-09		3-31-09
	Vicky L. Music	Date	Nicholas B. Spencer	Date
	Senior Water Resource Agent		Deputy Attorney General Attorney for IDWR	

Rebecca Lynn Goodner
03/31/2009

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

J

RIGHT NUMBER: 63-21611
NAME AND ADDRESS: REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634
L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

SOURCE: DIXIE SLOUGH TRIBUTARY: BOISE RIVER
QUANTITY: 0.080 CFS
PRIORITY DATE: 03/01/1935
POINT OF DIVERSION:
T05N R05W S36 SENW 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	0.080 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T05N R05W S36 SENW	4.00	
	4 ACRES TOTAL		

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

The source of this water right includes waste water. To the extent that this right includes waste water, 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.

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

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

L.DEAN GOODNER
REBECCA LYNN GOODNER
12555 S. CLOVERDALE
KUNA, ID 83634

Signature of person or attorney mailing the form

**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	)	Subcase No. 63-21611
	)	<i>Previously Disallowed</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

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The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

CLAIMANT:

L. Dean Goodner Date

Rebecca Lynn Goodner Date

IDWR Concurrence:

_____ Jan Shurte Water Rights Supervisor	_____ Date
--	---------------

_____ Nicholas B. Spencer Deputy Attorney General Attorney for IDWR	_____ Date
--	---------------

03/31/2009

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

RIGHT NUMBER: 63-21611

NAME AND ADDRESS: REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 03/01/1935

POINT OF
DIVERSION:

T05N R05W S36 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.080 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 SENW 4.00

4 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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2. Copies to:

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

L.DEAN GOODNER
REBECCA LYNN GOODNER
12555 S. CLOVERDALE
KUNA, ID 83634

Signature of person or attorney mailing the form

03/31/2009

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

RIGHT NUMBER: 63-21611

NAME AND ADDRESS: REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 03/01/1935

POINT OF DIVERSION:

T05N R05W S36 SENW 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	0.080 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S36 SENW 4.00

4 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

MEMORANDUM TO CLAIM FILES

TO: CLAIM FILES 63-10217 AND 63-21611

FROM: VICKY MUSIC

SUBJECT:

DATE: 3/3/2009

CC:

I met with claimant, Dean Goodner, on February 27, 2009. Mr. Goodner was represented by Dana Hofstetter until recently. There are various issues with the 2 claims.

63-10217

This right is licensed for 28.1 acres irrigation from the Dixie Slough. Riverside Irrigation filed a wastewater objection. Claimant also filed a late objection to the wastewater remark because the source is not wholly wastewater. There is a scheduling conference 3/31/09 for the Dixie Slough wastewater issues. After explaining the wastewater remark with claimant, he is willing to settle for a "Janicek" type remark.

While in my office, he stated that he disagreed with the priority date, although he did not object to it. The licensed priority date is 2/7/1985. Mr. Goodner has evidence from neighbors, former owners, that the water was used on this property from about 1915. He wants the Dept. to recommend with an earlier priority date.

I explained to him that I needed specific evidence regarding the use of water before 1985. There is a note in the file about lapsed permit # 63-9108. I looked at the microfiche for this permit. The application was filed in 1978 by a ____ [illegible] McCurry for 40 acres in the SENW Sec 36. The permit was issued but lapsed. There is no correspondence or other information about proof of b/u or what was going on with the applicant at that time. Merle Culp filed another application in 1985.

I showed Mr. Goodner a 1939 aerial that shows no development on the land. It looks native and boggy. I suggested that in addition to specific information about the history of the water use on the property, that he attempted to obtain arials for the Canyon co. Assessor's Office in Caldwell.

After he left, I realized that I misinformed him about SRBA procedure and action he needed to take. Because this is a licensed right, I will not be able to recommend it with an earlier priority date. I advised him to file a motion for amended claim but he will need to file a motion to file late claim, with a b/u claim with an earlier priority date. The licensed right will be disallowed and the b/u claim recommended with an earlier priority date, if the evidence warrants it.

63-21611

This was a claim for 5 acres irrigation out of the Dixie Slough. Claimant provided evidence of priority – a statement from Emmett McCurry. However, agent Kimberle Brown disallowed the right because the aerals available to her (1987, 2000, 2004) show no irrigation on the parcel.

I told Mr Goodner that I needed evidence of priority that is more specific than Emmett McCurry's very general statement that is in the claim file about the history of water use and the diversion system. Again, I showed him the 1939 and all subsequent aerals in which the parcel does not look irrigated or cultivated in any way.

Mr Goodner explained that all of the land is highly alkaline and very hard to cultivated, but that it has been historically irrigated. He will provide better evidence of priority.

I also used ArcMap to show him that the most that could be irrigated is 3 – 4 acres. He is okay with that.

Date: February 13, 2009

To: Idaho Department Of Water Resources

RE: SRBA Subcase No. 63-21611 and No. 6310217

To Whom It May Concern:

My name is L. Dean Goodner, I am writing to request that you reconsider the five acre water right on this property located TOWNSHIP 05N, RANGE 05W, SECTION 36, TRACT SENW, ACRES 5.

I have been advised to provide information that substantiates my claim that the water right was being utilized for beneficial use in the year 1990.

Attached is a signed affidavit by Mr. Merle H. Culp and Betty L. Culp, husband and wife, who affirm the land and irrigation water was in use in the time the affiants owned, farmed and irrigated the ground utilizing the water right described above. Mr. and Mrs. Culp currently live about five miles from this property and have watched it be farmed and irrigated continuously since they sold it to Eddy O. Sayers and Evelyn Sayers on March 28, 1994, who in turn sold it to me April 16, 1996.

Additionally, I am again sending in a copy of the letter written by Mr. Emmett McCurry who sold the land to Mr. Culp. Mr. McCurry also affirms the land has been continuously irrigated since 1930 utilizing the same diversion point and earth ditch. Mr. McCurry currently resides directly beside the property described.

Additionally, I am attaching the Affidavit of Dana L. Hofstetter.

Additionally, I am attaching a hand drawn map and pictures of the land/water described to provide:

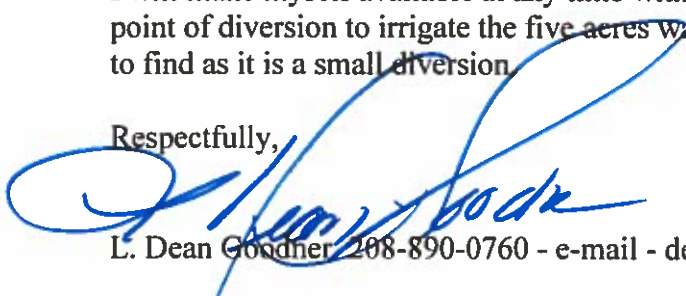
The location of the actual, historic earth canal used to water the five acre parcel.

Pictures of the actual diversion point.

I would appreciate the opportunity to go with whoever looks at the area to show what was happening in 1990 (irrigation wise) in slight contrast to how it is today.

I will make myself available at any time with short notice to walk the property, as the point of diversion to irrigate the five acres was and is a quarter mile away and is difficult to find as it is a small diversion.

Respectfully,



L. Dean Goodner 208-890-0760 - e-mail - dean@bestlonghorns.com

Date: February 14, 2009

To: Idaho Department Of Water Resources

From: Merle H. Culp
24047 Batt Corner Road, Wilder, Idaho

RE. SRBA Subcase No. 63-21611 and 6310217

This letter is written to the Idaho Department Of Water Resources concerning an approximately five acre parcel of land that was purchases by me from Emmett McCurrey in November, 1983.

I owned, farmed and irrigated the five acres as part of a larger piece of land that I purchased from Mr. McCurry that is separated by the Dixie Slough.

The two parcels of land have separate irrigation diversion points as the two parcels are separated by the Dixie Slough.

I purchased the land and water right from Mr. Emmett McCurry who still lives directly adjacent to the larger piece of land.

I sold the land to Mr. Sayers on March 28, 1994.

Mr. Sayers in turn, sold the land to Dean and Rebecca Goodner on April 16, 1996.

During the time I owned the land, I used the approved irrigation diversion point located a quarter mile North of the five acre parcel to irrigate this particular piece of ground.

This is the same irrigation point of diversion that was in use by Emmett McCurry when he owned and farmed the land.

I was advised by Mr. Emmett McCurry when I purchased this land from him, that he had farmed and irrigated this particular piece of ground the entire time he owned it. This piece of ground was in irrigated pasture grass when I purchased it from Mr. McCurry and I continued to use it for the same purpose.

The irrigation diversion point was primitive, using boards to divert the water.

The water followed the fence line utilizing a small earth ditch as this water right itself is small.

The resulting runoff from my pasture flowed down the slight slope into the neighboring irrigation canal that is located between my ditch and the Dixie Slough. That canal continues to flow South, crosses the Boise River Road twice then continues to cross highway 95 to irrigate land miles away.

I utilized the five acres for irrigated pasture. My irrigation ditch supported the row of trees that continue to grow there today.

The water rights allowed me to flood irrigate the five acres of alkaline pasture ground. I did not attempt to grow crops on this land as it was too alkaline, I simply utilized it for pasture.

If any additional information is required concerning the irrigation of this land, please do not hesitate to contact me.

Sincerely,

Merle H. Culp

Dated

FEB 14, 2009

Witness

Betty L Culp

Date

FEB 14, 2009

Witness

J. Ann Smith

Date

FEB 14, 2009

Date: March 23, 2009

To: Idaho Department of Water Resources

From: Emmett McCurry

RE: SRBA Subcase No. 63-21611 and No. 6310217

My name is Emmett McCurry.

I have been asked to clarify and affirm the irrigation/farming practices concerning one piece of ground separated by the Dixie slough, with two separate irrigation points of diversion that I have previously owned, identified above.

I moved to this area known then and less now, as Dixie in 1931-1932.

I moved with my father Ray McCurry to this specific location in 1935 where he purchased land and built our home on land surrounding the above identified piece of ground and later purchased the above identified piece of ground.

We moved here with approximately one hundred head of cattle and sheep.

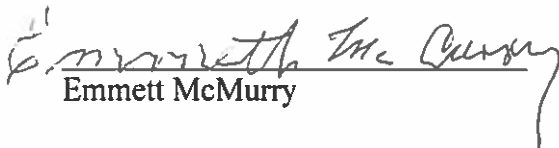
We irrigated the larger piece land with a hand dug ditch that ran parallel to the current gated irrigation pipe and the current paved road that borders this piece of land. Back then, the road was dirt and ran diagonally across the pasture and ended where the Dixie Slough dumps into the Boise River. The ground wasn't level and there was lots of Alkali dirt. We ran as much water as we could to wash out the Alkali. It wasn't good farmland for the above mentioned reasons but it was good enough for pasture.

The smaller piece of ground that went with this piece is located across the Dixie Slough. We irrigated that land also with a hand dug ditch which had its irrigation diversion point a quarter mile above the five acres.

This land was in the same condition as the larger piece across the Dixie Slough. It was rough and had lots of alkali which made it difficult to grow anything but pasture grass. Russian Olive trees grew beside the ditch and had to be continually removed. Those Russian Olive trees persist today alongside that same irrigation ditch.

As I mentioned above, I have owned this land and the land surrounding it. I live and have lived continuously directly beside this piece of ground since 1935 and have either farmed and irrigated it myself or watched others farm and irrigate it continuously during that time.

The ground continues to improve and if they keep pouring the water to it, it can be crop land instead of just good pasture ground.


Emmett McCurry


Dated March 23, 2009 Witness

RECEIVED

DEC 22 2008

Department of Water Resources
Adjudication Bureau

2008 DEC 19 AM 10:15
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 STATUS
	)	CONFERENCE
Case No. 39576	)	
		SUBCASE NO: 63-21611

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, APRIL 14, 2009 at 10:00 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: DECEMBER 19, 2008

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

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

Page 1 12/19/08

CERTIFICATE OF MAILING

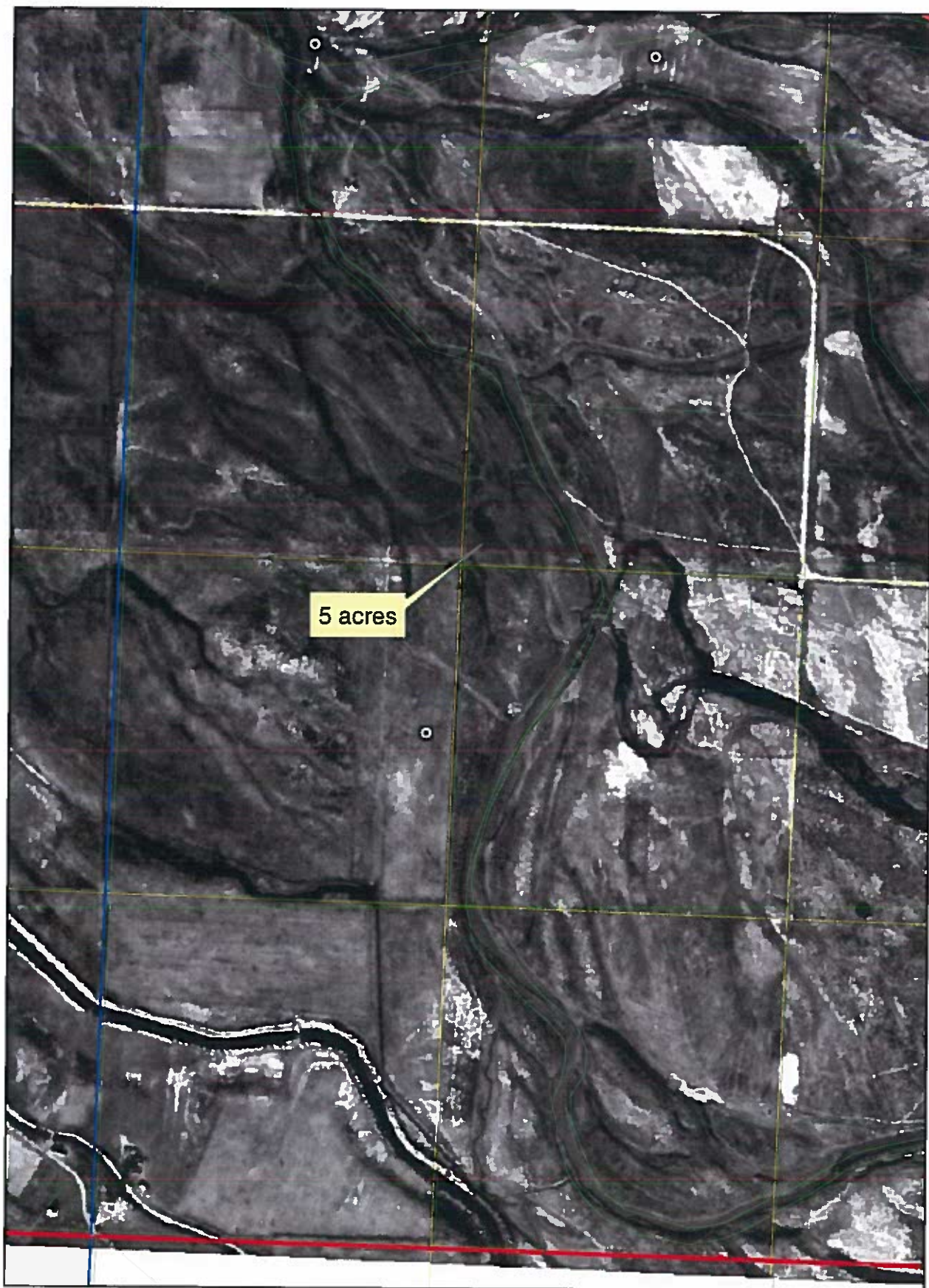
I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on DECEMBER 19, 2008, with sufficient first-class postage to the following:

L DEAN GOODNER
REBECCA LYNN GOODNER

Represented by:

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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



63-21611 - - 1939 aerial photo. No irrigation of the 5 acres in the SWSENW which is the claimed POU.

Unit

1000, 1000, 1000, 1000

(U)

AG 3-10217

504

505

55'

507

PAYAMA 3.4 MI.

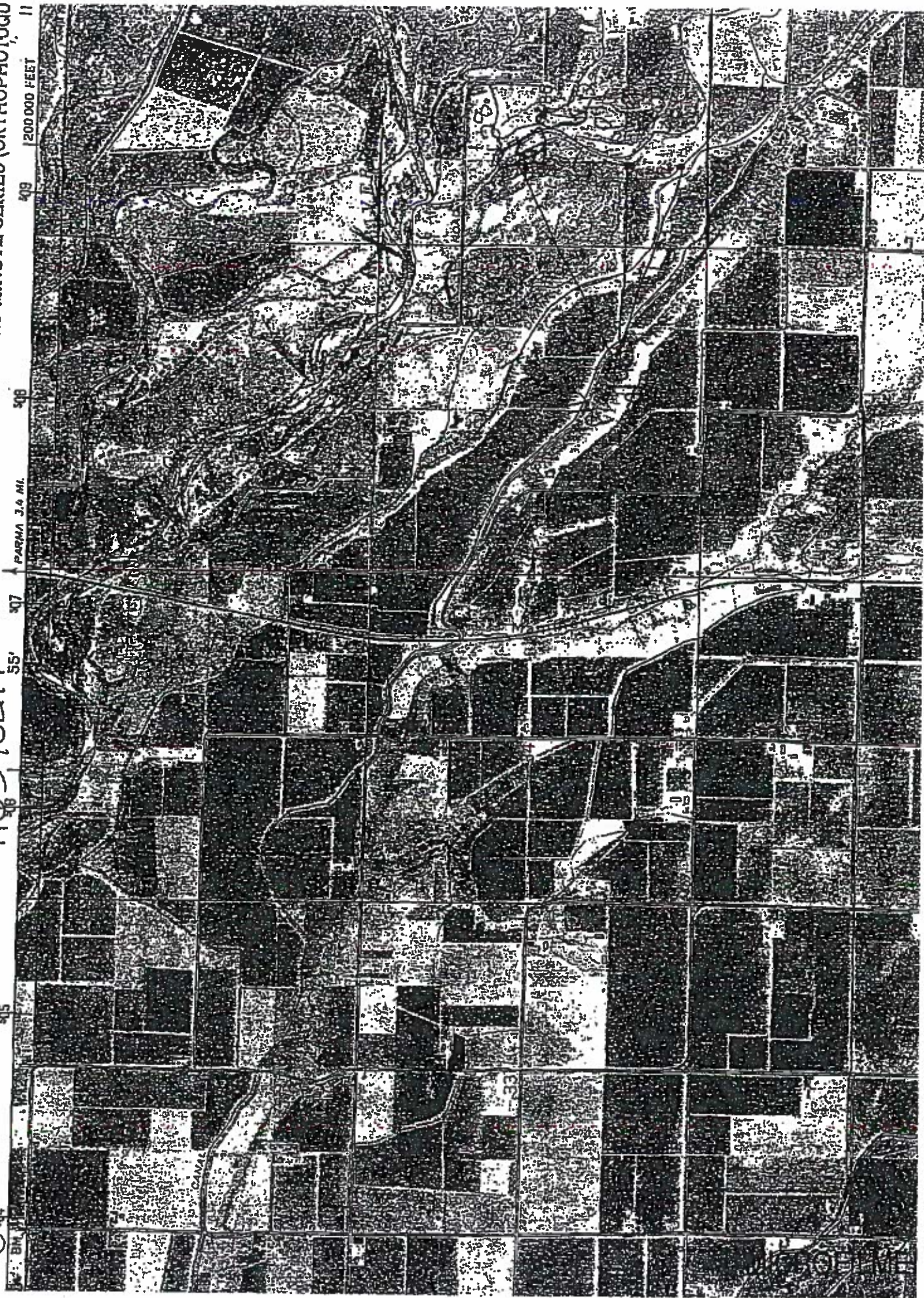
508

509 1200 000 FEET

11

UNITED STATES
IDAHO

7.5-MINUTE SERIES (ORTHO) PHOTOGRAPH



Shurte, Jan

From: Spencer, Nick
Sent: Friday, December 19, 2008 10:24 AM
To: Shurte, Jan
Cc: Williams, Ray
Subject: RE: 63-21611 (Goodner)

Hi Jan. Dana Hofstetter and the SM agreed to your proposal to do a field exam in the early Spring to look for evidence of historical irrigation. The SM set the matter for another telephone status conference on April 14, 2009, at 10:00 a.m. I trust that gives you enough time to do the exam. NBS

From: Shurte, Jan
Sent: Friday, December 19, 2008 9:05 AM
To: Spencer, Nick
Subject: RE: 63-21611 (Goodner)

Hi Nick,

This is one of Vicky's and she is not here today. I pulled the file and after reading through it I like your idea below. There is evidence that it was never irrigated, however, an affidavit was submitted from Emmett McCurry (the same one as the cow rubbing up against the mobile home) stating he owned the land of the Goodner's and irrigated all the land in 1930. I can see why Kimberly disallowed this one. There is another right 63-10217 that Carter did a field exam on in 9/1987 which was also from the Dixie Slough diverting out of the north side of the slough for the irrigation of 28.1 acres. No mention was made of a different pod from the southside of the slough where the 5 acres lie. The 5 acres are split off from the other 28.1 acres by the Dixie Slough. She probably took into account Carter's exam, the aerial photos clearly show no irrigation from 1987 through 2004 and because they are on the other side of the canal it led her to suspect. I just glanced at the 2006 aerial photography and it still does not look irrigated.

So, we did get an affidavit, however, the agent felt there was no evidence of irrigation as far back as 1939, 1987, etc. We did not do a field exam. That brings me to the agreement with you on asking the SM for time to review this one and possibly conduct a field exam early spring. All we have to do is see if the land is cultivated at all. It does not look like it on the any of the photography, even 2006. I have a meeting with Garrick, Andrea, Craig etc., at 10:15 over there. Do you want me to come early and participate or not. Just let me know.

Jan

From: Spencer, Nick
Sent: Thursday, December 18, 2008 5:44 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: 63-21611 (Goodner)

Hi Jan. I have a status conference in this one at 10:00 a.m. tomorrow. I have a question about it. Kimberly Brown is the agent who worked on this. On February 2nd, 2006, she sent out a standard evidence of priority request letter to Dean Goodner, the claimant. However, on February 14th, 2006, she recommended the claim for disallowance based upon her review of the aerial photography showing no irrigation in 1987, 1994, 2000, and 2004. My question is why would Kimberly have sent out an evidence of priority letter a mere 12 days before she disallowed the claim on other grounds? Any idea? Why ask for evidence of priority and then not give the claimant enough time to provide it if you are going to disallow the claim on other grounds anyway? At the status conference tomorrow I am going to ask the SM for time for us to review Kimberly's work and see if we agree with her assessment, and then take it from there. Do you have any problem with that approach? Thanks. NBS

GEOLOGICAL SURVEY

W-1

116° 52' 30"

43° 45'

A63-21611

116° 52' 30"

43° 45'

511000-E

512

50'

514

515

RUOKSTOOL CORNER 2.3 MI

512

514

515

516

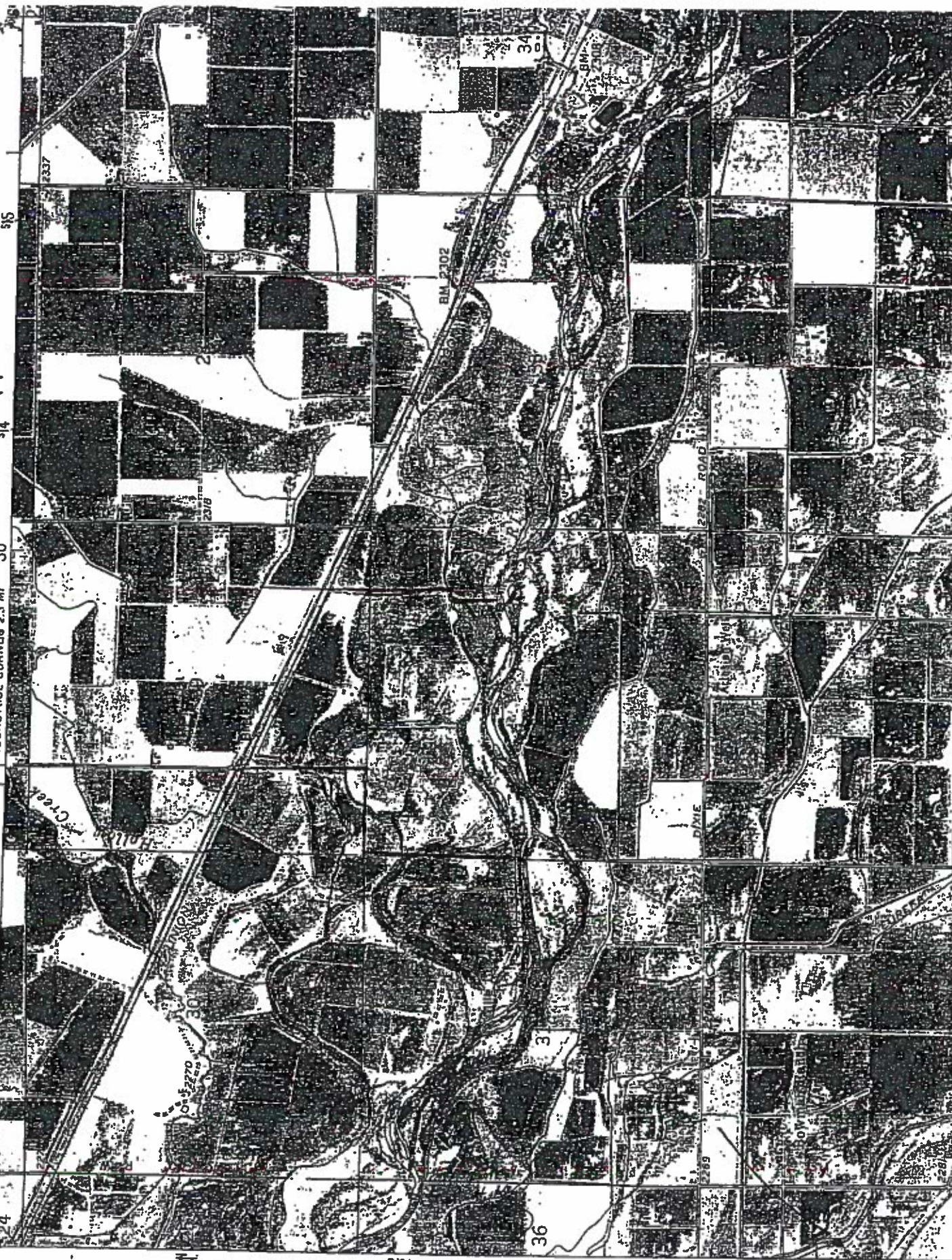
517

518

519

520

521



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: A63-10217
Date Received: 3/19/1990
Receipt No: W011328
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE H. CULP
Address: 31038 SCOTT RD.
PARMA, ID 83660 208-722-6682
2. Date of Priority: FEB 07, 1985
3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER
4. Point of Diversion:
- | | | | | | | | |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 05N | 05W | 36 | SE | | NW | | CANYON |
5. Description of diverting works:
PUMP, 5 HP IN DITCH, GATED PIPE
6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|--------|------|--------|
| Purpose | From | To | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.560 | | 126.50 |
7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) 126.50 A.F.A.
8. Total consumptive use is 98.3 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	36	SE	NW		IRR	28.1
Section Acres							28.1
Total Acres							28.1

A63-10217

Page 1

Date: 03/19/90



11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): [Signature] Date: 7/19/90
Date:

State of Idaho }
County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

L. Dean Goodner

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2008 OCT 3 09 11 01

RECEIVED

OCT 06 2008

DEPARTMENT OF
WATER RESOURCES

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 39576

)
) Subcase No. 63-21611
)

) AMENDED AFFIDAVIT OF
) DANA L. HOFSTETTER
)
)
)
)
)

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for L. Dean Goodner.

This Amended Affidavit supersedes and replaces my prior Affidavit filed in this Subcase.

(2) Attached hereto as Exhibit A is a true and correct copy of the Idaho Department of Water Resources' ("IDWR") Notice of Change of Water Right Ownership form that the Goodners submitted to IDWR for both Water Right Nos. 63-10217 and 63-21611 that I printed from IDWR's Internet website. In response to the question "describe the portion of the water right that is owned/claimed by the new owner," the Goodners noted on the form "Both (2) water rights on the above described property – 28.1 [acre] water right and 5.0 acre water right."

(3) Attached hereto as Exhibit B is a true and correct copy of an IDWR letter dated March 5, 1996 to Dean Goodner explaining that Merle Culp had submitted separate claims for Water Right No. 63-10217 and Water Right No. 63-21611 in the SRBA. I obtained a copy of this letter from IDWR's Internet website.

(4) Attached hereto as Exhibit C is a true and correct copy of an IDWR aerial photograph with place of use boundary for Water Right No. 63-21611 that was included in the copy of the SRBA Claim file for 63-21611 that I obtained from IDWR.

(5) Attached hereto as Exhibit D is a true and correct copy of SRBA Claim No. 63-21611 submitted to IDWR by Merle Culp on March 19, 1990 that was included in the copy of the SRBA Claim file for 63-21611 that I obtained from IDWR.

(6) Attached hereto as Exhibit E is a true and correct copy of SRBA Claim No. 63-10217 submitted to IDWR by Merle Culp on March 19, 1990 that was included in the copy of the SRBA Claim file for 63-10217 that I obtained from IDWR's Internet website. The predecessor in interest's submission of a separate SRBA claim for the five acre parcel

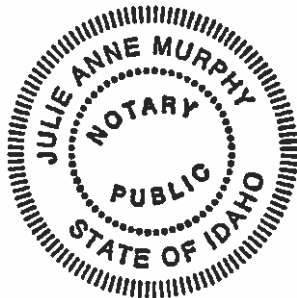
on the same date in 1990 as the SRBA claim for the adjacent 28.1 acre parcel evidences the irrigation of both parcels at the time.

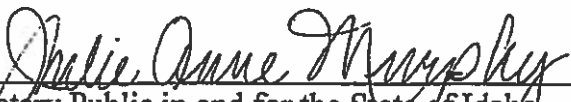
FURTHER YOUR AFFLIANT SAYETH NAUGHT.

DATED this 3rd day of October, 2008.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 3rd day of October 2008.




Notary Public in and for the State of Idaho
Residing at: Twin Falls, ID
My Commission Expires: 1-26-2011

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 3rd day of October 2008, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Dana L. Hofstetter

Manufactured by
Alexander Clark Business Forms
10001 Emerald Boise, Idaho (208) 322-0611

RECEIV

APR 18 1

WATER RESOU
WESTERN REI

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type.
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____ Block _____ Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply. (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s) (Seller): _____
- ☐ New Owner/Claimant (Purchaser): L. DEAN GOODNER / REBECCA LYNN GOODNER
- ☐ New Mailing Address: 12555 S. CLOVERDALE
KUNA, IDAHO 83634
- ☐ New Telephone Number: (208) 362-4247
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
BOTH (2) WATER RIGHTS ON THE ABOVE
DESCRIBED PROPERTY - 28.1 WATER RIGHT AND
5.0 ACRE WATER RIGHT
- ☐ Attach proof of ownership, describe proof attached: _____
- (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) [Signature] Date 1-28-97
Glenn D. Goodner Date 1-28-97
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data Entry
Date _____ By _____
Further Action Needed _____
Further Action Taken _____

EXHIBIT

A

P1737080
9611836

WARRANTY DEED

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED EDDY O.E. SAYERS and EVELYN A. SAYERS,
husband and wife.

the Grantors, do hereby grant, bargain, sell and convey unto L. DEAN GOODNER and REBECCA L. GOODNER, husband and wife

the Grantees, whose address is 12555 S. CLOVERDALE, KUNA, ID 83634

the following described premises, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West, Boise Meridian, Canyon County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 16, 1996

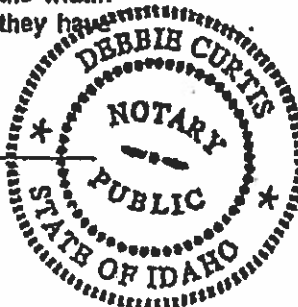
Eddy O.E. Sayers
EDDY O.E. SAYERS

Evelyn A. Sayers
EVELYN A. SAYERS

STATE OF IDAHO
COUNTY OF CANYON

On this 16 day of April, 1996, before me a
notary public, personally appeared EDDY O.E. SAYERS,
EVELYN A. SAYERS, known or identified to me to be the
person(s) who(se) name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they have
executed the same.

Debbie Curtis
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

9611836

RECORDED

96 APR 16 PM 4 14

HED J. KERR
CANYON CNTY RECORDER
BY *U. Chaff*

PIONEER—NAME

RE

TYPE *Deed* FEE *6.00*



RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

8 1987

THIS FORM FURNISHED COURTESY OF:

RESOURCES
IN REGION

STEWART TITLE

READ & APPROVED BY GRANTEE(S): LES V. 25

RECEIVED
MARCH 28 PM 2 19
CANYON CH. & CO. CORP.
STEWART TITLE
THE STATE OF IDAHO
FEE 3.00

9409203

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 94008491-KE

WARRANTY DEED

FOR VALUE RECEIVED MERLE H. CULP and BETTY L. CULP, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto EDDY O. E. SAYERS and EVELYN A. SAYERS, husband and wife

GRANTEE(S), whose current address is: P.O. BOX 797, MIDDLETON, IDAHO 83644
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West of the Boise, Meridian Canyon
County, Idaho.

SUBJECT TO that certain Deed of Trust/Mortgage dated March 21,
1989, and recorded March 24, 1989, as Instrument No. 8905201
records of CANYON County, Idaho, in favor of FARM CREDIT BANK OF
SPOKANE in the amount of \$25,000.00, which Deed of
Trust/Mortgage the Grantee(s) herein assume and agree to pay
according to the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: March 25, 1994

Merle H. Culp
MERLE H. CULP

Betty L. Culp
BETTY L. CULP

STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of March, in the year of 1994, before me, the undersigned, a Notary
Public in and for said State, personally appeared MERLE H. CULP and BETTY L. CULP

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 they executed the same.



Signature: Karma Ellis

Name: KARMA ELLIS

Residing at: MIDDLETON



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 5, 1996

DEAN GOODNER
THE PRINCIPAL GROUP
2600 ROSE HILL
BOISE ID 83705

PHILIP E. BATT
GOVERNORKARL J. DREIER
DIRECTOR

RECEIVED

APR 18

WATER RESOURCES
WESTERN REGION

Dear Dean:

As you requested, I searched the water right and Snake River Basin Adjudication (SRBA) data bases to find out what rights and claims are on record for the 40 acres described as 05N, 05W, Sec 36, SENW. I found the following:

1. Water Right License 63-10217 for the irrigation of 28.1 acres from Dixie Slough in the name of Merle H. Culp.
2. SRBA claim A63-10217 in the name of Merle H. Culp for the license described in #1 above
3. SRBA claim A63-21611 in the name of Merle H. Culp for the irrigation of 5 acres from Dixie Slough. The claim is based on the beneficial use of water beginning 3/15/1915. This is not a proven water right at this time. The validity is subject to the review of the Snake River Basin Adjudication process.

None of the above rights or claims were filed under the names of the current owners you provided, Eddie & Evelyn Sayers. If Mr. Culp sold the property to the Sayers they failed to file an ownership change with the Dept. of Water Resources. Enclosed is a copy of a form to use after you close your purchase of the property. Both claim numbers should be included on the form and a copy of the deed conveying to you should be attached.

Enclosed are copies of several documents relating to the license and claims described above. Call me at the number below if you have any questions.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

DICK - I DON'T KNOW
IF YOU NEED SAYERS
OR CULP TO SIGN -
PLEASE CALL DEPT. OF
WATER RESOURCES TO BE
CERTAIN.
RESPECTFULLY

Exhibit No. 520

EXHIBIT

B

1987 NAPP
#63-2161

EXHIBIT
C
Barney H. 528

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: A63-21611
Date Received: 3/19/1990
Receipt No: W011328
Received By: LA

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

1. Name: MERLE H. CULP
Address: 31038 SCOTT RD.
PARMA, ID 83660
208-722-6682

2. Date of Priority: MAR 15, 1915

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	NE			CANYON
05N	05W	36	SE	NW		R	CANYON

5. Description of diverting works:
DITCHES, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	36	SE	NW		IRR	5.0
Section Acres							5.0

A63-21611

Page 1

Date: 03/19/90



10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION 36; T5N, R5W.
THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN
THERE IS A DIVERSION FROM THIS DITCH TO ANOTHER DITCH AND
PROPERTY IS IRRIGATED BY FLOOD.
SEE A63-10217 FOR MAP.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 19 Mar 90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires

RECEIVED

SEP 02 2008

DEPARTMENT OF
WATER RESOURCES

L. Dean Goodner

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

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

In Re SRBA

Case No. 39576

)
)
)
)

Subcase No. 63-21611

MOTION TO FILE LATE
OBJECTION

MOTION

L. Dean Goodner, by and through his counsel of record, Dana Hofstetter of Hofstetter Law Office, LLC, hereby moves, pursuant to I.R.C.P. Rule 55(c) and SRBA Administrative Order 1, for leave to file a late Objection to Water Right No. 63-21611. This Motion is supported by the Memorandum below, the proposed Objection attached hereto as Exhibit A, the contemporaneously filed Affidavit of Dana L. Hofstetter and the record.

MEMORANDUM

Water Right Nos. 63-10217 and 63-21611 were claimed in the SRBA by Merle Culp for irrigation of the SE1/4NW1/4 of Section 36, Township 5 North, Range 5 West, Boise Meridian in Canyon County, Idaho (the "Parcel") with water from the Dixie Slough. *Affidavit of Dana L. Hofstetter*. L. Dean Goodner and Rebecca Lynn Goodner succeeded to the interest of Mr. Culp in these two water rights as a result of their purchase of the approximately 40 acre Parcel. *Id.* The Director's Report Recommendation for Water Right No. 63-10217, based on an IDWR license, provided for irrigation of 28.1 acres on the Parcel from the Dixie Slough. However, beneficial use Claim No. 63-21611 for irrigation of a different 5 acres on the Parcel was recommended disallowed. The Director's Report states "No beneficial use found" as the basis for denial.

In the course of assisting Mr. Goodner with addressing an Objection filed by the Riverside Irrigation District in related Subcase No. 63-10217, the disallowal of 63-21611 was brought to legal counsel's attention. *Affidavit of Dana L. Hofstetter*. It appeared from legal counsel's review of the IDWR files for Water Right No. 63-10217 that IDWR likely overlooked the approximately 5 acres of irrigation on the Parcel that were not covered by the licensed right and should have been recommended under 63-21611. *Id.*

GOOD CAUSE EXISTS TO GRANT
LEAVE TO FILE A LATE OBJECTION

The decision to allow a late objection to be filed in the SRBA, is based on the good cause standard of I.R.C.P. 55(c). The Rule 55(c) standard requires good cause and a meritorious defense. *McFarland v. Curtis*, 123 Idaho 931, 935, 854 P.2d 274, 278 (Ct. App. 1993). The Rule 55(c) standard for setting aside entry of default is less stringent than the Rule 60(b) standard for setting aside default judgment. *Id.* at 935-36, 854 P.2d at 278-79. This approach is consistent with the policy that cases generally should be decided on their merits and that in an earlier stage of where there has been no judgment, a liberal approach is appropriate. *Id.* at 936, 854 P.2d at 279. The Rule 55(c) standard has been described as requiring the movant to show "some excuse for failure to answer, that a meritorious defense exists, and the policy of deciding cases on the merits should be recognized." *Id.*

This Motion is consistent with these authorities. This subcase is at a relatively early stage and no Partial Decree has yet been issued. Movant's legal counsel recently found information apparently confirming the apparent oversight of the subject 5 acres. Consistent with Rule 55(c), the policy in favor of deciding cases on the merits and the purpose of the SRBA to establish the nature and extent of water rights, this Motion to File Late Objection should be granted so that this recently identified information may be

reviewed and considered along with other information Claimant has confirming irrigation of the subject 5 acres.

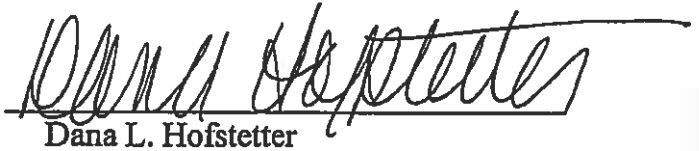
CONCLUSION

For the reasons stated above, this Motion to File Late Objection should be granted.

RESPECTFULLY SUBMITTED this 29th day of August, 2008.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 2008, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724
* U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

4086.1/8143

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 39576

A. Subcase 63-21611

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: L. Dean Goodner

Address: 12555 S. Cloverdale Road

Kuna, Idaho 83634

Daytime Phone: (208) 362-4247

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

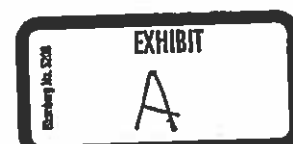
Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: L. Dean and Rebecca Lynn Goodner

Address: 12555 S. Cloverdale Road

Kuna, Idaho 83634



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: as claimed.
2. ☒ **Source**
Should be: as claimed.
3. ☒ **Quantity**
Should be: as claimed.
4. ☒ **Priority Date**
Should be: as claimed.
5. ☒ **Point of Diversion**
Should be: as claimed.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use** 2)
Should be: as claimed.
8. ☒ **Period of Year**
Should be: as claimed.
9. ☒ **Place of Use**
Should be: as claimed.
11. **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 OBJECTION(S): Actual historic beneficial use as reflected in aerial photographs and other historic information.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

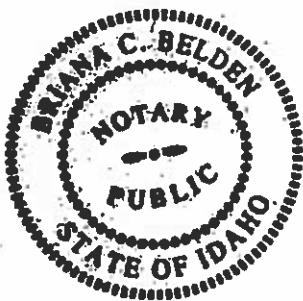
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on: August 29, 2008



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission expires: 01.16.2013

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 August 29, 2008, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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:

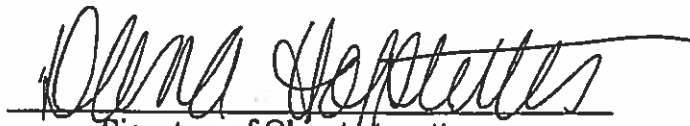
Name: L. Dean and Rebecca Lynn Goodner
Address: 12555 S. Cloverdale Road
Kuna, Idaho 83634

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
 608 West Franklin Street
 Boise, Idaho 83702
 Telephone (208) 424-7800
 Facsimile: (208) 424-8774
 Email: Dana@IdahoWaterLaw.com

form that the Goodners submitted to IDWR for both Water Right Nos. 63-10217 and 63-21611 that I printed from IDWR's Internet website. In response to the question "describe the portion of the water right that is owned/claimed by the new owner," the Goodners noted on the form "Both (2) water rights on the above described property – 28.1 [acre] water right and 5.0 acre water right."

(3) Attached hereto as Exhibit B is a true and correct copy of an IDWR letter dated March 5, 1996 to Dean Goodner explaining that Merle Culp had submitted separate claims for Water Right No. 63-10217 and Water Right No. 63-21611 in the SRBA. I obtained a copy of this letter from IDWR's Internet website.

(4) Attached hereto as Exhibit C is a true and correct copy of the IDWR aerial photograph shape file for Water Right No. 63-10217 that I printed from IDWR's Internet website. I have circled the approximately 5 irrigated acres in the same quarter-quarter section on Exhibit C that appear to have been omitted from the shape file boundary for Water Right No. 63-10217. These 5 acres have the same appearance on Exhibit C as the irrigated acreage IDWR found for 63-10217, indicating that these 5 acres were farmed along with the other acreage and should have been recommended under 63-21611.

(5) Attached hereto as Exhibit D is a true and correct copy of the IDWR Adjudication Claim Report for Water Right No. 63-21611 that I printed from IDWR's Internet website. An IDWR notation on Exhibit D indicates that the map for Water Right No. 63-10217 should be referred to for location of the diversion system and irrigated

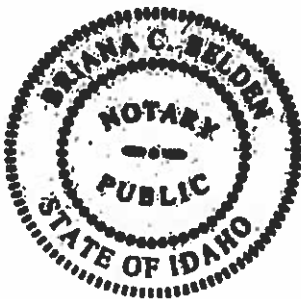
acreage for 63-21611. However, the 5 acres claimed under Water Right No. 63-21611 were not covered under the licensed place of use for Water Right No. 63-10217 or its shape file.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 29th day of August, 2008.

Dana Hofstetter
Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 29th day of August 2008.



Briana C. Selden
Notary Public in and for the State of Idaho
Residing at: Meridian, ID
My Commission Expires: 01-16-2013

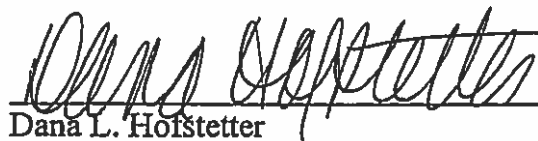
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 29th day of August 2008, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Dana L. Hofstetter



Manufactured by
Alexander Clark Business Forms
10801 Emerald Boise, Idaho (208) 322-0611

RECEIVE

APR 18 1998

WATER RESOURCE
WESTERN REGION

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type -
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, B.M.
Lot _____ Block _____ Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s) (Seller): _____

☐ New Owner/Claimant (Purchaser): L. DEAN GOODNER / REBECCA LYNN GOODNER

☐ New Mailing Address: 12555 S. CLOVERDALE
KUNA, IDAHO 83634

☐ New Telephone Number: (208) 362-4247

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
BOTH (2) WATER RIGHTS ON THE ABOVE
DESCRIBED PROPERTY - 28.1 WATER RIGHT AND
5.0 ACRE WATER RIGHT

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 1-28-97
Deborah D. Goodner Date 1-28-97

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY
Initial Review and Data Entry
Date _____ By _____
Further Action Needed _____
Further Action Taken _____



P1137080
9611836

WARRANTY DEED

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED EDDY O.E. SAYERS and EVELYN A. SAYERS,
husband and wife.

the Grantors, do hereby grant, bargain, sell and convey unto L. DEAN GOODNER and REBECCA L.
GOODNER, husband and wife

the Grantees, whose address is 12555 S. CLOVERDALE, KUNA, ID 83634

the following described premises, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West, Boise Meridian, Canyon County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and
subsequent years; covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from
all lawful claims whatsoever.

DATED: April 16, 1996

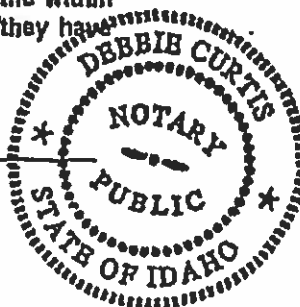
Eddy O.E. Sayers
EDDY O.E. SAYERS

Evelyn A. Sayers
EVELYN A. SAYERS

STATE OF IDAHO
COUNTY OF CANYON

On this 16 day of April, 1996, before me a
notary public, personally appeared EDDY O.E. SAYERS,
EVELYN A. SAYERS, known or identified to me to be the
person(s) who(s) name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they have
executed the same.

Debbie Curtis
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

9611836

RECORDED

96 APR 16 PM 4 14

HED J. KERR
CANYON CNTY RECORDER
BY *U. Chaff*

PIONEER — NAMPA

RE

TYPE *D* *Dead* FEE *6 00*



RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

STC

8 1997

THIS FORM FURNISHED COURTESY OF:

RESOURCES
IN REGION

STEWART TITLE

READ & APPROVED BY GRANTEE(S): LES V. 05

RECEIVED
MAR 28 PM 2 49
CANYON CO. NOT. CUNNEL
STEWART TITLE
FEE 3.00

9409203

SPACE ABOVE THIS LINE FOR RECYCLING DATA
Order No. 1 94008101-KE

WARRANTY DEED

FOR VALUE RECEIVED HERLE H. CULP and BETTY L. CULP, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto EDDY O. E. SAYERS and EVELYN A. SAYERS, husband and wife

GRANTEE(S), whose current address is: P.O. BOX 797, MIDDLETON, IDAHO 83644 the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

The Southeast Quarter of the Northwest Quarter of Section 36, Township 5 North, Range 5 West of the Boise, Meridian Canyon County, Idaho.

SUBJECT TO that certain Deed of Trust/Mortgage dated March 21, 1989, and recorded March 24, 1989, as Instrument No. 8905201 records of CANYON County, Idaho, in favor of FARM CREDIT BANK OF SPOKANE in the amount of \$25,000.00, which Deed of Trust/Mortgage the Grantee(s) herein assume and agree to pay according to the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 25, 1994

HERLE H. CULP

BETTY L. CULP

STATE OF IDAHO
COUNTY OF CANYON

On this 28th day of March, in the year of 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared HERLE H. CULP and BETTY L. CULP

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 they executed the same.



Signature: Karma Ellis

Name: KARMA ELLIS

Residing at: MIDDLETON

My Commission Expires: 08/07/98



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 5, 1996

DEAN GOODNER
THE PRINCIPAL GROUP
2600 ROSE HILL
BOISE ID 83705

PHILIP E. HATT
GOVERNOR

KARL J. DREIER
DIRECTOR

RECEIV

APR 18 1

WATER RESOU
WESTERN REC

Dear Dean:

As you requested, I searched the water right and Snake River Basin Adjudication (SRBA) data bases to find out what rights and claims are on record for the 40 acres described as 05N, 05W, Sec 36, SENW. I found the following:

1. Water Right License 63-10217 for the irrigation of 28.1 acres from Dixie Slough in the name of Merle H. Culp.
2. SRBA claim A63-10217 in the name of Merle H. Culp for the license described in #1 above
3. SRBA claim A63-21611 in the name of Merle H. Culp for the irrigation of 5 acres from Dixie Slough. The claim is based on the beneficial use of water beginning 3/15/1915. This is not a proven water right at this time. The validity is subject to the review of the Snake River Basin Adjudication process.

None of the above rights or claims were filed under the names of the current owners you provided, Eddie & Evelyn Sayers. If Mr. Culp sold the property to the Sayers they failed to file an ownership change with the Dept. of Water Resources. Enclosed is a copy of a form to use after you close your purchase of the property. Both claim numbers should be included on the form and a copy of the deed conveying to you should be attached.

Enclosed are copies of several documents relating to the license and claims described above. Call me at the number below if you have any questions.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

DICK - I DON'T KNOW
IF YOU NEED SAYERS
OR CULP TO SIGN -
PLEASE CALL DEPT. OF
WATER RESOURCES TO BE
CERTAIN.
Respectfully

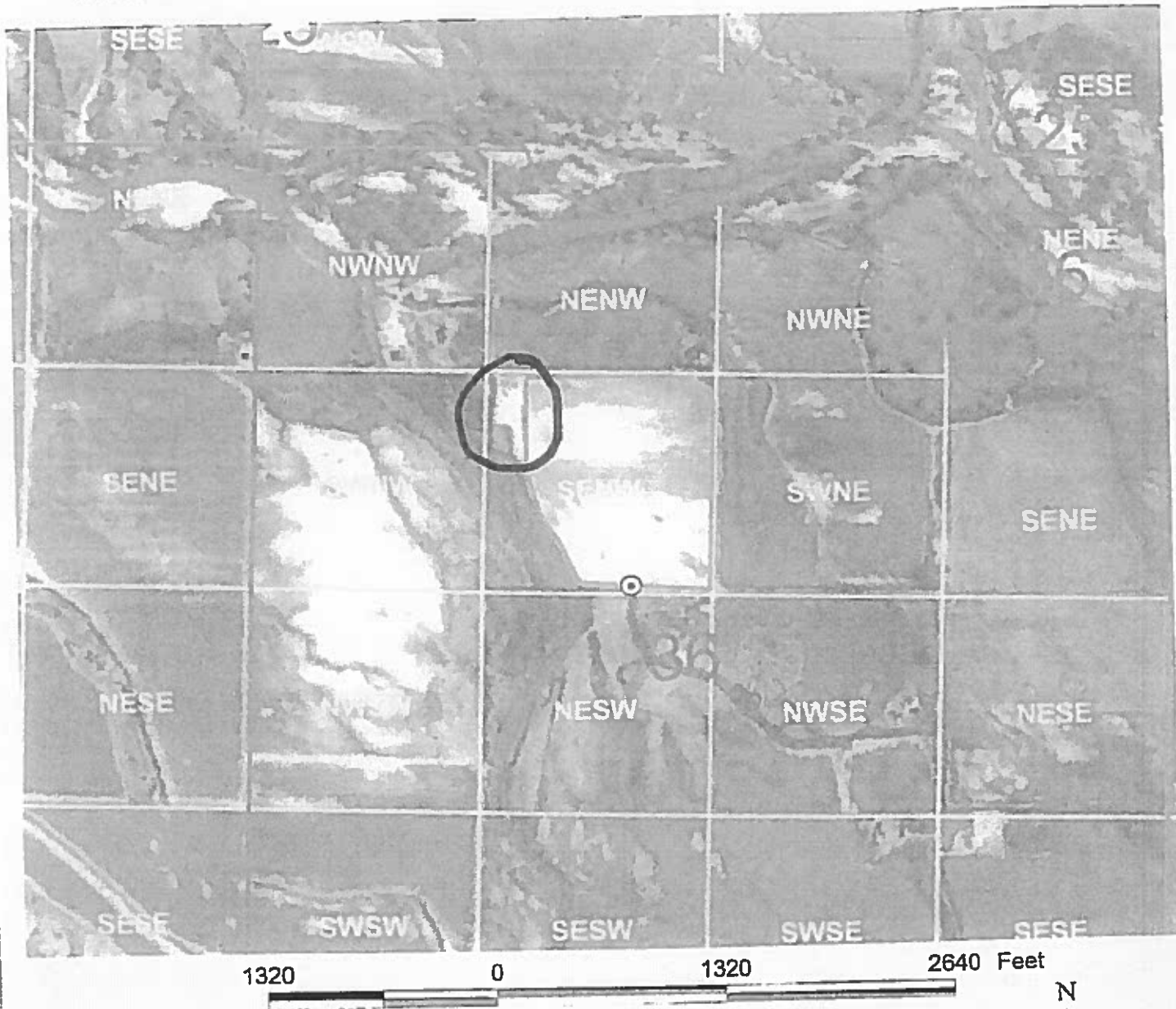
EXHIBIT

B



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 36
Water Right: 63-10217



TOTAL IRRIGATED ACRES = 28.1

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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: August 2006



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

08/28/2008

WATER RIGHT NO. 63-21611

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L DEAN GOODNER
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Original Owner	MERLE H CULP 31038 SCOTT RD PARMA, ID 83660 (208)722-6682

Priority Date: 03/15/1915

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

DIXIE SLOUGH	SENE	Sec. 01	Township 04N	Range 05W	CANYON County
--------------	------	---------	--------------	-----------	---------------

DIXIE SLOUGH Rediversion **SENW** **Sec. 36** **Township 05N** **Range 05W** **CANYON County**

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	36		SENW	5									

Total Acres: 5

Conditions of Approval:

1. TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION36; T5N, R5W. THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN THERE IS A DIVERSION FROM THIS DITCH TO ANOTHER DITCH AND PROPERTY IS IRRIGATED BY FLOOD. SEE A63-10217 FOR MAP. OWNERSHIP CHANGED BY LH 6/6/97.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21611 V1

WATER RIGHT NUMBER: 63-21611 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Current Owner	L DEAN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Original Owner	MERLE H CULP 31038 SCOTT RD PARMA, ID 83660 (208)722-6682

Priority Date: 03/15/1915

Basis:

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

DIXIE SLOUGH	SE1/4NW1/4	Sec. 36, Twp 05N, Rge 05W, B.M.
CANYON County	(Rediversion)	
DIXIE SLOUGH	SE1/4NE1/4	Sec. 1, Twp 04N, Rge 05W, B.M.
CANYON 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	
05N	05W	36								5.0									5.0

Total Acres: 5

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21611 V1

2. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
3. P03 No beneficial use found.

Remarks:Comments:

1. kbrown 2/14/2006 Reason for Disallowal

Comment: None of the aerial photos available to me in ArcView, specifically the years 1994, 2000, 2004, and especially 1987; show any irrigation of the claimed 5 acres (see file for each specific year).

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: S
 Owner Name Connector: AND
 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>
Summary			01/27/2006	lharris	Disallowed
Contacts	2/14/2006 3:55:50 PM	kbrown			Disallowed
Summary			02/14/2006	kbrown	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/14/2006 3:55:49 PM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21611 V1

Summary	2/14/2006 4:04:10 PM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 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?
Summary	1/27/2006 9:29:01 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

02/14/2006

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

RIGHT NUMBER: 63-21611

NAME AND ADDRESS: REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

SOURCE: DIXIE SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 03/15/1915

POINT OF DIVERSION:

T04N R05W S1 SENE Within CANYON County

T05N R05W S36 SENW Rediversion Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.100 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S36 SENW 5.00

5 ACRES TOTAL

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.

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

DISALLOWED

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21611

WATER RIGHT NUMBER: 63-21611 ✓

Owner Type Name and Address

Current Owner

REBECCA LYNN GOODNER ✓
12555 S CLOVERDALE
KUNA, ID 83634
(208)362-4247

Current Owner

L DEAN GOODNER ✓
12555 S CLOVERDALE
KUNA, ID 83634
(208)362-4247

Original Owner

MERLE H CULP
31038 SCOTT RD
PARMA, ID 83660
(208)722-6682

Priority Date: ~~03/15/1915~~ ✓

12/31/1930

Basis: Beneficial Use ✓

Status: Active

Source

DIXIE SLOUGH ✓

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION ✓

change
to 3/1

From To

3/15 to 11/15 ✓

Diversion Rate

0.100 CFS ✓

Annual Volume

Total Diversion:

0.100 CFS ✓

Location of Point(s) of Diversion

DIXIE SLOUGH

SE1/4NW1/4 ✓

Sec. 36, Twp 05N, Rge 05W, B.M. ✓

CANYON County ✓

(Rediversion)

DIXIE SLOUGH

SE1/4NE1/4 ✓

Sec. 1, Twp 04N, Rge 05W, B.M. ✓

CANYON County ✓

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	5.0
																			5.0

Total Acres: 5 ✓

1.

TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION36; T5N, R5W.
THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN THERE IS A DIVERSION
FROM THIS DITCH TO ANOTHER DITCH AND PROPERTY IS IRRIGATED BY FLOOD.
SEE A63-10217 FOR MAP.
OWNERSHIP CHANGED BY LH 6/6/97.

DISALLOWED

ADD P03 - No Beneficial Use Found.

ADD P12 -

DISALLOWED

Field Exam Date 2.14.06

(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 \$ 55.00
- ☐ Well logs (if needed) N/A
- ☒ 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 complete

Claim No(s) AG3-21611

Owner: Rebecca & L. Dean Goodner Phone No. (208) 362-4247

Current Address: 12555 S. Cloverdale, Kuna 83634

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ 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: 3/15/1915

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

An affidavit signed by Emmett McCurry was submitted that goes back to 1930. Therefore, a priority date of 12/31/1930 would be recommended.

Source: Dixie Slough Tributary to _____

- ☒ 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? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

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

- ☐ No change
☐ Different Uses

Season of use is 3/1 to 11/15.

Use _____ From 3/1 To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____
Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME – Groundwater only

- ☐ 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:

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☐ Changes shown below:

None of the aerial photos of the years available to us - specifically, the years of 1987, 1994, 2000, and 2004 (see file for each year), in ArcView show any irrigation.

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	

Overlap with other water rights: 63-10217

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

no overlap - separate acres.

Delivery System Narrative: _____

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

JUSTIFICATION FOR DISALLOWAL:

None of the aerial photos available to me in ArcView, specifically 1994, 2000, 2004, and especially 1987, show any origination of the claimed 5 acres (see file for each specific year).

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:

2.14.06

(in office review)

FIELD EXAMINER:

Kimberly Brown

DISALLOWED

SWNW

1987 NAPP
#63-21611

SENW



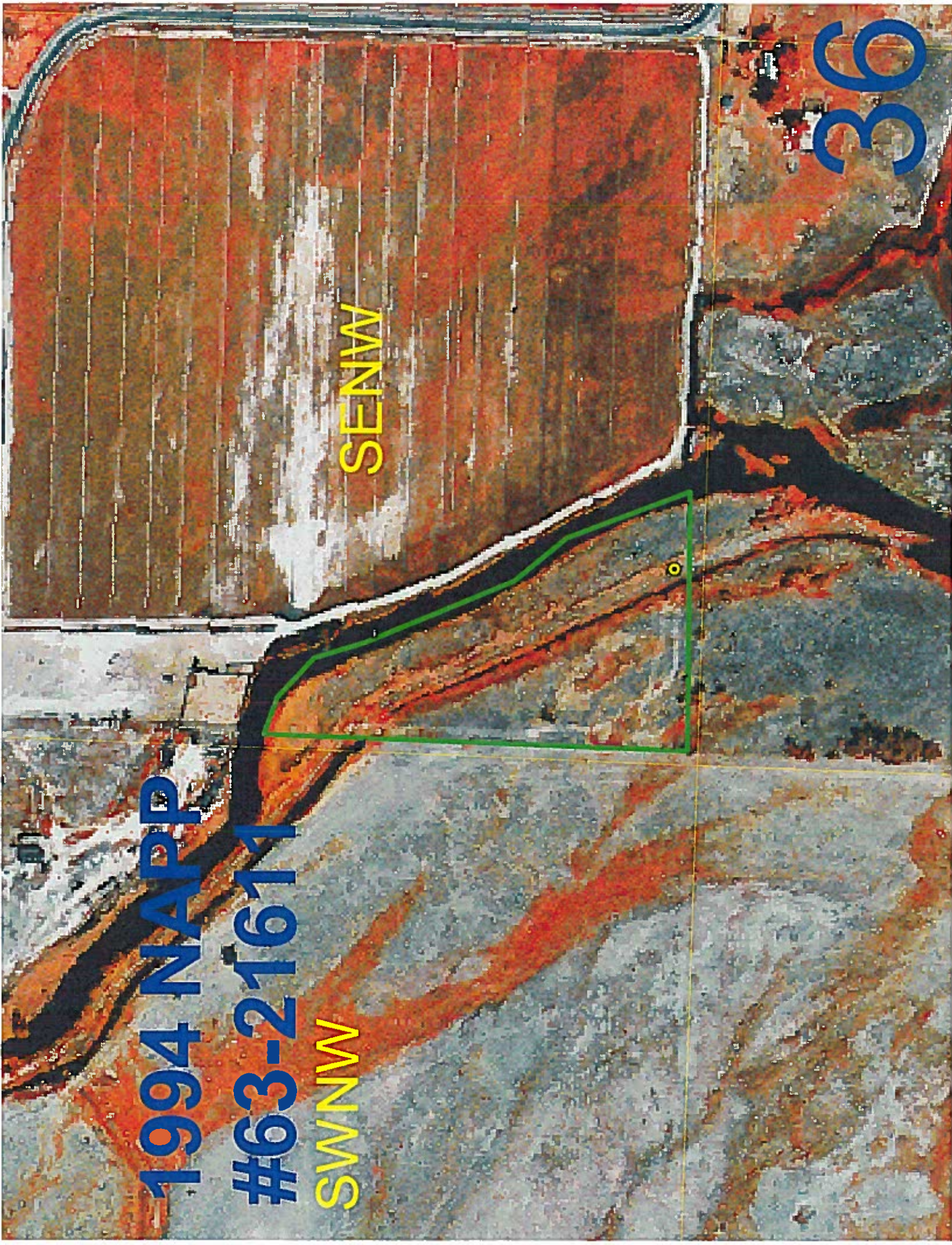
1994 NAAPP

#63-21611

SWNW

SENW

36

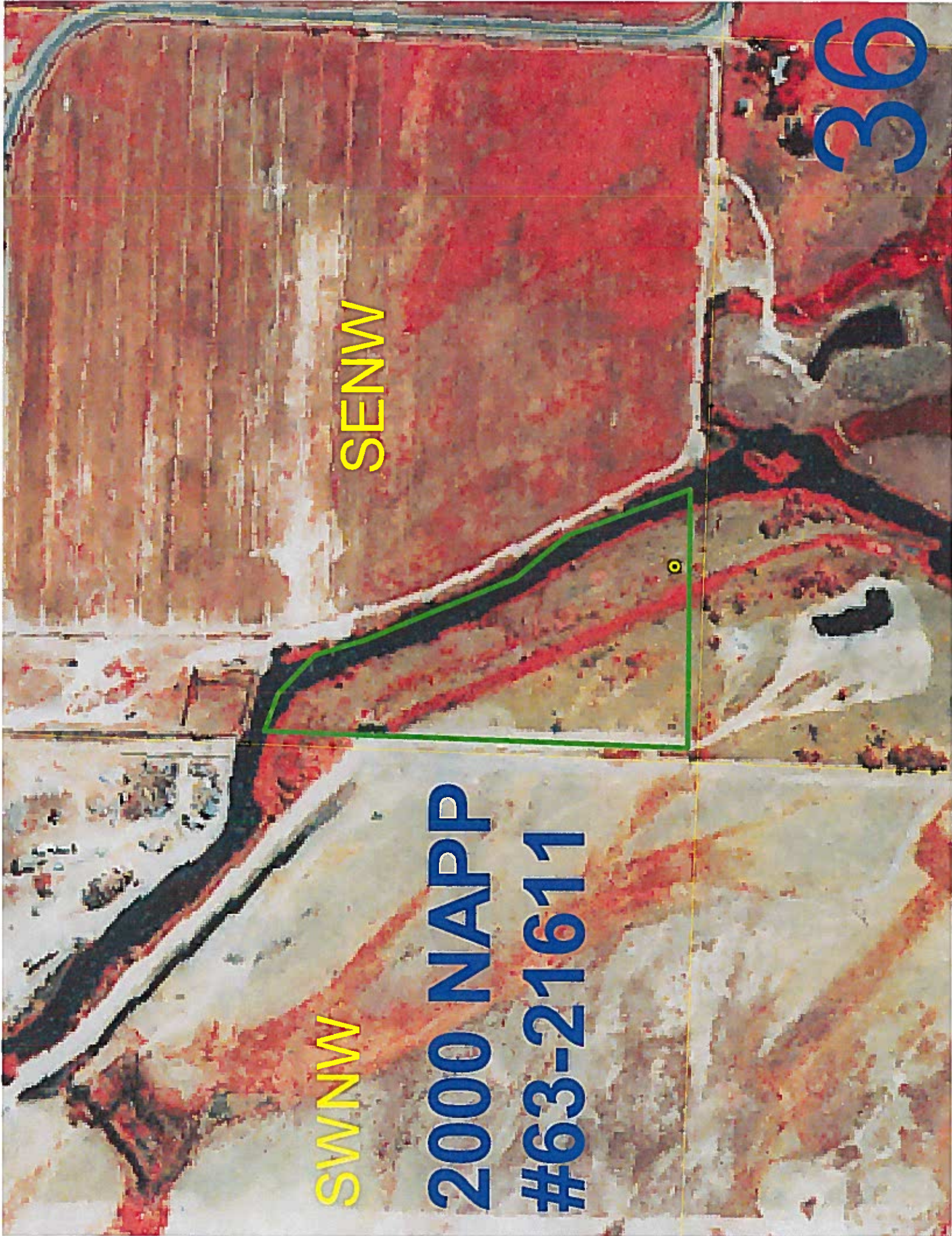


SWNW

SENW

2000 NAPP
#63-21611

36



SWNW

SENW

2004 NAPP
#63-21611

36



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21611

01/27/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
10217	Claim	05N	05W	36	SE	NW		IRRIGATION	28.1/28.1	REBECCA LYNN GOODNER
~~21611~~	~~Claim~~	~~05N~~	~~05W~~	~~36~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~5/5~~	~~REBECCA LYNN GOODNER~~
10217	Water Right	05N	05W	36	SE	NW		IRRIGATION	28.1/28.1	MERLE H CULP

no overlap- separate acres

Overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-10217

WATER RIGHT NUMBER: 63-10217

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MERLE H CULP 31038 SCOTT RD PARMA, ID 83660 (208)722-6682
Current Owner	REBECCA LYNN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247
Current Owner	L DEAN GOODNER 12555 S CLOVERDALE KUNA, ID 83634 (208)362-4247

Priority Date: 02/07/1985

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.560 CFS	126.50 AF
	<u>Total Diversion:</u>	0.560 CFS	126.50 AF

Location of Point(s) of Diversion

DIXIE SLOUGH	SE1/4NW1/4	Sec. 36, Twp 05N, Rge 05W, B.M.
CANYON 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	
05N	05W	36																	28.1

Total Acres: 28.1

Conditions of Approval:

1. OWNERSHIP CHANGED BY LH 6/6/97.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-10217

Comments:

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10217

Priority: February 7, 1985 Amount: 0.56 CFS 126.5 AFA

This is to certify, that MERLE H. CULP

P.O. BOX 756

PARMA, ID 83660

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated February 28, 1984, and has submitted proof to the Department of Water Resources on November 6, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.050 cfs of water from:

DIXIE SLOUGH tributary to BOISE RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.56 CFS	126.5 AFA

LOCATION OF POINT OF DIVERSION(S): SENW , Sec. 36, Township 05N, Range 05W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 05W 36	SENW 28.1			28.1

Total number of acres irrigated: 28.1

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 63

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10217

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 13th
day of September, 1988.


Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant MERLE H. CULP Phone 722-4682
Post office address P.O. Box 756, PARMA, ID 83660
2. Source of water supply DIXIE SLOUGH which is a tributary of BOISE RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 5N
Range 5W B.M. CANYON County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .80 for IRRIGATION purposes from MAR. 15 to NOV. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .80 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMP & SPRINKLER
SYSTEM.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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Total number of acres to be irrigated 40

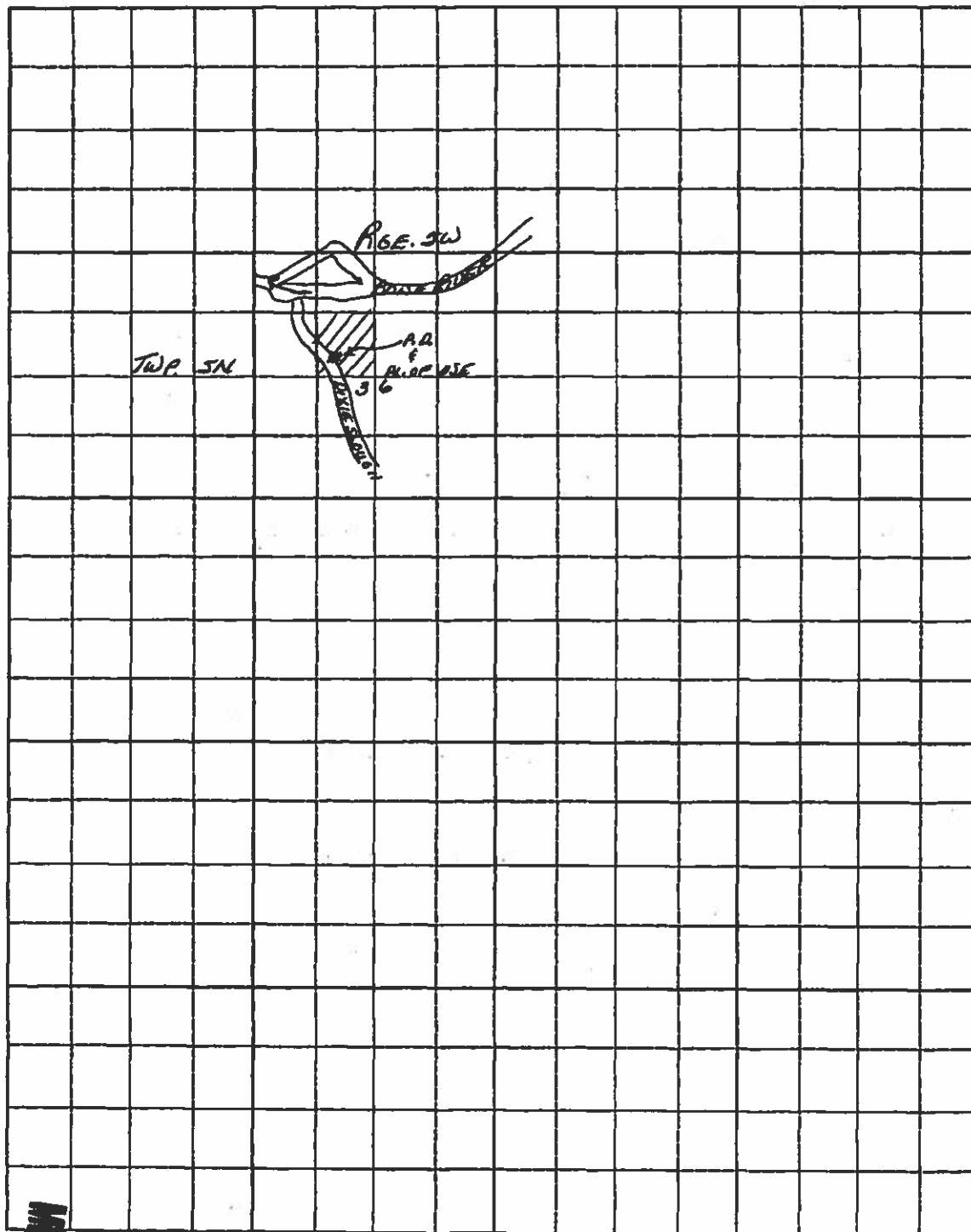
LAPSED PERMIT NO. 63-9108

b. Who owns the land to be irrigated or place of use APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks DIXIE SLOUGH APPEARS TO BE PRIVATE WATER WHICH COLLECTS THE WASTEWATER, BUT HAS NO IRRIGATION DISTRICT ATTACHED TO IT. RIVERWIDE CANAL CROSSES OVER THE SLOUGH & THE EUREKA CANAL EMPTIES INTO IT. THE DIXIE SLOUGH THEN EMPTIES INTO THE DUSE RIVER ABOUT 1/4 MILE EAST APPLICANTS DIVERSION POINT.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



NOT RECORDED

Scale: 2 inches equal 1 mile.

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

[Signature]
(Applicant)

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Proposed Priority 2/28/84

Received by JG Date 2/28/84 Time 12:00 P.M.

Preliminary check by ELS Fee \$ 45.00

Received by JG Date 2/28/84 # 32565

Publication prepared by SR Date 3/8/84

Published in Review - to June

Publication dates 3/15 & 7/22/84

Publication approved SR Date 3/26/84

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-10217, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 89.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 4th day of April, 1984.

J. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\begin{aligned} &\text{allow } 28.1 \text{ ac. (per aerial photo)} \\ &\times \frac{0.02 \text{ cfs}}{0.562 \approx 0.56 \text{ cfs}} \end{aligned}$$

b) Volume Calculations for Irrigation:

$$\begin{aligned} V_{i,r} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \times 28.1 = 126.45 \approx 126.5 \\ V_{d,r} &= [\text{Diversión Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 272.1 \\ V &= \text{Smaller of } V_{i,r} \text{ and } V_{d,r} = 126.5 \end{aligned}$$

c) Volume Calculations for Other Uses:

2. Overlap Review *PCL VAX 8/3/88:*

a) Other water rights with same place of use: none

b) Other water rights with same point of diversion: none

c) Analysis:

RECORDED

SEP 30 1988

RECOMMENDED AMOUNTS

10 day-
see waiver
of 10-day notice.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
63-10217	2/7/1985	0.56 cfs	2-28-1984	11-6-1984	1.05 cfs

4. Permit Holder: Merle H. Culp

Address: P.O. Box 756, Parma, ID 83660

5. Source: Dixie Slough tributary to Boise River

6. Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrig.</u>	<u>3-15</u>	<u>11-15</u>	<u>0.56 cfs</u>	<u>126.5 AFA</u>

Allowable Maximums: 0.56 cfs 126.5 AEA

7. Point(s) of Diversion: ✓

[illegible]

8. Place(s) of Use ✓

[illegible]

9. Recommended Conditions/Remarks:

R04/63, Boise River)

Needs an Order advancing priority due to late exam fee submittal.

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ ~~Change P.U. as reflected above~~

11. Examiner's Signature

SEP 30 1988

Checked in Regional Office by

Approved in State Office by _____

Date _____

Date _____

Date 8/3/88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

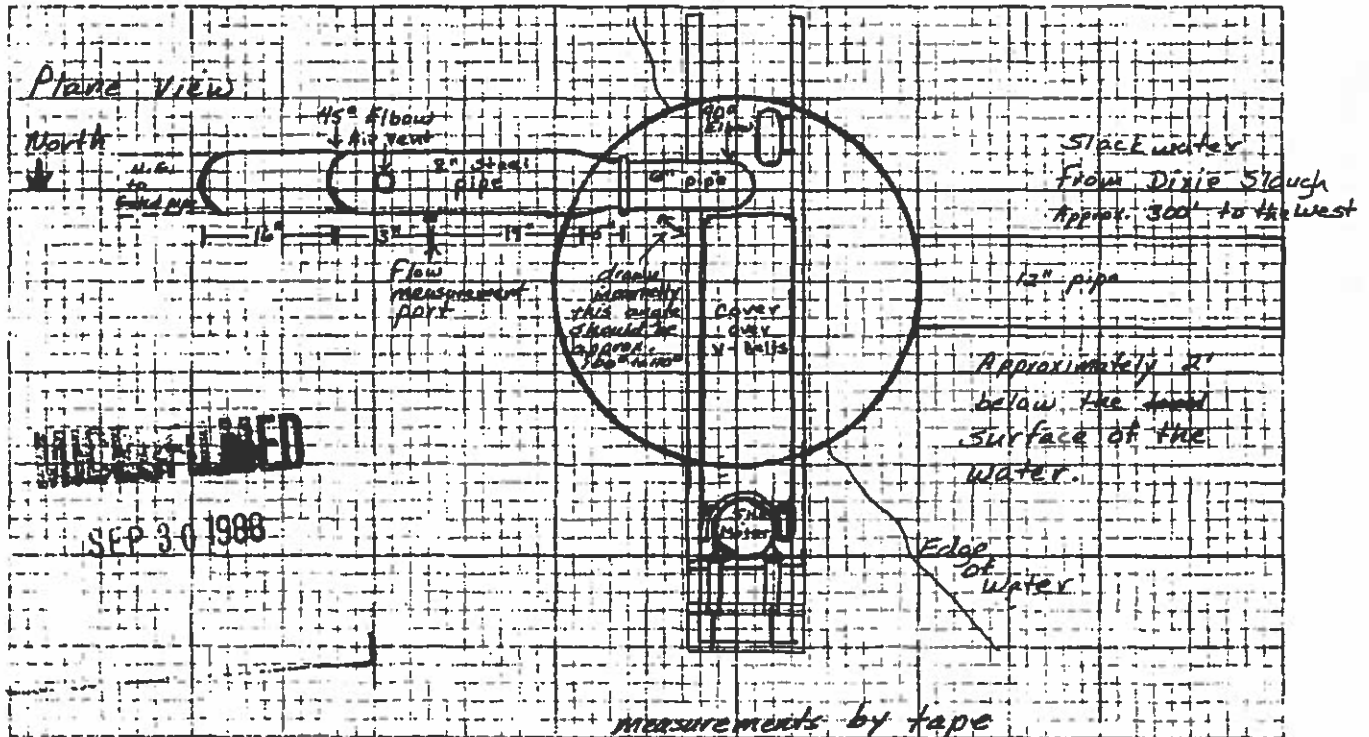
Permit No. 63-10217
Phone No. 722-6682
1. Owner: Merle H. Culp
Current Address: P.O. Box 756, Parma, ID 83460
2. Accompanied by: Merle Culp EXAM. DATE: 9-3-87
Address: Same as above Phone No. 722-6682
Relationship to Permit Holder: OWNER
3. Source: Dixie Slough tributary to Boise River

B. OVERLAP REVIEW

1. Other water rights with same place of use: none ☐ Copies Attached
2. Other water rights with same point of diversion: none ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 2'

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system has a Parma Water Lifter pump set in a ditch branching from the Dixie Slough. The water is pumped through a 400' of 8" PVC pipe (underground) to the southeast corner of the irrigated land. The pipe emerges there (S.E. corner of irrigated land) and it is connected to 1200' of 8" gated pipe that runs north along the eastern

See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Model Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Ajax	5	NH 184 TBDR 706 4AAL	Parma Water Lifter	6" discharge

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW		36	5N	5W	Canyon	Aerial Photo

6. Place(s) of Use:

Indicate Method of Determination Aerial Photo

Twp.	Rge.	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	
5N	5W	36								28									28

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SEP 30 1988

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annu-bar		Dover	7517-316-SS	091414	8"	
Manometer				#1	48"	

2. Measurements:

see attachment

For 28 acres allow $0.02 \times 28 = 0.56$ cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: 1.05 cfs see attachment

2. Alternate Method for Checking Purposes:

$$(5 \times 8.8 \times .8) \div 6 = 5.87 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 0 psi $\times 2.31 =$ 0 ft (1); Dynamic pumping level: 6 ft (2)

Total Head: (1) + (2) = 6 (3) ; Flow rate: 1.05 cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ 0.72 (5)

Meter Input KW: $3.6 \times$ 7.2 KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ 5 N/ 38 T = 3.41 (6)

Meter Input HP: (6) $\times 1.34 =$ 4.57 (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (8)

Panel Input HP: (8) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ 15.8 %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{28 \times 4.5 = 126 \text{ afa}}$$

$$V_{DR} = (\text{Diversion Rate (cfs)}) \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.56 \times 245 \times 1.98 = 271.6 \text{ afa}}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = \underline{126 \text{ afa}}$$

2. Volume Calculations for Other Uses:

FILED

SEP 30 1988

H. REMARKS AND OVERLAP REVIEW ANALYSIS

edge of the irrigated land. The land is furrow irrigated (slopes to the west) and pasture grass is being established. The land has an alkali problem, so large quantities of water are needed for irrigation and flushing the alkali from the soil while the pasture is being established.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	0.56	126
Totals:			0.56	126

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

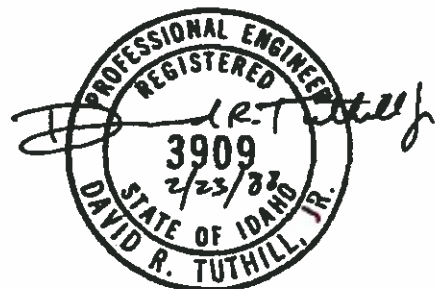
J. AUTHENTICATION

Field Examiner's Name Carter Fritschle
 Signature Carter Fritschle *9/14/87*
 Certification Date _____
 Field Report Preparation Date 9-3-87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECORDED
 SEP 30 1987



63-10217

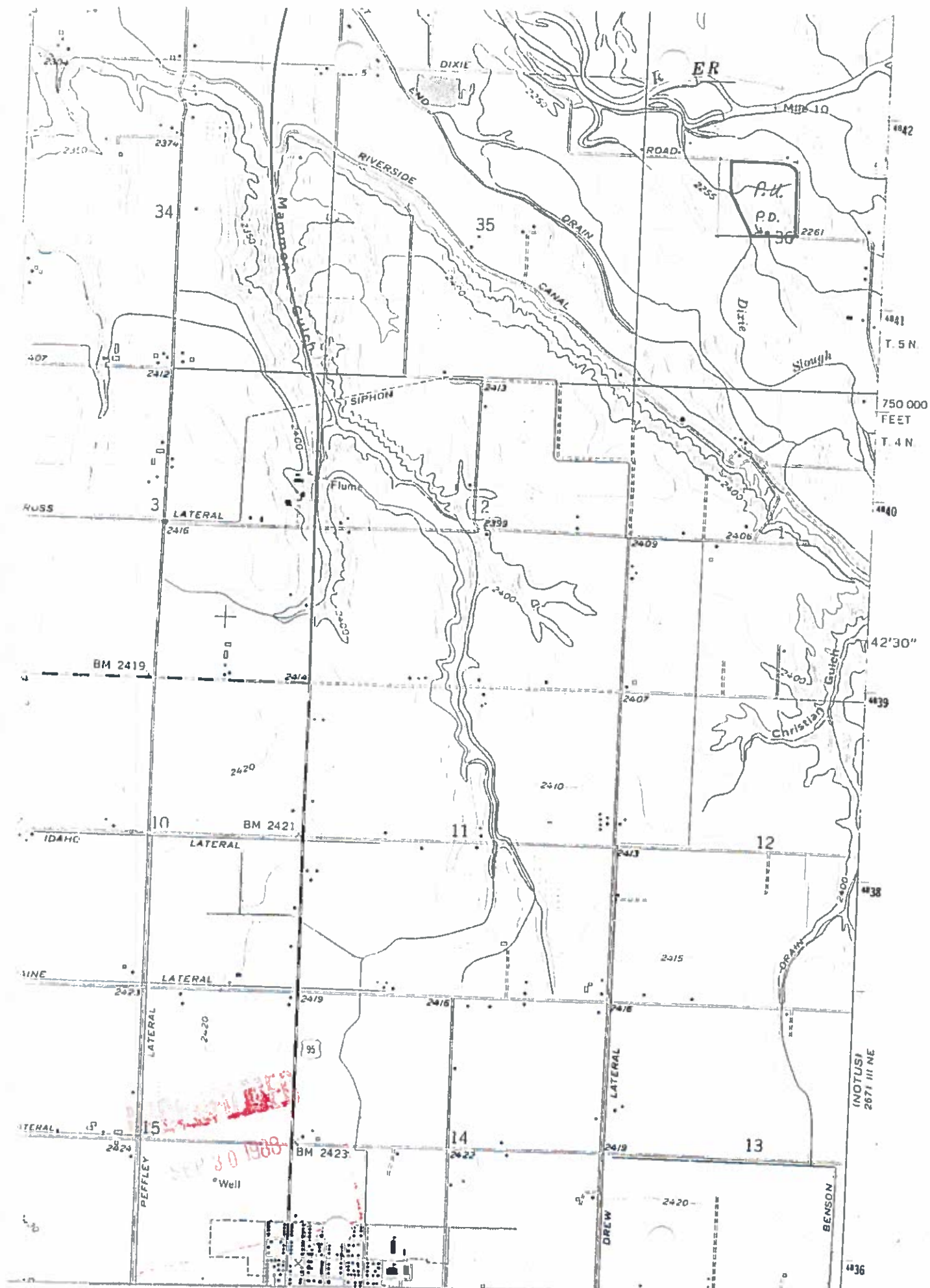


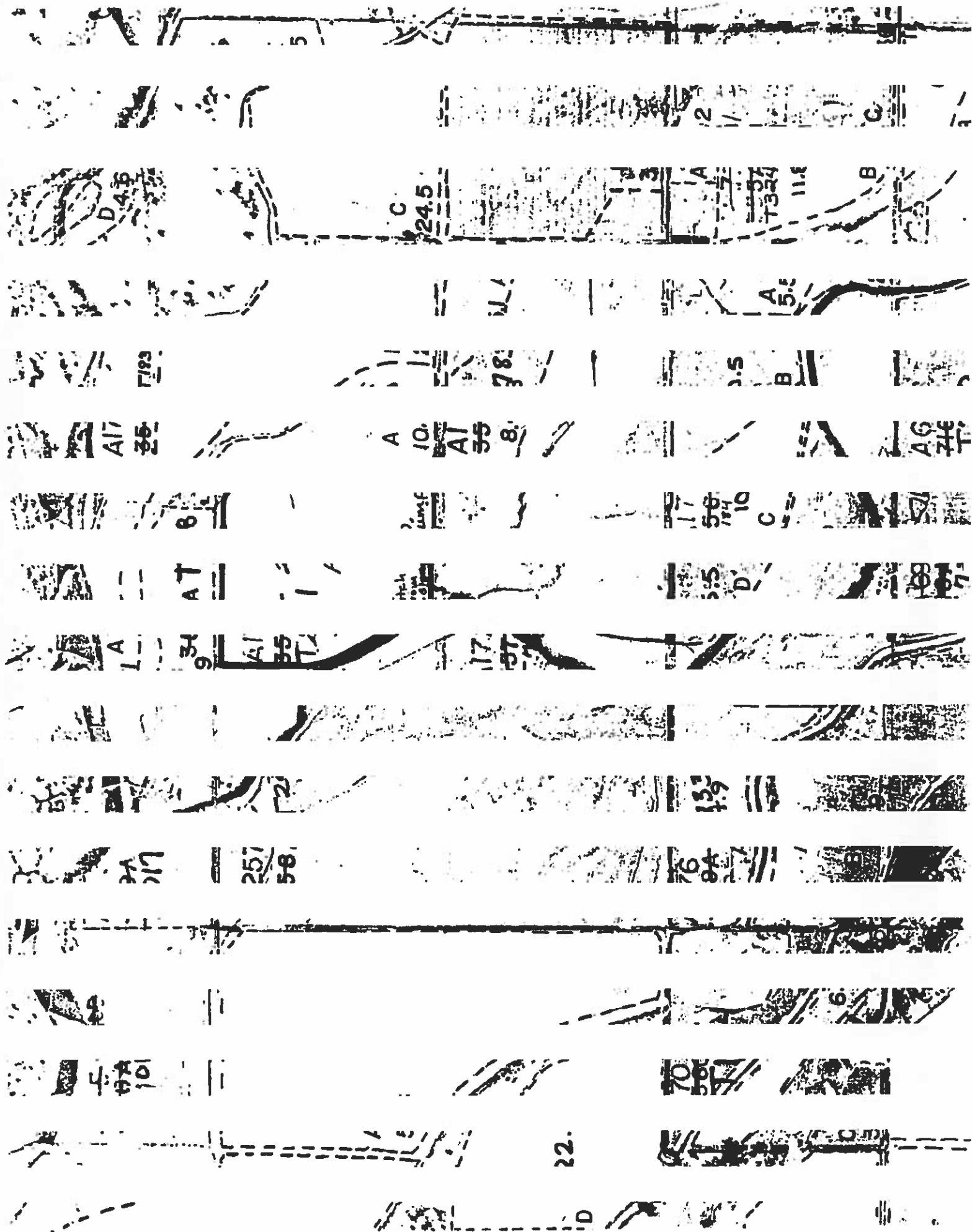
P.D. Looking
South

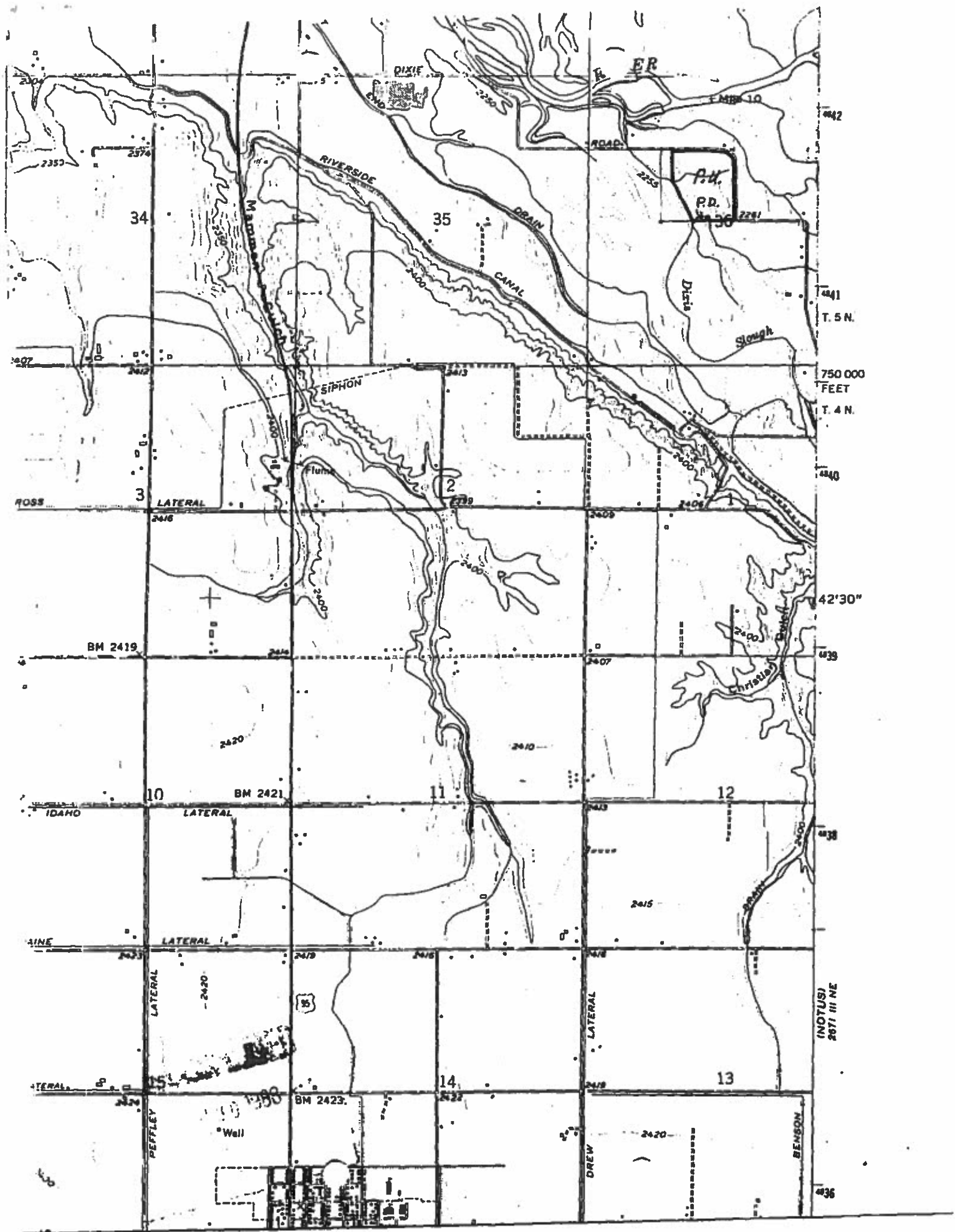


P.U. Looking
Northwest
From south-
east corner
of the SE 1/4
NW 1/4 Sec. 36
Twn 5N Rge 5W

SEP 30 1988







State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Carter Fritschle Date 9-3-87
Owner: Merle H. Culp Permit No. 63-10217

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

The access port was 35" inches down flow
from a 90° elbow, 19" down flow from a
6" to 8" flare and 13" up flow from an approx.
45° elbow.

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 25.5
T = Pipe Thickness in Inches = 0.125
ID = 2 [(0.1592 X CIR) - T] = ... 7.9

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 8"
State ID No. 091414

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.87

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 33.6
Low Reading = 29.8
High - Low = H = ... 3.8

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(7.9)^2 \cdot (\sqrt{3.8}) \cdot (3.87)}{448.8} = 1.05 \text{ cfs}$$

SKETCH (If not shown on Field Report)

MICROFILMED

SEP 30 1988

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 6LS APPLICATION NUMBER: 63-10217

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☐ No Field check required.
☐ Yes ☐ No Critical groundwater area.
☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☐ No In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. 6-13-84 permit 63-9108
it was from Dixie Slough
☒ Yes ☐ No In form for advertising.
Final date for protests: March 2, 1984
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 3/21/84
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 45 / 32565
☒ Publication dates and paper, recorded on application. trans. withdrawn 3/15/84 3/22/84
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 63
3/28/84 Date of priority recommended.
Special conditions of approval or cover letter. J. P. letter

(26)

By: DBS Date: 4/2/84

STATE OFFICE REVIEW:

108, L17 ONE 26 05/63-Boise River

- ☐ See attached sheet for more information.
By: lee Date: 4-4-84

APR 3 1984

RECEIVED

FEB 14 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

A 63-21611)

State of Idaho)
County of CANYON)

EMMETT McCURRY

deposes and says: I, EMMETT McCURRY AND MY
FATHER, RAY McCURREY FARMED AND IRRIGATED
THE PROPERTY NOW OWNED BY MR. DEAN GOODNER
SINCE 1930. THAT PROPERTY HAS BEEN CONTINUOUSLY
IRRIGATED AND PASTURED SINCE THAT TIME.

I AM A NEIGHBOR OF MR. GOODNER AND HAVE
KNOWN EVERY FARMER WHO HAS OWNED THAT
LAND. I WAS BORN ON JUNE 3, 1920. I
HAVE LIVED HERE ALL MY LIFE EXCEPT THE
SHORT TIME I WAS IN THE U.S. MILITARY SERVICE.
MY DAD RAY McCURREY FARMED THE GROUND BY
HIMSELF WHILE I WAS YOUNG I DON'T KNOW HOW
THE GROUND WAS IRRIGATED BEFORE 1930.

Emmett McCurry
(Signature)

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-21611
Evidence of Priority**

February 8, 2006

Dean Goodner called in response to the evidence of priority letter I recently sent. After answering Mr. Goodner's general questions regarding what he needed to supply for evidence, I asked Mr. Goodner if the shapefile I sent needed any corrections. Mr. Goodner said that the depiction of the 5 acres was correct on the 1987 aerial shapefile and that the PODs were also. When I asked him how long he has owned this property, he said since 1997. He also mentioned that he no longer flood irrigates, but pumps out of the slough and sprinkles.

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

REBECCA & L DEAN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

(+) shapefile

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-21611

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 may receive a call from our department in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-21611

NOTE: If you no longer own the property upon which this **claim** was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 6, 1997

Re: Notice of Claim to a Water Right No. A63-10217, A63-21611

L DEAN GOODNER
REBECCA LYNN GOODNER
12555 S CLOVERDALE
KUNA ID 83634

Dear Mr. & Mrs. Goodner:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosure

PIONEER TITLE COMPANY
OF CANYON COUNTY

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

466-6100 342-7799
FAX: 208 465-3248

APRIL 15, 1997

DEPARTMENT OF WATER RESOURCES
ATTN: MEL SCHULTE
2735 AIRPORT WAY
BOISE, ID 83705-5082

RE: SRBA CLAIM A63-10217
SRBA CLAIM A63-21611
CULP/SAYER/GOODNER

Mr. Schulte,

Regarding the above referenced water rights, I am trying to assist Mr. Goodner in having them transferred to his name. Please find attached a copy of the Warranty Deeds from Culp to Sayer and from Sayer to Goodner.

Please give me a call at your earliest convenience to verify that the transfer is being done.

Thank you so much for your assistance in this matter.



Debbie Mulligan
Escrow Officer

cc: Dean Goodner



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 5, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREIER
DIRECTOR

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

DEAN GOODNER
THE PRINCIPAL GROUP
2600 ROSE HILL
BOISE ID 83705

Dear Dean:

As you requested, I searched the water right and Snake River Basin Adjudication (SRBA) data bases to find out what rights and claims are on record for the 40 acres described as 05N, 05W, Sec 36, SENW. I found the following:

1. Water Right License 63-10217 for the irrigation of 28.1 acres from Dixie Slough in the name of Merle H. Culp.
2. SRBA claim A63-10217 in the name of Merle H. Culp for the license described in #1 above
3. SRBA claim A63-21611 in the name of Merle H. Culp for the irrigation of 5 acres from Dixie Slough. The claim is based on the beneficial use of water beginning 3/15/1915. This is not a proven water right at this time. The validity is subject to the review of the Snake River Basin Adjudication process.

None of the above rights or claims were filed under the names of the current owners you provided, Eddie & Evelyn Sayers. If Mr. Culp sold the property to the Sayers they failed to file an ownership change with the Dept. of Water Resources. Enclosed is a copy of a form to use after you close your purchase of the property. Both claim numbers should be included on the form and a copy of the deed conveying to you should be attached.

Enclosed are copies of several documents relating to the license and claims described above. Call me at the number below if you have any questions.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

DICK - I DON'T KNOW
IF YOU NEED SAYERS
OR CULP TO SIGN -
PLEASE CALL DEPT. OF
WATER RESOURCES TO BE
CERTAIN.
Respectfully, [Signature]

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-21611

Date: 3-18-02

	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	5N	5W	36								5									5
GIS											5									5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 5

Overlapping POU Claim #'s:

Total GIS Acres: 5

COMMENTS:

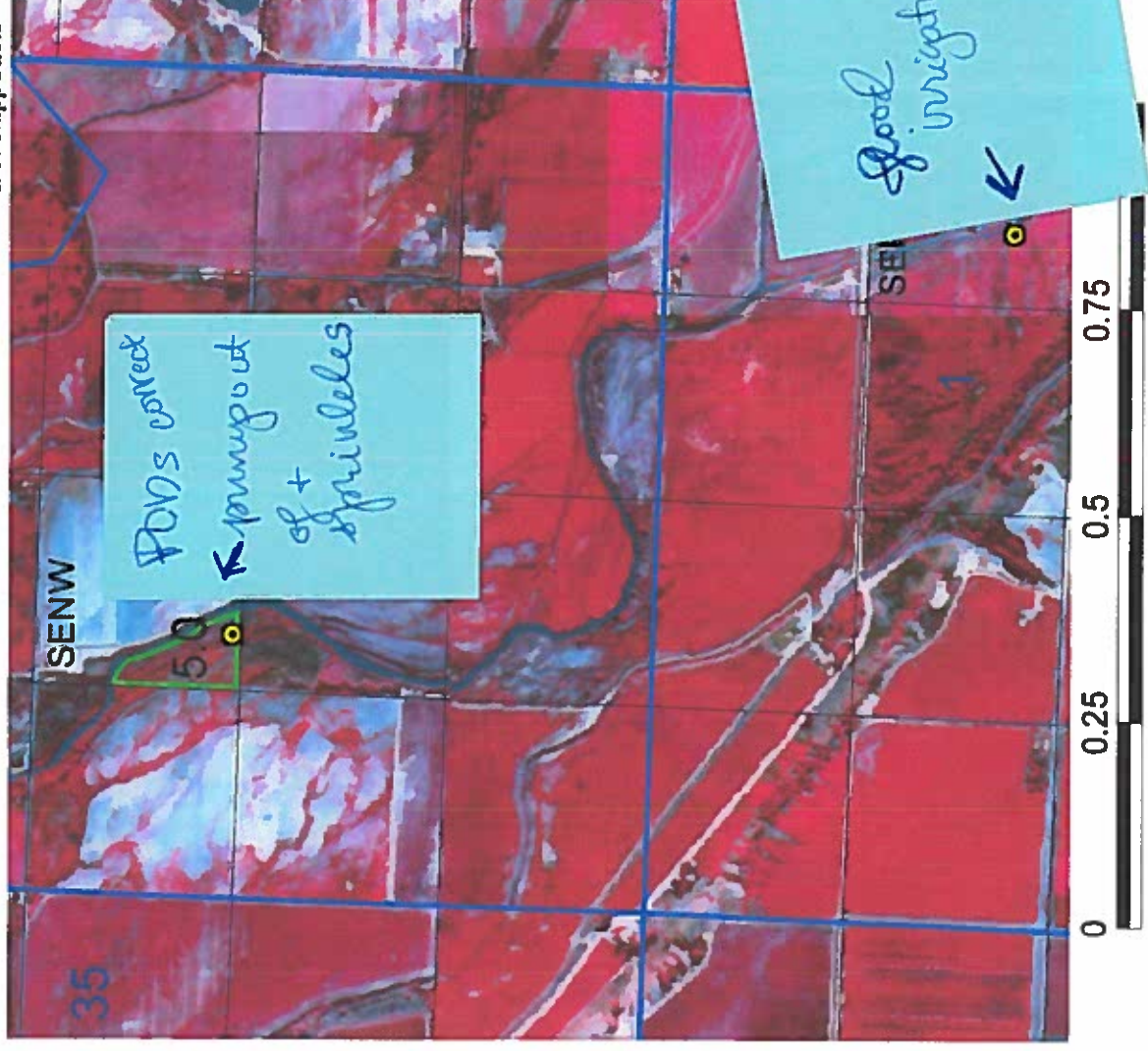
POU - per county data & image interpretation.

POD - estimated 5N5W POD; 4N5W POD per claim map.

Idaho Department of Water Resources

Claim Number: 63-21611
Legal: T05N, R05W, S36
Reviewed By:

1987 Napp Photo



● Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

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: A63-21611
Date Received: 3/19/1990
Receipt No: W011328
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE H. CULP
Address: 31038 SCOTT RD.
PARMA, ID 83660
208-722-6682

2. Date of Priority: MAR 15, 1915

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	05W	1	SE	NE			CANYON
05N	05W	36	SE	NW		R	CANYON

5. Description of diverting works:
DITCHES, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	36	SE	NW		IRR	5.0
Section Acres							5.0

A63-21611

Page 1

Date: 03/19/90

RECORDED
SEP 03 1992

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION 36; T5N, R5W.
THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN
THERE IS A DIVERSION FROM THIS DITCH TO ANOTHER DITCH AND
PROPERTY IS IRRIGATED BY FLOOD.
SEE A63-10217 FOR MAP.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 19 Apr 90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90

Linda Werner
Notary Public

Seal

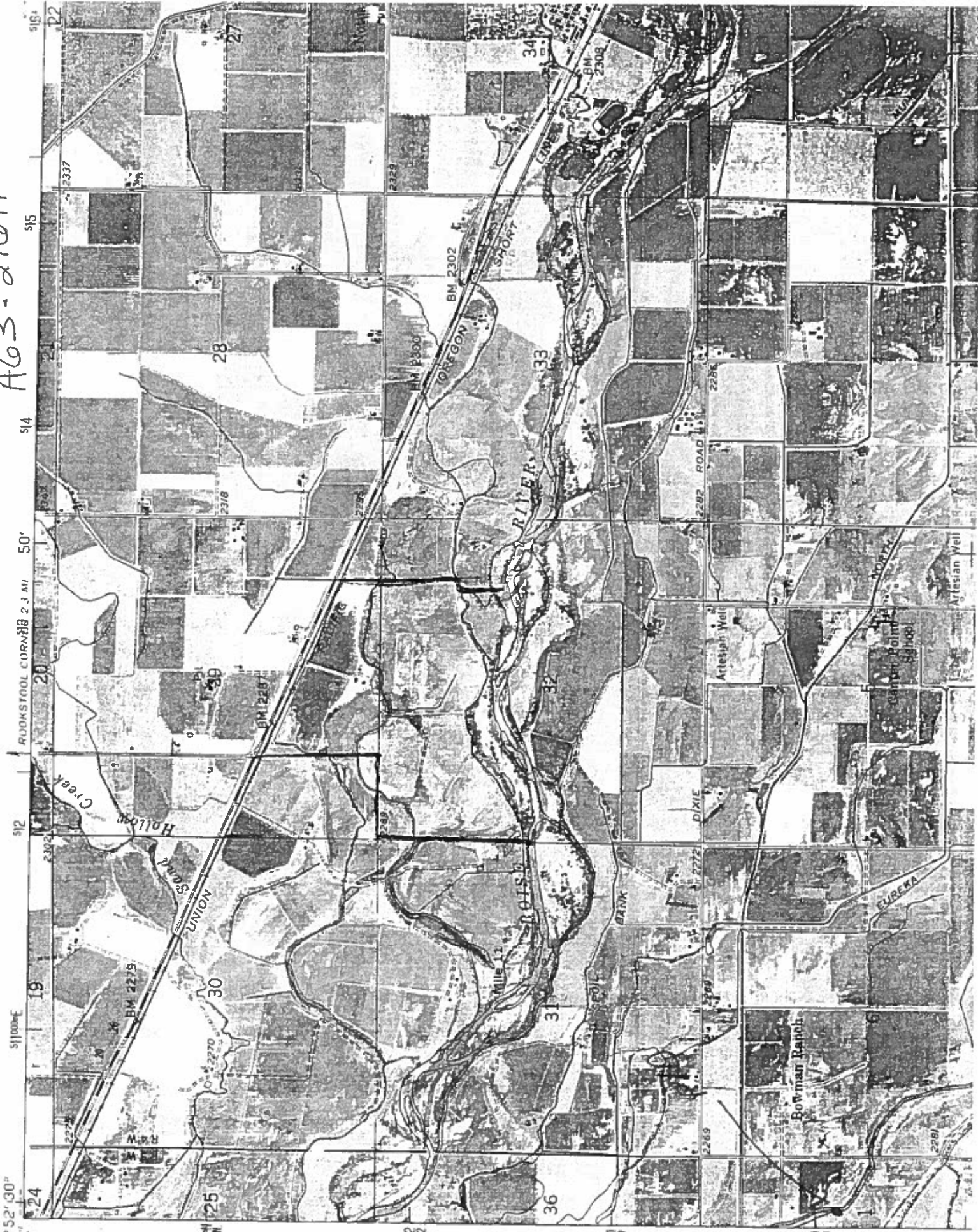
LINDA WERNER
Residing at ~~RESIDING AT EAGLE, IDAHO~~
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires

GEOLOGICAL SURVEY

map 1 in NW, sec. 1, T2N, R3W, S2E

A63-21611

116° 52' 30"
43° 45'



NOT FILMED

SEP 20 1961

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: A63-21611
Date Received: 3/19/1990
Receipt No: W011328
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L DEAN GOODNER 208-362-4247
Address: 12555 S CLOVERDALE
KUNA ID 83634
AND/OR
Name: REBECCA LYNN GOODNER 208-362-4247
Address: 12555 S CLOVERDALE
KUNA ID 83634

2. Date of Priority: MAR 15, 1915

3. Source: DIXIE SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	1	SE	NE			CANYON
05N	05W	36	SE	NW		R	CANYON

5. Description of diverting works:
DITCHES, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05W	36	SE NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

TWO POINT OF REDIVERSION IN SW1/4SW1/4 OF SECTION 36; T5N, R5W.
THE MAIN DIVERSION IS THE DITCH FROM THE DIXIE SLOUGH THEN
THERE IS A DIVERSION FROM THIS DITCH TO ANOTHER DITCH AND
PROPERTY IS IRRIGATED BY FLOOD.
SEE A63-10217 FOR MAP.
OWNERSHIP CHANGED BY LH 6/6/97.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Manufactured by
Alexander Clark Business Forms
10801 Emerald Boise, Idaho (208) 322-0811

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: _____

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

[] New Owner/Claimant
(Purchaser): L. DEAN GOODNER / REBECCA LYNN GOODNER

[] New Mailing Address: 12555 S. CLOVERDALE
KUNA, IDAHO 83634

[] New Telephone Number: (208) 362-4247

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
BOTH (2) WATER RIGHTS ON THE ABOVE
DESCRIBED PROPERTY - 28.1 WATER RIGHT AND
5.0 ACR WATER RIGHT

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof
of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s): [Signature] Date 1-28-97

[] Signature of Former
Owner/Claimant(s): [Signature] Date 1-28-97

(Signature of former claimant(s) is not required if proof of
ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date _____ By: _____

Further Action Needed

Further Action Taken

Date _____ By: _____

Final Review and Data-Entry

P1737080
9611836

WARRANTY DEED

RECEIVED

APR 18 1997

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED EDDY O.E. SAYERS and EVELYN A. SAYERS,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto L. DEAN GOODNER and REBECCA L.
GOODNER, husband and wife

the Grantees, whose address is 12555 S. CLOVERDALE, KUNA, ID 83634

the following described premises, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 5 West, Boise Meridian, Canyon County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from
all lawful claims whatsoever.

DATED: April 16, 1996

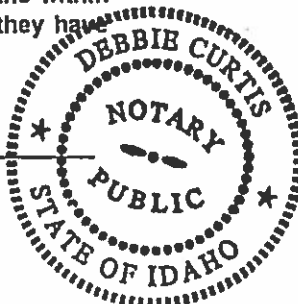
Eddy O.E. Sayers
EDDY O.E. SAYERS

Evelyn A. Sayers
EVELYN A. SAYERS

STATE OF IDAHO
COUNTY OF CANYON

On this 16 day of April, 1996, before me a
notary public, personally appeared EDDY O.E. SAYERS,
EVELYN A. SAYERS, known or identified to me to be the
person(s) who(se) name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they have
executed the same.

Debbie Curtis
Notary Public
Residing at Meridian, Idaho
My commission expires: 9/21/99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

9611836

RECORDED

96 APR 16 PM 4 14

NED J. KERR
CANYON CNTY RECORDER
BY *U. C. [signature]*

PIONEER — NAMPA

RE *Deed* 600
TYPE 600



RECEIVED
APR 18 1997
WATER RESOURCES
WESTERN REGION

RECEIVED

8 1997

RESOURCES
IN REGION

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE

READ & APPROVED BY GRANTEE(S): RES. 4-245SPACED ABOVE THIS LINE FOR RECORDING DATA
Order No.: 94009203-KE

9409203

RECEIVED

MAR 28 PM 2 49

CANYON CH. RECORDER

STEWART TITLE

REQUEST
TYPE Fee FEE 300

WARRANTY DEED

FOR VALUE RECEIVED MERLE H. CULP and BETTY L. CULP, husband and wife

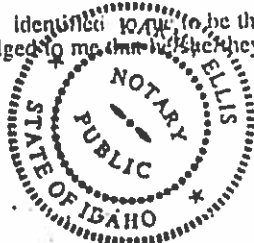
GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto EDDY O. E. SAYERS and EVELYN A. SAYERS, husband and wife

GRANTEE(S), whose current address is: P.O. BOX 797, MIDDLETON, IDAHO 83644
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:The Southeast Quarter of the Northwest Quarter of Section 36,
Township 5 North, Range 3 West of the Boise, Meridian Canyon
County, Idaho.SUBJECT TO that certain Deed of Trust/Mortgage dated March 21,
1989, and recorded March 24, 1989, as Instrument No. 8905201
records of CANYON County, Idaho, in favor of FARM CREDIT BANK OF
SPOKANE in the amount of \$25,000.00, which Deed of
Trust/Mortgage the Grantee(s) herein assume and agree to pay
according to the terms thereof.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: March 25, 1994

MERLE H. CULP

BETTY L. CULP

STATE OF IDAHO
COUNTY OF CANYONOn this 28th day of March, in the year of 1994, before me, the undersigned, a Notary
Public in and for said State, personally appeared MERLE H. CULP and BETTY L. CULPknown or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that they executed the same.Signature: Karma EllisName: KARMA ELLIS

(type or print)

Residing at: MIDDLETONMy Commission Expires: 08/07/98