

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: A63-22193
Date Received: 4/26/1990
Receipt No: C016546
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FRED D & CECELIA HOFELDT TRUST 541-372-2845
Address: KATHRYN C BROOK TRUSTEE
PO BOX 2691
NYSSA OR 97913
AND/OR
Name: FRED D & CECELIA HOFELDT TRUST 541-372-2845
Address: PATRICIA J GALLOWAY TRUSTEE
PO BOX 2691
NYSSA OR 97913
AND/OR
Name: FRED D & CECELIA HOFELDT TRUST 541-372-2845
Address: RONALD L HOFELDT TRUSTEE
PO BOX 2691
NYSSA OR 97913

2. Date of Priority: JAN 1, 1900

3. Source: WASTEWATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	9	SW	SW	SE		CANYON

5. Description of diverting works:
DITCH AND CULVERT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 21.0 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	9	SE SW		IRR	6.0
Section Acres						6.0
Total Acres						6.0

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:
OWNERSHIP CHANGED BY LH 6/30/97.

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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MAY 21 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

WATER RESOURCES
WESTERN REGION

Incomplete forms will be returned.

1. Water Right Number(s) A63-27380 ground water A63-22193 waste
Adjudication Claim Number(s) AS ABOVE

2. The following REQUIRED information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) FRED D. HOFELDT and CECELIA HOFELDT

P.O. BOX 2691, Nyssa, Oregon 97913

4. New Owner/Claimant(s) KATHRYN C. BROOK, PATRICIA J. GALLOWAY and Ronald L. HOFELDT, TRUSTEES, OR their successors in Trust, under the FRED D. and CECELIA HOFELDT TRUST, dated the 1st day of November 1995, and any amendments thereto.

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address P.O. BOX 2691

City, State and ZIP Code Nyssa, Oregon 97913

New Telephone Number (541) 372 - 2845

5. Date you acquired the property November 1995

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) x Kathryn C. Brook Date 3/19/97

x Ronald Hofeldt Date 4-1-97

x Patricia J. Galloway Date 5-19-97

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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WATER RESOURCES
WESTERN REGION

CORRECTED QUIT CLAIM DEED (Residence)

This Corrected Quit Claim Deed is to replace the Quit Claim Deed recorded on November 30, 1995 at Canyon County, Idaho as Instrument Number 9533458.

For no consideration, FRED D. HOFELDT, and CECELIA HOFELDT, a married couple, as Grantors do hereby convey, release, remise and forever quit claim unto

"Kathryn C. Brook, Patricia J. Galloway and Ronald L. Hofeldt Trustees, Co-Trustees, or their successors in Trust, of the FRED D. AND CECILIA HOFELDT TRUST, U/T/A dated the 1st day of November, 1995, and any amendments thereto." as the Grantee

whose current address is P.O. Box 1107, Parma, Idaho 83660, the following described premises, in **CANYON County**, Idaho, to-wit:

Parcel II

Beginning 25 feet due West and 312 feet due south of the Northeast corner of the

Southeast Quarter of the Southwest Quarter Section 9, Township 5 North, Range 5

West of the Boise Meridian; thence due West 417 feet and 2 inches; thence due

South 208 feet and 7 inches; thence due East 417 feet and 2 inches; thence North

208 feet and 7 inches; to point of beginning

Parcel III

Commencing at a point (which commencing point is the true legal corner located in the exact center of the public road which is located on the East side of the S 1/2 of the Southwest Quarter (SW1/4) of Section 9, Township 5 North, Range 5 West of the Boise Meridian) 25 feet due West and 520 feet and 7 inches South of the Northeast corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW1/4) of said Section 9, Township 5 North, Range 5 West of the Boise Meridian, running thence due West 625 feet and 9 inches, thence due South 417 feet, thence due East 625 feet and 9 inches, thence due North 417 feet to the point and place of beginning,

together with their appurtenances.

DATED the 1st day of February, 1996.

Fred D. Hofeldt
FRED D. HOFELDT

Cecelia Hofeldt
CECELIA HOFELDT

STATE OF IDAHO)
County of Canyon : ss.
County of Ada)

On this 1st day of February, 1996 before me personally appeared **FRED D. HOFELDT** and **CECILIA HOFELDT**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.



Robbie V. Hoes
Notary Public in and for Idaho
Residing at Boise, Idaho.
My commission expires 8-9-97

Client No: 95-10-29

96 FEB 7 PM 2 56
RECORDED
CALIFORNIA COUNTY RECORDER
J. J. J. J. J.
REQUEST Deed Fee 600
TYPE Deed Fee 600

9604258

9604259

RECORDED

FEB 7 PM 2 56

FILED
CHIEF OF CLERK
Yulee D. Hufeldt

CORRECTED AFFIDAVIT RE: REVOCABLE TRUST
Under Idaho Code Sections 63-105DD(2)(d) and 63-105DD(5)

STATE OF IDAHO)
 : ss.
County of Ada)

FRED D. HOFELDT and CECELIA HOFELDT, the undersigned, being first
duly sworn, deposes and says:

That this Corrected Affidavit Re: Revocable Trust is to correct the
Affidavit Re: Revocable Trust that was recorded at Canyon County, Idaho
on November 30, 1995 as Instrument Number 9533459.

1. That they, as a married couple, created a revocable trust on the 1st
day of November, 1995, in which both FRED D. HOFELDT and CECELIA
HOFELDT are the Grantors and both FRED D. HOFELDT and CECELIA
HOFELDT are beneficiaries under the terms of this Trust. The name of
the Trust is the FRED D. AND CECILIA HOFELDT Trust.

2. The names of the Grantors of the trust are FRED D. HOFELDT and
CECELIA HOFELDT, who have the mailing address of P.O. Box 1107,
Parma, Idaho 83660.

3. In addition to being Grantors, FRED D. HOFELDT and CECELIA
HOFELDT are the sole beneficiaries under this trust during their
lifetimes.

4. The Trust is revocable during the lives of the Grantors.

5. The Grantors are the owner-occupiers of the real property residence
located in CANYON County, Idaho, with the following legal description:

Parcel II
Beginning 25 feet due West and 312 feet due south of the Northeast
corner of the
Southeast Quarter of the Southwest Quarter Section 9, Township 5
North, Range 5
West of the Boise Meridian; thence due West 417 feet and 2 inches;

REQUEST
TYPE Misc FE 1200
M. Hufeldt

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WATER RESOURCES
WESTERN REGION

thence due
South 208 feet and 7 inches; thence due East 417 feet and 2 inches;
thence North
208 feet and 7 inches; to point of beginning

Parcel III

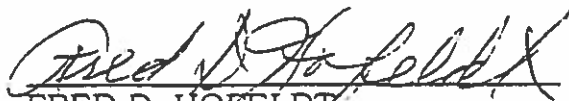
Commencing at a point (which commencing point is the true legal corner located in the exact center of the public road which is located on the East side of the S 1/2 of the Southwest Quarter (SW1/4) of Section 9, Township 5 North, Range 5 West of the Boise Meridian) 25 feet due West and 520 feet and 7 inches South of the Northeast corner of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW1/4) of said Section 9, Township 5 North, Range 5 West of the Boise Meridian, running thence due West 625 feet and 9 inches, thence due South 417 feet, thence due East 625 feet and 9 inches, thence due North 417 feet to the point and place of beginning,

This real property is used by the Grantors as their primary dwelling place as of January 1 of the year set forth on the signature page of this document.

6. Attached to this Affidavit are copies of those portions of the trust which sets forth the Grantors, the Grantors as beneficiaries, the revocable character of the trust and the signature page of the trust.

7. This affidavit is made pursuant to Idaho Code Sections 63-105DD(2)(d) and 63-119(5) in order to provide the proof of FRED D. HOFELDT and CECELIA HOFELDT being the owners of the residential property as required by those Sections to obtain the homeowner's property tax exemption.

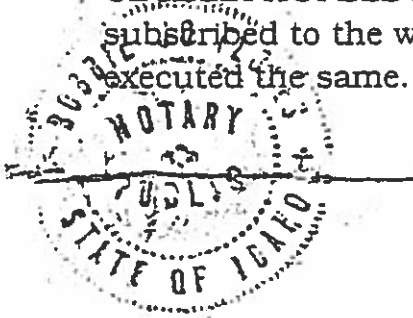
Dated this 1st day of February, 1996 at Boise, Idaho.


FRED D. HOFELDT


CECELIA HOFELDT

STATE OF IDAHO)
 : ss.
County of ~~Ada~~ Canyon)

On this 1st day of February, 1996, before me, a notary public in and for said State, personally appeared FRED D. HOFELDT and CECILIA HOFELDT, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public in and for Idaho;
Residing at Boise, Idaho.
Commission expires: 8-9-97.

Enclosures:
Copies of pages _____ of the FRED D. AND
CECILIA HOFELDT Trust.

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: A63-22193
Date Received: 4/26/1990
Receipt No: CO16546
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED D. HOFELDT 208-722-6842
Address: P.O. BOX 1107
PARMA, ID 83660

AND/OR

Name: CECELIA HOFELDT 208-722-6842
Address: P.O. BOX 1107
PARMA, ID 83660

2. Date of Priority: JAN 01, 1900

3. Source: WASTEWATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	9	SW	SW	SE		CANYON

5. Description of diverting works:
DITCH AND CULVERT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 21.0 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	9	SE	SW		IRR	6.0

A63-22193

Page 1

Date: 04/26/90

MICROFILMED
SEP 08 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

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:

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):

Paul D. Haydel
Robin Haydel

Date: 4-26-90

Date: 4-26-90

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of April 19 90

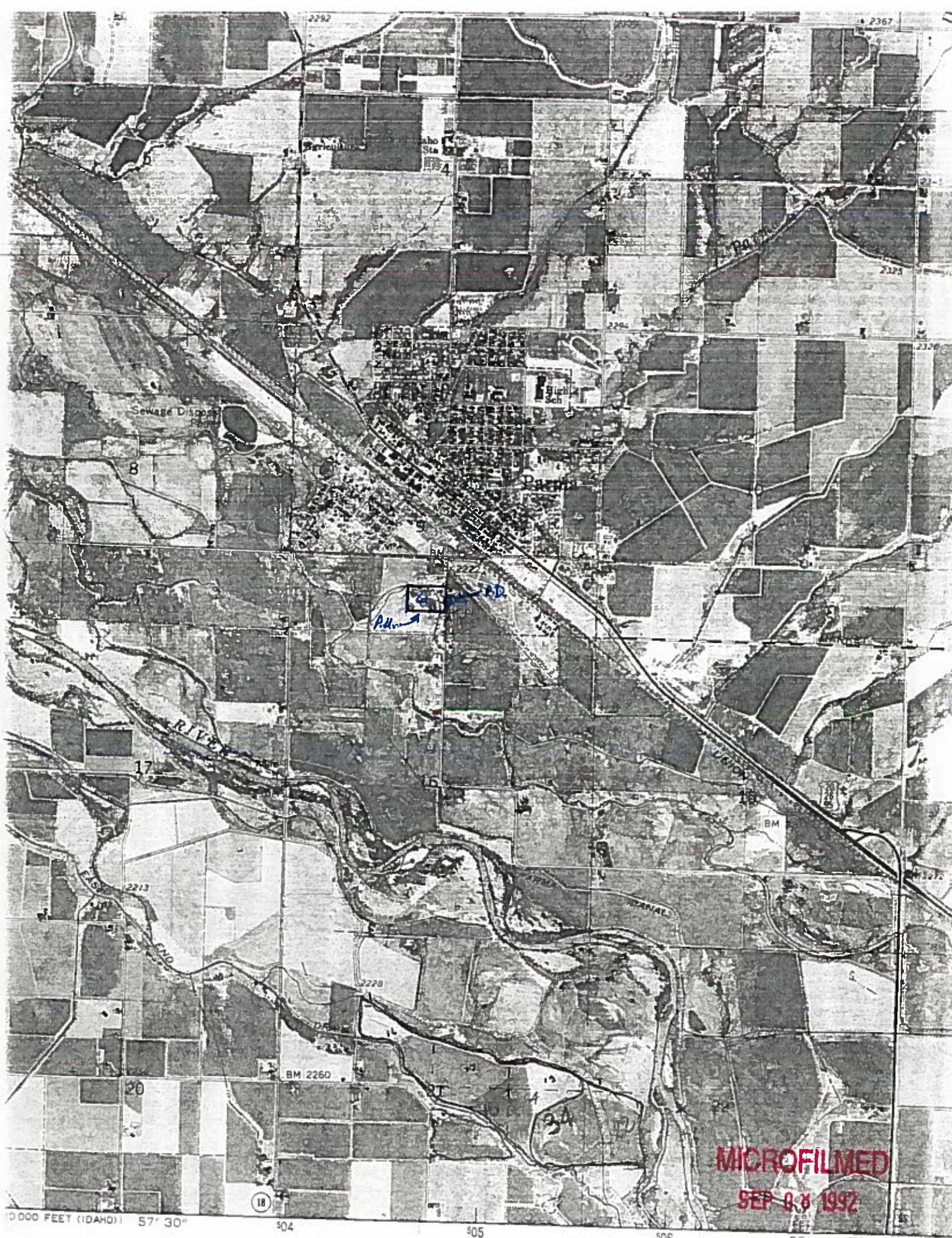
Carter Fritschle
Notary Public

Seal

Residing at _____

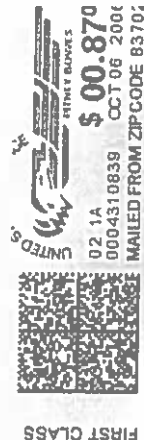
My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



0000 FEET (IDAHO) 57° 30' 504 505 506 507
A63-22193 T 5N R 51.1

REQUESTED



RECEIVED

OCT 11 2006

WATER RESOURCES
WESTERN REGION

- ☐ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Attempted - No Answer
- ☒ No Such Street/Address
- ☐ Vacant
- ☐ No Mail This Address
- ☐ Box Closed - FNU Only
- ☐ Returned - No Delivery
- ☐ Postage Due

~~FRED D & CELIA HOFELD TRUST~~
C/O RONALD J. HOFELD TRUSTEE

530 Emerson Ave
Nyssa OR 97913

63. 22193

Resent 10-12-06

12/10/2006

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

RIGHT NUMBER: 63-22193

NAME AND ADDRESS: FRED D & CECELIA HOFELDT TRUST
C/O KATHRYN C BROOK TRUSTEE
PO BOX 2691
NYSSA OR 97913

FRED D & CECELIA HOFELDT TRUST
C/O PATRICIA J GALLOWAY TRUSTEE
PO BOX 2691
NYSSA OR 97913

FRED D & CECELIA HOFELDT TRUST
C/O RONALD L HOFELDT TRUSTEE
PO BOX 2691
NYSSA OR 97913

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/01/1938

POINT OF
DIVERSION: T05N R05W S9 SWSE 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	0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S09 SESW 4.50

4.5 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

08/28/2006

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

RIGHT NUMBER: 63-22193

NAME AND ADDRESS: FRED D & CECELIA HOFELDT TRUST
C/O KATHRYN C BROOK TRUSTEE
PO BOX 2691
NYSSA OR 97913

FRED D & CECELIA HOFELDT TRUST
C/O PATRICIA J GALLOWAY TRUSTEE
PO BOX 2691
NYSSA OR 97913

FRED D & CECELIA HOFELDT TRUST
C/O RONALD L HOFELDT TRUSTEE
PO BOX 2691
NYSSA OR 97913

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/01/1938

POINT OF DIVERSION:

T05N R05W S9 SWSE 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	0.090 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S09 SESW 4.50

4.5 ACRES TOTAL

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

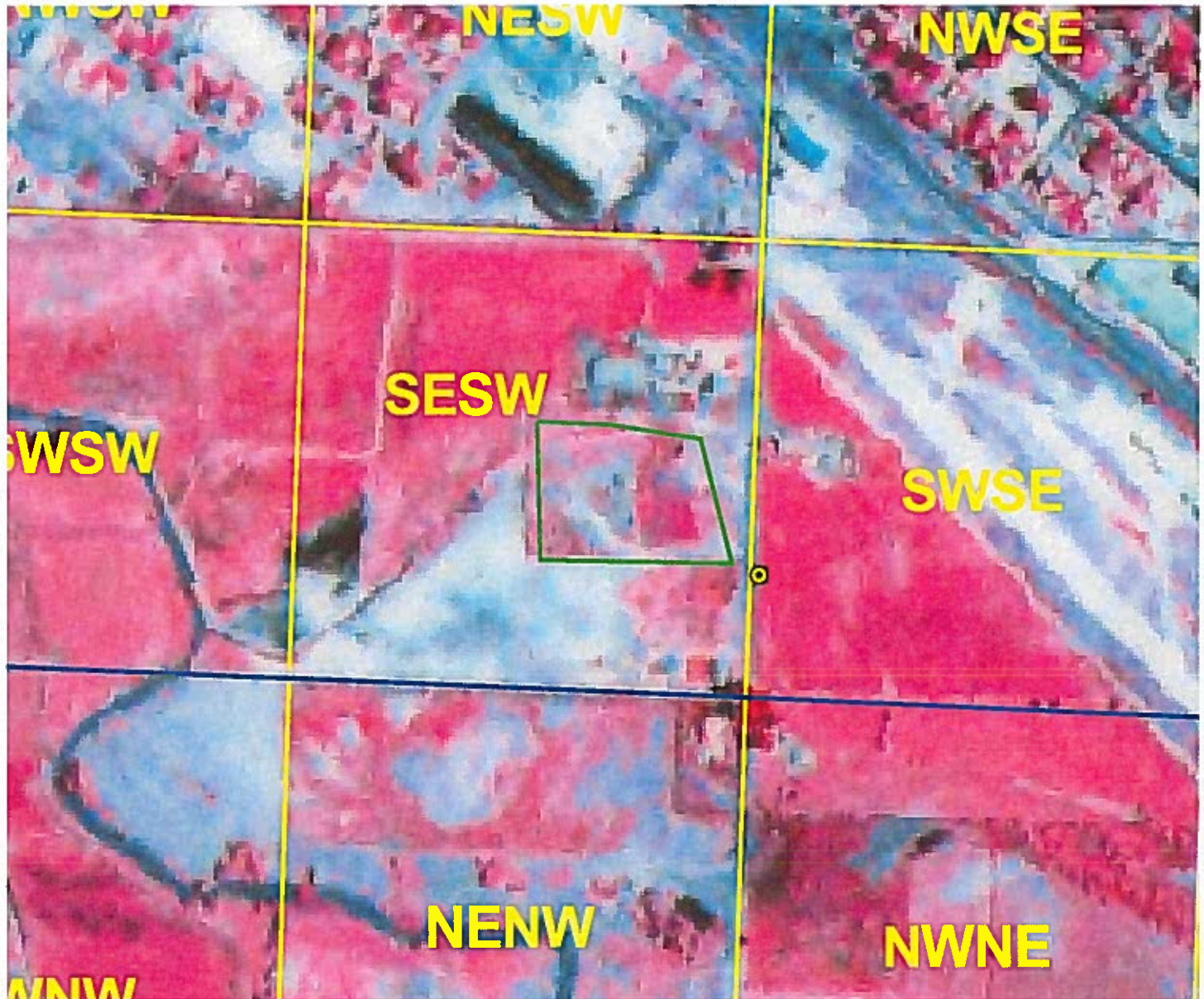
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R5W SECTION 9
Water Right: 63-22193



0 1320 Feet

TOTAL IRRIGATED ACRES = 4.5



- 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 Recommendation Report 63-22193 V1

WATER RIGHT NUMBER: 63-22193 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O KATHRYN C BROOK TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Original Owner	CECELIA HOFELDT PO BOX 1107 PARMA, ID 83660 (208)722-6842
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O PATRICIA J GALLOWAY TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O RONALD L HOFELDT TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Original Owner	FRED D HOFELDT PO BOX 1107 PARMA, ID 83660 (208)722-6842

Priority Date: 03/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SE1/4	Sec. 9,	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	9												4.5					4.5

Total Acres: 4.5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-22193 V1

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.

Remarks:Comments:

1. vmusic 8/28/2006 EVIDENCE OF PRIORITY
Comment: AFFIDAVIT IN STATUTORY CLAIM FILE.

2. vmusic 8/28/2006 SURFACE RTS
Comment: NOT IN AN IRRIGATION DISTRICT OR CANAL CO SERVICE AREA

3. vmusic 8/28/2006 RECOMMENDATION
Comment: RECOMMENDED 4.6 ACRES IRRIGATION. REALLY DOES NOT LOOK LIKE ACTIVE IRRIGATION IN THE 1987 TO THE PRESENT AERIALS. DO NOT KNOW WHERE THE POD IS OR ANYTHING ABOUT THE DELIVERY SYSTEM. CURRENT OWNER DID NOT RESPONSE TO EVIDENCE OF PRIORITY LETTER. UNABLE TO VERIFY ELEMENTS OF CLAIM BUT FALLS BENEATH 5 ACRES WHICH IS A GUIDELINE AS TO WHEN WE HAVE TO DO A FIELD EXAM.

4. vmusic 8/28/2006 OWNERSHIP
Comment: CANYON CO TAXLOT INFORMATION ON ARCVIEW STATES CURRENT OWNER IS KEN MORRIS. LETTER SENT RE EVIDENCE OF PRIORITY AND CHANGE OF OWNERSHIP. NO RESPONSE.

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			04/23/2006	scurtis	Active
Contacts	8/28/2006 2:41:54 PM	vmusic			Active
Priority Date	8/28/2006 2:42:23 PM	vmusic			Active
POD	8/28/2006 2:42:49 PM	vmusic			Active
Source	8/28/2006 2:44:44 PM	vmusic			Active
POU	8/28/2006 2:45:16 PM	vmusic			Active
Use	8/28/2006 2:47:07 PM	vmusic			Active
Season	8/28/2006 2:47:25 PM	vmusic			Active
Quantity	8/28/2006 2:48:13 PM	vmusic			Active
Summary			08/28/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/23/2006 1:46:19 PM	scurtis	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22193 V1

Contacts	8/28/2006 2:41:47 PM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW
General	8/28/2006 2:42:15 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 13. Has additional evidence of priority date been submitted? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	8/28/2006 2:42:41 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	8/28/2006 2:43:46 PM	vmusic	Updated shape
Source	8/28/2006 2:44:36 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - AERIALS ONLY
POU	8/28/2006 2:45:08 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIALS, CANYON CO TAX LOT INFORMATION
POU	8/28/2006 2:46:29 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22193 V1

Use	8/28/2006 2:46:59 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - AERIALS
Season	8/28/2006 2:47:17 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	8/28/2006 2:48:05 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - BELOW THRESHHOLD FOR WHICH MEASUREMENT IS REQUIRED
Summary	8/28/2006 2:49:19 PM	vmusic	(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? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

MEMO

DATE: 5/12/2006

TO: Claim Files

FR: Lori Graves

RE: A63-22193, A63-27742, A63-32068, A63-32069

Statutory claim 63-4025 was originally filed by George Walker on a waste way for irrigation of 63 acres that the claims listed above are appurtenant to. George submitted an affidavit in 1968 supporting a 1938 priority date. That right was claimed in the SRBA by Fred Hines, then split into A63-32068 & A63-32069 due to a change in ownership filed by the Fords. The Fords purchased 39.5 acres of the claim A63-4025 represented by A63-32069. Current owner for that property is 4D Arena LLC. The remaining 10.5 acres was left in Fred Hines name as A63-32068.

Claims A63-22193 and A63-27742 were filed on property within the 10.5 remaining acres. The claimants were probably unaware of the statutory claim at the time of filing and just filed beneficial use claims.

A63-22193 lists wastewater for irrigation of 6 acres filed by the Hofeldts listing a 1900 priority date. Current owner for that property is Karl Morris.

A63-27742 lists a drain ditch for irrigation of 2 acres filed by Cutler and Campbell listing a 1935 priority date. Current owner for that property is Abel Martinez.

The only portion of the remaining 10.5 acres listed on claim A63-32068 not claimed on a separate beneficial use claim is 3 acres located in the very bottom SESESW corner currently owned by Justin Coranado.

Proof of priority letters will be sent to A63-22193 & A63-27742, stating that the department has a affidavit on file supporting a 1938 priority date. They could either try to establish their claimed priorities or go with the 1938 date.



4D Arena
A63-32069

Martinez
63-27742

Morris
A63-22193

4D Arena
A63-32069

Corando
A63-32068 (portion)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2006

KARL MORRIS
28433 SAND RD
PARMA ID 83660

RE: NOTICE OF CLAIM NO: A63-22193

Dear Land Owner:

We are currently preparing the Notice of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claim for your reference. Our research indicates there may have been a change in the ownership for the above claim. Idaho Department of Water Resources (IDWR) records currently show the following name and address as the owner of the claim listed above:

**FRED & CECELIA HOFELDT TRUST
C/O PATRICIA GALLOWAY & RONALD HOFELDT
PO BOX 2691
NYSSA OR 97913**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 12, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRED & CECELIA HOFELDT TRUST
C/O PATRICIA GALLOWAY & RONALD HOFELDT
PO BOX 2691
NYSSA OR 97913

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No: A63-22193

Dear Claimants:

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claim, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claim was filed, that the water right 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 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 if water availability problems arise in the future. **Please note that the department has an affidavit on file for historical irrigation of lands that include your property that supports a 1938 priority date. Upon your notification, we can use this affidavit for your claim, which would then advance your priority date to 1938.**

Page 2

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please include as much detail regarding your diversion system as possible. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

The required evidence supporting the priority date requested and clearly marked aerial photo needs to be submitted by June 2, 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.

Respectfully,



Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-22193
Aerial Photo

Cc: KARL MORRIS
28433 SAND RD
PARMA ID 83660



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 30, 1997

Re: Notices of Claim to a Water Right Nos. A63-22193, A63-27380

FRED D & CECELIA HOFELDT TRUST
PO BOX 2691
NYSSA OR 97913

Dear Claimant(s):

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,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-22193

WATER RIGHT NUMBER: 63-22193

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O KATHRYN C BROOK TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Original Owner	CECELIA HOFELDT PO BOX 1107 PARMA, ID 83660 (208)722-6842
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O PATRICIA J GALLOWAY TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Current Owner	FRED D & CECELIA HOFELDT TRUST C/O RONALD L HOFELDT TRUSTEE PO BOX 2691 NYSSA, OR 97913 (541)372-2845
Original Owner	FRED D HOFELDT PO BOX 1107 PARMA, ID 83660 (208)722-6842

Priority Date: 01/01/1900

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

SNAKE 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	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

WASTE WATER SW1/4SW1/4SE1/4 Sec. 9, Twp 05N, Rge 05W, B.M. CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	05W	9	NE	NW	SW	SE	6.0

Total Acres: 6

Conditions of Approval:

1. OWNERSHIP CHANGED BY LH 6/30/97.

Dates and Other Information:

Claim Received Date: 4/26/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Mitigation Plan: False

Combined Use Limits:

1200 ac. & 400 ac. irrigated. surface rts - not in a service area?

no information about delivery system, etc.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-22193

08/28/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-22159	Claim	05N	05W	9	SW	SE		GROUND WATER	JEANNE M NICHOLS
63-22193	Claim	05N	05W	9	SW	SE		WASTE WATER SNAKE RIVER	FRED D & CECELIA HOFELDT TRUS
63-22159	Water Right	05N	05W	9	SW	SE		GROUND WATER	JEANNE M NICHOLS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-22193

08/28/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
22193	Claim	05N	05W	9	SE	SW		IRRIGATION	6/6	FRED D & CECELIA HOFELDT TRUST
27742	Claim	05N	05W	9	SE	SW		IRRIGATION	2/2	NANCY CUTLER
22068	Claim	05N	05W	9	SE	SW		IRRIGATION	10.5/10.5	FRED HINES
22069	Claim	05N	05W	9	SE	SW		IRRIGATION	24.5/39.5	BRADLEY L FORD
4025	Water Right	05N	05W	9	SE	SW		IRRIGATION		GEORGE L WALKER
27742	Claim	05N	05W	9	SE	SW		STOCKWATER		NANCY CUTLER
27380	Water Right	05N	05W	9	SE	SW		STOCKWATER		FRED D & CECELIA HOFELDT TRUST
9152	Claim	05N	05W	9	SE	SW		MUNICIPAL		CITY OF PARMA
10258	Claim	05N	05W	9	SE	SW		MUNICIPAL		CITY OF PARMA
27380	Water Right	05N	05W	9	SE	SW		DOMESTIC		FRED D & CECELIA HOFELDT TRUST
27743	Water Right	05N	05W	9	SE	SW		DOMESTIC		NAOMI M CAMPBELL

RECEIVED
DEPARTMENT OF RECLAMATION

Identification No.

63-4025P

Claim No.

42687

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant George L. Walker
post office address P/ B/ No. 498 - Parma
2. The point of diversion is in sec 4 $\frac{1}{4}$ of sw $\frac{1}{4}$ Section 9 Township 5 North
Range 5 West B.M. located on Waste Way of the Farmers' Co-Operative Ditch
Company (name of source)
tributary to Boise River in Canyon County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>January 1st, 1938</u>	amount:	<u>one and 3/5</u>	c.f.s. or <u>acre feet</u>
<u>-</u>	amount:	<u>-</u>	c.f.s. or <u>acre feet</u>
<u>-</u>	amount:	<u>-</u>	c.f.s. or <u>acre feet</u>
Total claimed			<u>one and 3/5</u> c.f.s. or <u>acre feet</u>
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
This water has been used on said lands continuously for 30 years for irrigation
use - period of use from - to - (both dates inclusive)
use Irrigation period of use from April 1st to October 15th (both dates inclusive)
during each of the last 30 years
use - period of use from - to - (both dates inclusive)
use - period of use from - to - (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of One electric pumping system and plant in waste way continuously and water pumped from said waste way to by a conveying ditch three feet wide; length is said lands feet; height is - feet; width at bottom is three feet; with at top is four feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known - none
 - b. Underground water diverting works: is well flowing or pumped -; depth of well is - feet; diameter of well is - inches; type of pump is - capacity of pump is - g.p.m.; name and address of well driller is -

63 4025

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions. _____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
No change

No changes

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____
It is for irrigation of arid lands

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. _____
None

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The water for the lands herein described was secured from a nearby waste
way which was about January 1, 1938, when said nearby waste way was diverted into
the waste way herein described, and upon which this filing is made

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

July 3rd, 1968
(Date)

George L. Walker
(Signature of Claimant)

State of Idaho }
County of Canyon } ss.

On this 3rd day of July 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ernest Anderson
Notary Public residing at Parma, Idaho.

My commission expires March 17, 1970.

For Department Use Only

Received by <u>ef</u> Date <u>7-22-68</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>ef</u> Date <u>7-24-68</u>	_____	_____	_____
Fee received by <u>ef</u> Date <u>7-25-68</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>ef</u> Date <u>8-1-68</u>	_____	_____	_____
Published in <u>Carroll</u> Date <u>8-8-68</u>	_____	_____	_____

ERNEST ANDERSON

ATTORNEY AT LAW
PARMA, IDAHO 83660

July 18, 1968.

Department of Reclamation,
Statehouse Annex 2,
State of Idaho,
Boise, Idaho, 83707.

Dear Sirs: Claim to Water Right
George L. Walker-Parma.

I am returning herewith CLAIM TO A WATER RIGHT, of
George L. Walker, of Parma, Idaho, completed as you suggested
in your letter dated July 17th, 1968.

This water was used for irrigation purpose upon the
lands described in the application dated July 5th, 1968. each
year for the last 30 years, continuously, between April 1, and
October 15th, both dates inclusive, during the last thirty years,
aforesaid.

Very truly yours,



Attorney for George L. Walker

RECEIVED

JUL 22 1968
Department of Reclamation

Receipt Details for ID C016546

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/26/1990 2:04:15 PM	4/26/1990	State	\$106.00	Check
Payer		HOFELDT, FRED D/ CECILIA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
399			
Card Expiration Date	Credit Card Transaction #		

Comment LATE FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$56.00	ADJUDICATION FEE	410162	9337	0	0	6490
\$50.00	LATE FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	22193		\$56.00	Claim

Print Report