

11/13/2006

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

RIGHT NUMBER: 1-163D
NAME AND ADDRESS: JOSEPH M OLER
505 SUGAR AVE
SHELLEY ID 83274

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.216 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T02N R37E S12 NWNENW Within BONNEVILLE County

T04N R37E S35 NENENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.216 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T01S R36E S01 Lot 4 NWNW	2.80	T01S R36E S01	SWNW	21.00	
T01S R36E S01	NWSW	15.00	T01S R36E S01	SWSW	0.10
T01S R36E S02 Lot 1 NENE	3.40	T01S R36E S02 Lot 2 NWNE		1.20	
T01S R36E S02	SWNE	25.00	T01S R36E S02	SENE	37.00
T01S R36E S02	NESE	40.00	T01S R36E S02	NWSE	33.00
T01S R36E S02	SWSE	29.00	T01S R36E S02	SESE	31.00

238.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 238.5 acres in a single irrigation season. Combined Right Nos.: 1-162D, 1-163D, 1-164D, 1-165D, 1-10131, 1-10246, and 1-10511.

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 is subject to a certain agreement between the right holder and the Rudy Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Great Western and Porter Canals.



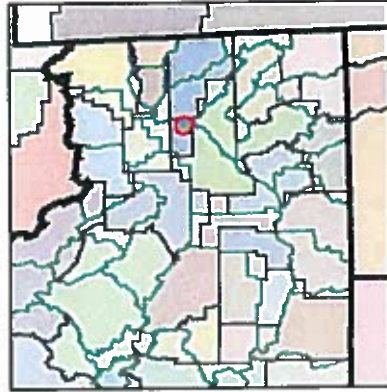
Idaho Department of Water Resources

SRBA Recommendation:

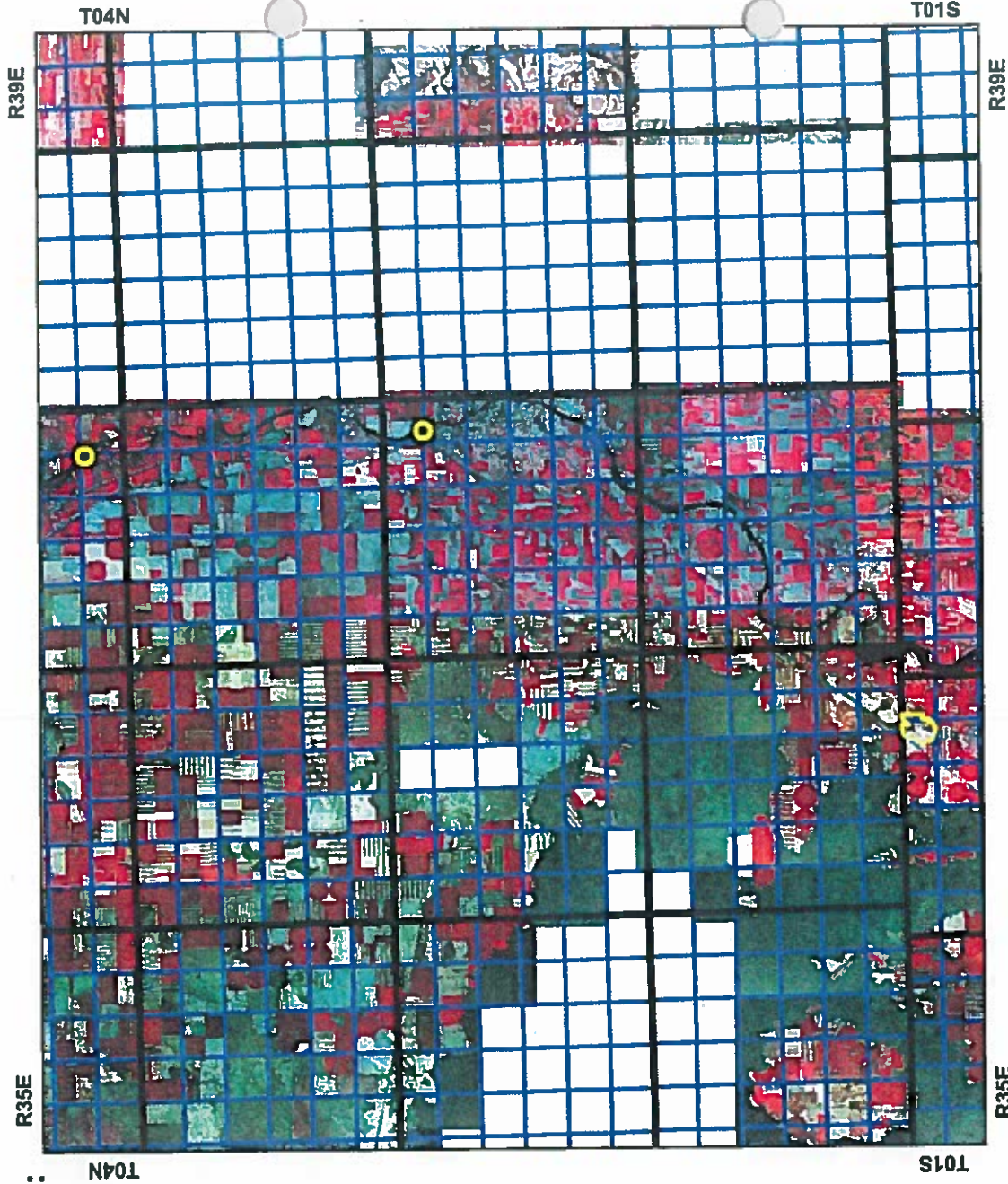
1-162D 1-10131
1-163D 1-10246
1-164D 1-10511
1-165D (Irrigation)

Legend

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

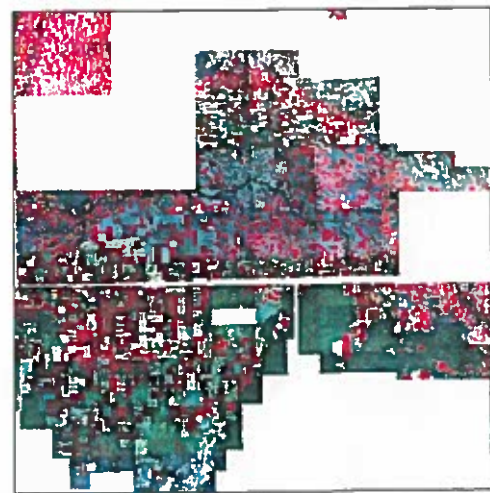


Bonneville, Bingham Counties
IDWR Basin 1



Prepared by K. Moore
On Monday, November 6, 2006
1987/88 Aerial Photography

1-162D
1-163D
1-164D
1-165D
1-10131
1-10246
1-10511



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-163D

WATER RIGHT NUMBER: 1-163D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	N O NYE
	RIGBY, ID 83442
Original Owner	RUDY CANAL & IRRIGATION CO
	RT 4 BOX 109
	RIGBY, ID 83442

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		0.216 CFS	
	<u>Total Diversion:</u>		0.216 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L1 (NE1/4NE1/4)	Sec. 35, Twp 04N, Rge 37E, B.M.
JEFFERSON 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	
01S	36E	1					X	X	X	X	X	X	X						
							L3	L4											
01S	36E	2	X	X	X	X	X			X	X			X	X	X	X		
			L1	L2			L3												

Conditions of Approval:

1. TRANS. 645 RT. IS LESS 5% LOSS TO RIVER.
RT. LIABLE FOR STOCK ASSESSMENTS IN RUDY IRRIGATION CANAL CO.
P/D GREAT WESTERN CANAL.
P/U INCOMPLETE.

Remarks:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

September 21, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOSEPH OLER
505 SUGAR AVE
SHELLEY ID 83274

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 01-162D, 01-163D, 01-164D, 01-165D, 01-10131, 01-10246, 35-4115

Dear Mr. Oler:

It has come to our attention that you may have recently purchased a tract of land in Bingham County. The property to which I am referring was most recently owned by S&S Farms (Dean Searle). The water rights are enclosed.

We recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention, along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

Enclosure(s)

PROFILED

SCANNED

SEP 27 2005

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

OK JC 12-8-05

RECEIVED

DEC 05 2005

Department of Water Resources
Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

<u>Claims</u>			<u>Claims</u>		
<u>Water</u>	<u>Adjudication</u>		<u>Water</u>	<u>Adjudication</u>	
<u>Right No(s).</u>	<u>Claim No(s).</u>	<u>Split</u>	<u>Right No(s).</u>	<u>Claim No(s).</u>	<u>Split</u>
<u>1-10246</u>	_____	___	<u>1-164D</u>	_____	___
<u>1-10131</u>	_____	___	<u>1-165D</u>	_____	___
<u>1-94F</u>	_____	___	<u>35-4115 - split</u>	_____	___
<u>1-162D</u>	_____	___	<u>water right</u>	_____	___
<u>1-163D</u>	_____	___	_____	_____	___

I sent
copy to
KL. 12-5-

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$100-
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) S+S Farms and Donn L Searle
547 E 1256 N, Shelley ID 83274
4. New Owner/Claimant(s) Joseph M Oler
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 505 Sugar Ave.
- City, State and ZIP Code Shelley, ID 83274
- New Telephone Number 208-357-3669
5. Date you acquired the property 9-15-05

SCANNED

DEC 08 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Joseph M. De
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee <u>\$100 -</u>
Receipted by <u>jc</u>	Date <u>12-5-05</u>	Receipt No. <u>E031481</u>
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED
DEC 08 2005

Notes

A01-1620, -1630, -1640, -1650, -94F, -10131, + -10246

1/ On-site place of use verification exam done with Dean Searle on 4-28-04

2/ New owners are S&S Farms. Dean Searle has sold to his son Ron Searle & nephew, Allan Searle. Change of ownership form & instructions given to Ron Searle.
(Cell phone 313-5838) (Home 357-5813)

3/ Point of Division is Great Western Canal - New Sweden Irrig. District & then to relief pump on place of use.

4/ Map in File A01-001650

SCANNED

NOV 19 2004

PROFILED

NOVEMBER 12, 1992

DEAN SEARLE
547 E 1250 N
SHELLEY ID 83274

RE: NOTICE OF CLAIMS

Dear Mr. Searle:

The Department has changed the identification number of Notice of Claims #A35-11328 and A35-12173. The new numbers are #A01-10246 and A01-00093G. We have also modified the receipt #E009317 to reflect the new numbers.

It has also come to our attention that a signed and notarized copy of your Notices are not in our files. Although the Notice of Claims to your water rights have been data entered in our computer system, it is necessary that we have a signed and notarized copy. Please sign the enclosed copies in the presence of a Notary Public and return them to our office.

Regarding Notice of Claim A35-04115 (Claim for well in Sec 2 T1S R36E). It appears from my review of the Claim that a portion of the place of use that is irrigated has not been included on the Notice of Claim. I have enclosed an aerial photo of the farm showing in "orange" the lands that have been included as the place of use and in "yellow" the lands that appear to be irrigated from the well, but have not been claimed. I would suggest you contact me to discuss what can be done to correct your claim if need be.

We would appreciate a response from you by November 23, 1992, so that we can complete our review of these claims. Your prompt attention is appreciated.

Respectfully Submitted,

Eric Verner
Senior Water Agent

EV:sc

MICROFILMED

APR 08 1994

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-163D

WATER RIGHT NUMBER: 1-163D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	S & S FARMS 547 E 1250 N SHELLEY, ID 83274 (208)357-3050
Current Owner	JOSEPH M OLER 505 SUGAR AVE SHELLEY, ID 83274 (208) 357-3669
Original Owner	DEAN L SEARLE 547 E 1250 N SHELLEY, ID 83274 (208)357-3050

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.216 CFS ✓	
<u>Total Diversion:</u>		0.216 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NE1/4NE1/4NE1/4	Sec. 35, Twp 04N, Rge 37E, B.M.
BONNEVILLE County		
SNAKE RIVER	NE1/4SE1/4SE1/4	Sec. 2, Twp 01S, Rge 36E, B.M.
BINGHAM County	(Rediversion)	

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	
01S	36E	1					2.5	19.0			17.0	2.0							40.5
							L 4												
01S	36E	2	5.0	2.5	17.0	37.0									40.0	32.0	32.0	33.0	198.5
			L 1	L 2															

Total Acres: 239

Conditions of Approval:

SCANNED

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: A01-00163D

Date Received: 6/28/1989

Receipt No: E009317

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DEAN SEARLE 208-357-3050
Address: 547 E. 1250 N.
SHELLEY ID 83274
OR
Name: S & S FARMS 208-357-3050
Address: 547 E. 1250 N.
SHELLEY ID 83274

2. Date of Priority: JUN 1, 1889

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
04N	37E	35	NE	NE	NE		BONNEVILLE
01S	36E	2	NE	SE	SE	R	BINGHAM

5. Description of diverting works:
GREAT WESTERN CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.216		

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

8. Total consumptive use is 497.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

APR 08 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	36E	1	NW		NW	4	IRR	2.5
			SW		NW		IRR	19.0
			NW		SW		IRR	17.0
			SW		SW		IRR	2.0
							Section Acres	40.5
		2	NE		NE	1	IRR	5.0
			NW		NE	2	IRR	2.5
			SW		NE		IRR	17.0
			SE		NE		IRR	37.0
			NE		SE		IRR	40.0
			NW		SE		IRR	32.0
			SW		SE		IRR	32.0
			SE		SE		IRR	33.0
							Section Acres	198.5
							Total Acres	239.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

A3511328,A3512173,010115T,010094F,010162D,010164D,010165D

14. Remarks:

TRANS. 645

15. Basis of Claim: DECREED

Water Right Number: 010163

Case Number:

Court : SIXTH

Decree date: 12/16/1910

REXBURG IRRIGATION CO.

Decree Plaintiff

TETON IRRIGATION CANAL CO. ET

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
S & S Farms Title
Organization, that I have signed the foregoing
document in the space below as Partner of
S & S Farms Title
Organization and that the statements contained in the
foregoing document are true and correct.

Ron Seale
Signature of Authorized Agent
Partner S & S Farms
Title and Organization
12/3/92
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of Dec 19 92

Betty J. Thompson
Notary Public

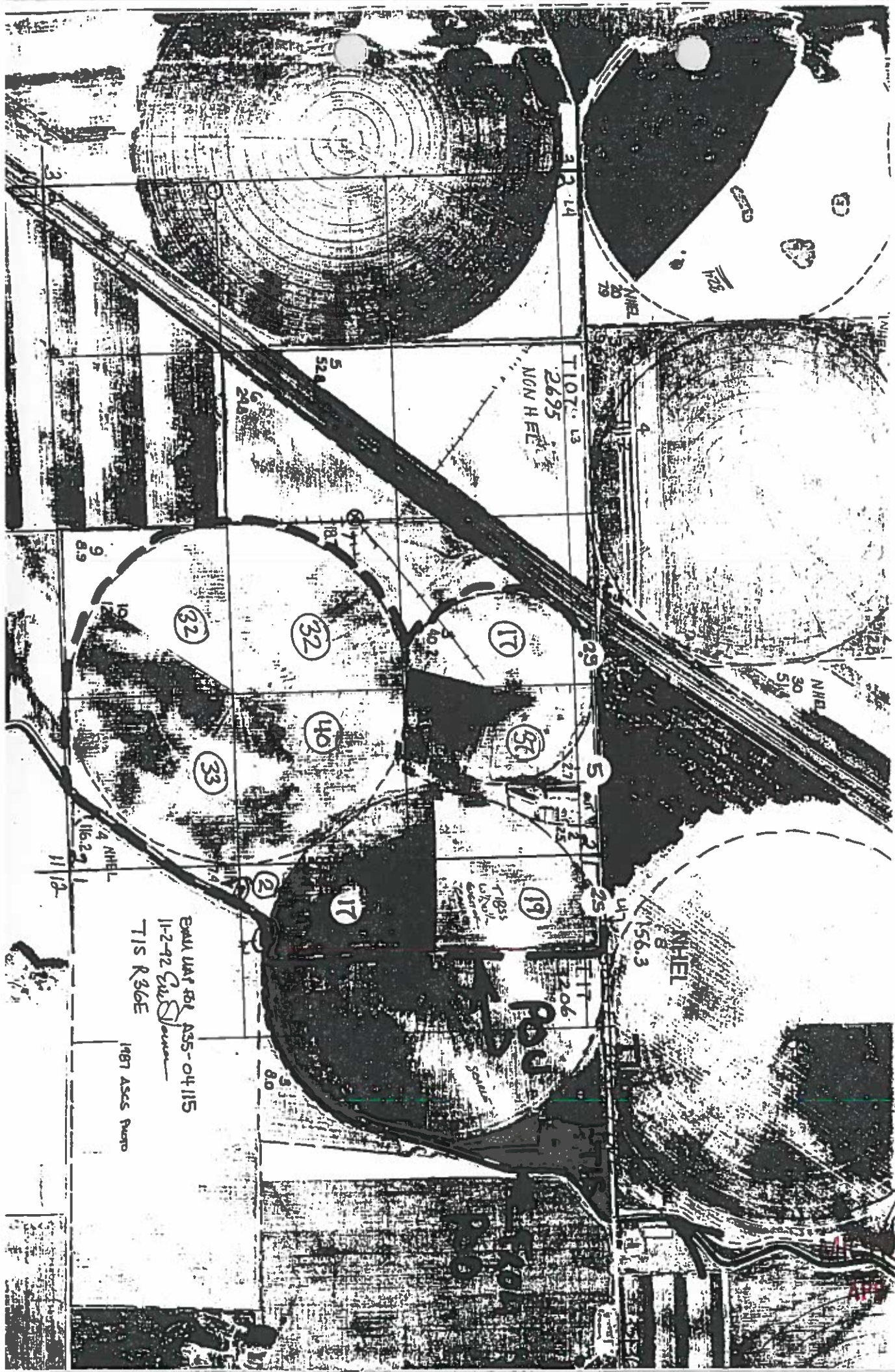
Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

AD-000739, 000747, 001024, 001025, 001640, 001650, 10246

POOF ORIGINAL

FILED
APR 08 1994



DATA WAF 801 435-04 115
11-2-92 C. W. Slawson
TIS R36E

50 ⁰⁰

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: A01-00163D
Date Received: 6/23/1989
Receipt No: E009317
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	DEAN SEARLE	208-357-3050
Address:	547 E. 1250 N.	
	SHELLEY, ID	83274
OR		
Name:	S & S FARMS	208-357-3050
Address:	547 E. 1250 N.	
	SHELLEY, ID	83274

A0100163D



2. Date of Priority: JUN 01, 1889

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	37E	35	NE	NE	NE		BONNEVILLE
01S	36E	2	NE	SE	SE	R	BINGHAM

5. Description of diverting works:
GREAT WESTERN CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.216		

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

8. Total consumptive use is 497.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A01-00163D

Page 1

Date: 06/23/89

MICROFILMED
OCT 19 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	36E	1	NW		NW		IRR	3.0
			SW		NW		IRR	25.0
			NW		SW		IRR	22.0
			SW		SW		IRR	2.0
Section Acres								52.0
		2	NE		NE		IRR	5.0
			NW		NE		IRR	4.0
			SW		NE		IRR	30.0
			NE		NW		IRR	5.0
			SE		NW		IRR	33.0
			NE		SW		IRR	30.0
			NE		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								187.0
Total Acres								239.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A3511328, A3512173, 010115T, 010094F, 010162D, 010164D, 010165D

14. Remarks:
TRANS. 645

15. Basis of Claim: DECREED
Water Right Number: 010163
Case Number:
Court : SIXTH
Decree date: 12/16/1910

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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): Dean Seale Date: 6-28-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of June 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

Y 91

35-
Claim 4115

Searle Dean
547 E 1250 N

Shelley Id, 83274 357-3050
or

S's farms

100 100	30
20 100	25.0
100 50	22.0
50 50	2.0
2 100 100	60
100 100	40
50 100	30.0
50 50	40.0
100 100	5.0
50 100	35.0

Total
239.0
ACRES

100 100 20.0
100 50 10.0

579
MICROFILMED
OCT 19 1992

R36E R37

