

05/08/2006

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

RIGHT NUMBER: 22-7280A
NAME AND ADDRESS: CATHERINE H ROWAN
843 THREE FOUNTAINS DR #258
SALT LAKE CITY UT 84107
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 4.770 CFS
The annual volume allowed to be diverted under this right shall not exceed 727 af per year for the primary service lands and 559 af per year when combined with right no. 22-02223 for the supplemental service lands.

PRIORITY DATE: 06/27/1978
POINT OF DIVERSION:
T05N R40E S11 SESWSW Within MADISON County
Right 22-7280B is also diverted through the point of diversion described above.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	4.770 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S02	SWSW	25.50	T05N R40E S02	SESW	17.00
T05N R40E S03	SESE	17.00	T05N R40E S10	NENE	26.00
T05N R40E S10	SESE	17.50	T05N R40E S11	NENW	34.00
T05N R40E S11	NWNW	40.00	T05N R40E S11	SWSW	29.00
T05N R40E S11	SESW	26.00	T05N R40E S14	NWNW	23.00
T05N R40E S14	SWNW	23.00	T05N R40E S14	NWSW	13.00
T05N R40E S15	NENE	24.00	T05N R40E S15	SENE	24.00
T05N R40E S15	NESE	24.00	T05N R40E S15	SESE	4.00

367 ACRES TOTAL

The Place of Use described above consists of Primary Service Land and Supplemental Service Land.
Primary Service Lands:
T05N, R40E:
Sec 10, SESE 17.5 ac;
Sec 11, SWSW 29.0 ac, SESW 26.0 ac;
Sec 14, NWNW 23.0 ac, SWNW 23.0 ac, NWSW 13.0 ac;
Sec 15, NENE 24.0 ac, SENE 24.0 ac, NESE 24.0 ac, SESE 4 ac.
Supplemental Service Lands:
T05N, R40E:
Sec 02, SWSW 25.5 ac, SESW 17.0 ac;
Sec 03, SESE 17.0 ac;
Sec 10, NENE 26.0 ac;
Sec 11, NENW 34.0 ac, NWNW 40.0 ac.

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.

05/08/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

RIGHTS FROM:SOURCE: GROUNDWATER

RIGHT NUMBER:22-07280A

NAME AND ADDRESS:CATHERINE ROWAN
843 THREE FOUNTAINS DR
SALT LAKE CITY UT 84107

SOURCE:GROUNDWATER

QUANTITY:4.77 CFS
THE ANNUAL VOLUME ALLOWED TO BE DIVERTED UNDER THIS RIGHT
SHALL NOT EXCEED 727 AF PER YEAR FOR THE PRIMARY SERVICE LANDS
AND 559 AF PER YEAR WHEN COMBINED WITH RIGHT NO. 22-02223 FOR THE
SUPPLEMENTAL SERVICE LANDS.

PRIORITY DATE:06/27/1978

POINT OF DIVERSION:T05N R40E S11 SWSW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	4.77 CFS

PLACE OF USE:

IRRIGATION	Within MADISON County
T05N R40E S02	SWSW 25.5 SESW 17
S03	SESE 17
S10	NENE 26 SESE 17.5
S11	NENW 34 NWNW 40 SWSW 29 SESE 26
S14	NWNW 23 SWNW 23 NWSW 13
S15	NENE 24 SENE 24 NESE 24 SESE 4
367 ACRES TOTAL	
THE PLACE OF USE DESCRIBED ABOVE CONSISTS OF PRIMARY SERVICE LAND AND SUPPLEMENTAL SERVICE LAND.	
PRIMARY SERVICE LANDS:	
T05N, R40E, S10	SESE 17.5
S11	SWSW 29 SESW 26
S14	NWNW 23 SWNW 23 NWSW 13
S15	NENE 24 SENE 24 NESE 24
	SESE 4
SUPPLEMENTAL SERVICE LANDS:	
T05N, R40E, S02	SESE 17 SWSW 25.5
S03	SESE 17
S10	NENE 26
S11	NENW 34 NWNW 40

Amended Director's Report - 22-07280A

22-07280A (CONT.)

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT
HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER
INTO AN AGREEMENT WITH THE DEPARTMENT TO ESTIMATE THE AMOUNT OF
WATER DIVERTED USING POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT.

AMENDED DIRECTOR'S REPORT

**Subcase No. 22-07280A
(Companion Case No. 94-00012)**

**In Re SRBA
Twin Falls County Civil Case No. 39576**

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief**

March 10, 1999

AMENDED DIRECTOR'S REPORT

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order on Jurisdiction and Standard of Review, and Setting Additional Deadlines* issued by Special Master Bilyeu on February 23, 1999, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 10th day of March, 1999.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 3-11, 1999, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

Gregory W. Moeller
P.O. Box 250
Rexburg, ID 83440-0250
Atty for Catherine Rowan

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Steven R. Parrry
P.O. Box 51630
Idaho Falls, ID 83405-1630
Atty for Norman & Robin Riley

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Madison County Courthouse
159 E. Main
Rexburg, ID 83440

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Becky Hawley
Signature of person delivering form



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 13, 2007

CATHERINE ROWAN
PO BOX 566
DRAPER UT 84020-0566

RE: CHANGE OF ADDRESS FOR 22-7280A

Dear Ms. Rowan:

Please fill out the enclosed change of address form and mail back to me. We need signed permission to update your address in our database.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

U.S. POSTAL SERVICE
PS FORM 3547

to sender

fee due 75 ¢

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
880 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

ROWA843 841071007 1906 07 01/09/07
FORM 3547

ROWAN, CATHERINE H
PO BOX 566
DRAPER UT 84020-0566



CATHERINE H ROWAN
843 THREE FOUNTAINS DR #258
SALT LAKE CITY UT 84107

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

22-7280A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 05 2006

Department of Water Resources
Eastern Region

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 22-7280A

Adjudication Claim No(s).: _____

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

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

CELTIC BANK CORP

340 E 400 S

SALT LAKE CITY UT 84111

*updated
JC
10-5-06*

4. Name of Water Right Owner/Claimant(s)

CATHERINE ROWAN

5. Expiration Date of Notification Period 11.15.2009

6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO

7. Signature(s) (and title if applicable) *[Signature]*

V.P. Commercial loans.

For Office Use Only

Received by _____	Date _____	Fee <u>\$25-</u>
Receipted by <u>JC</u>	Date <u>10-5-06</u>	Receipt No. <u>803 2288</u>
Processed by _____	Date _____	WR _____ Date _____

RECORDATION REQUESTED BY:

Celtic Bank Corporation
340 East 400 South
Salt Lake City, UT 84111

WHEN RECORDED MAIL TO:

Celtic Bank Corporation
340 East 400 South
Salt Lake City, UT 84111

SEND TAX NOTICES TO:

Catherine H. Rowan
843 Three Fountains Drive #258
Salt Lake City, UT 84107

Instrument # 330997

REXBURG, MADISON, IDAHO
2006-09-08 04:30:00 No. of Pages: 8
Recorded for: FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN Fee: 24.00
Ex-Officio Recorder Deputy

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MORTGAGE

THIS MORTGAGE dated September 1, 2006, is made and executed between Catherine H. Rowan, an unmarried woman (referred to below as "Grantor") and Celtic Bank Corporation, whose address is 340 East 400 South, Salt Lake City, UT 84111 (referred to below as "Lender").

GRANT OF MORTGAGE. For valuable consideration, Grantor mortgages, grants, bargains, sells and conveys to Lender all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Madison County, State of Idaho:

Parcel 1:
Beginning at a point that is S. 30°38'00"E. 2777.42 feet (along the Westerly boundary of the property as described and recorded in Book 155 of Deeds, page 133 in Madison County, Idaho) and S. 33°57'00" E. 51.14 feet from the NW corner of Section 14, Township 5 North, Range 40 E.B.M., Madison County, Idaho, (the location of said NW Corner, as shown on the corner perpetuation form, recorded in April of 1981) said Point of Beginning being on the Southeasterly right of way line of the Union Pacific Railroad, (said right of way line being 50 feet perpendicular from the center line), and running thence S. 43°57'00" W. 2749.28 feet along said right of way line; thence S. 46°03'00" E. 2137.85 feet; thence N. 81°25'01" E. 2426.31 feet to the Easterly line of the property as described and recorded in Book 193 of Deeds, page 3 in Madison County, Idaho; thence N. 33°57'00" W. 3598.86 feet along said Easterly line to the point of beginning.

Parcel 2:
A tract of land situated in Sections 10, 11, 14, and 15, Township 5 North, Range 40 .B.M., Madison County, Idaho, described as follows: Beginning at a point that is N. 89°49' W. 787.3 feet along the Section line, and S. 01°01'22" E. 7281.10 feet (shown of record as S. 01°01'14" E. 7281.24 feet), from the NE corner of Section 3, of said Township and Range, and running thence S. 0°01'14" E. 6672.16 feet to the Northerly right of way line of the Union Pacific Railroad; thence N. 43°57' E. 2290.55 feet along said right of way line; thence North 2960.65 feet to a point that is S. 30°38' E. 19.4 feet and East 769.5 feet from the Northwest corner of said Section 14; thence East 1649.5 feet to the Southwest corner of the property described in Instrument No. 224270, as recorded in Madison County, Idaho; thence along the boundaries of said property the following three (3) courses: (1) N. 22°20' E. 420 feet; thence (2) N. 9°10' W. 120 feet; thence (3) N. 24°02'47" E. 244.2 feet to the North corner of said property; thence North 291.6 feet; thence N. 19° 05' W. 200 feet; thence N. 23°56' W. 200.6 feet; thence N. 26°14' W. 130.8 feet; thence N. 17°20' W. 370.3 feet; thence N. 2°57' 195.2 feet; thence N. 89°57' W. 3156.6 feet to the Point of Beginning.

WATER RIGHT NO. 22-7280A and WATER RIGHT NO. 22-7792

The Real Property or its address is commonly known as Rexburg, ID 83440. The Real Property tax identification number is RP05N40E144706A; RP05N40E107213A; RP05N40E112420A; RP05N40E143027A; RP05N40E150001A.

Grantor presently assigns to Lender all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS MORTGAGE, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS MORTGAGE. THIS MORTGAGE IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Mortgage, Grantor shall pay to Lender all amounts secured by this Mortgage as they become due and shall strictly perform all of Grantor's obligations under this Mortgage.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and

November 3, 2006

CATHERINE H ROWAN
13954 HAWBERRY RD
DRAPER UT 84020-7547

RE: CHANGE OF ADDRESS FOR 22-7280A

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

CATHERINE H ROWAN
843 THREE FOUNTAINS DR #258
SALT LAKE CITY UT 84107

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

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

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 6, 2007

CATHERINE H ROWAN
PO BOX 566
DRAPER UT 84020

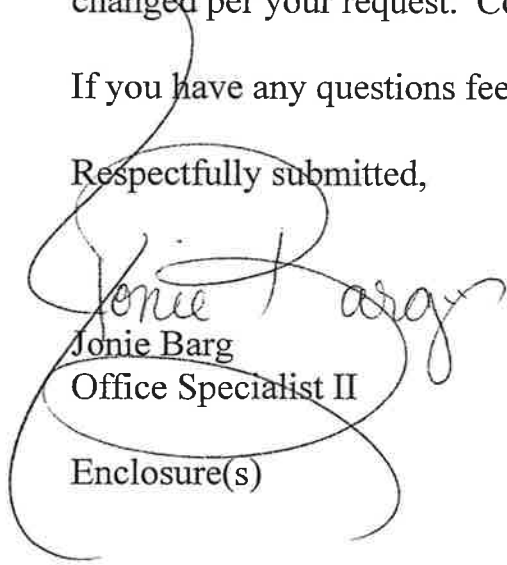
RE: CHANGE OF ADDRESS FOR 22-7280A

Dear Ms. Demick:

The address for the above referenced adjudication claim(s) have been changed per your request. Copies of the claim(s) are enclosed for your files.

If you have any questions feel free to contact this office at (208) 525-7161.

Respectfully submitted,


Jonie Barg
Office Specialist II

Enclosure(s)

SCANNED

JAN 22 2008

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

Water Rights: 22-7280A

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

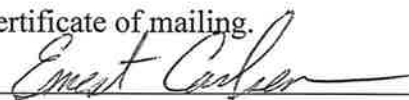
☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Jan 15, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 18, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Rowan, Catherine
PO BOX 566
Draper, Utah 84107

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

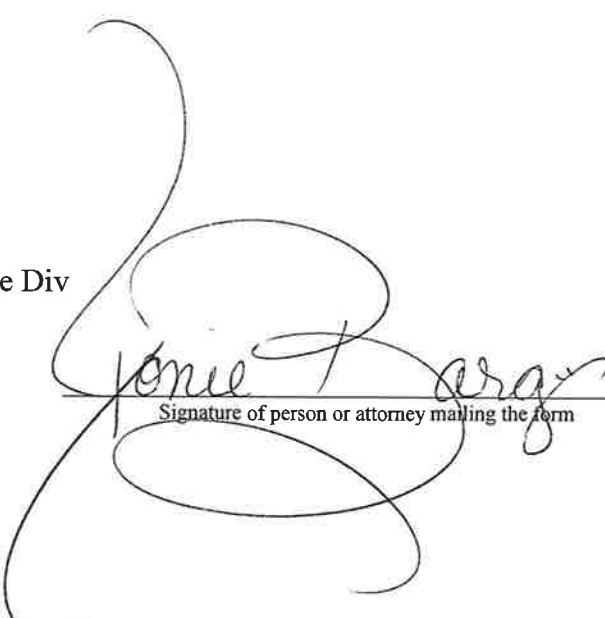
Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 22-7280A
NAME AND ADDRESS: CATHERINE H ROWAN
PO BOX 566
DRAPER UT 84020
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 4.770 CFS
The annual volume allowed to be diverted under this right shall not exceed 727 af per year for the primary service lands and 559 af per year when combined with right no. 22-02223 for the supplemental service lands.

PRIORITY DATE: 06/27/1978
POINT OF DIVERSION: T05N R40E S11 SESWSW Within MADISON County
Right 22-7280B is also diverted through the point of diversion described above.

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		4/01 10/31		4.770 CFS	
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>					
	T05N R40E S02	SWSW	25.50	T05N R40E S02	SESW	17.00
	T05N R40E S03	SESE	17.00	T05N R40E S10	NENE	26.00
	T05N R40E S10	SESE	17.50	T05N R40E S11	NENW	34.00
	T05N R40E S11	NWNW	40.00	T05N R40E S11	SWSW	29.00
	T05N R40E S11	SESW	26.00	T05N R40E S14	NWNW	23.00
	T05N R40E S14	SWNW	23.00	T05N R40E S14	NWSW	13.00
	T05N R40E S15	NENE	24.00	T05N R40E S15	SENE	24.00
	T05N R40E S15	NESE	24.00	T05N R40E S15	SESE	4.00

367 ACRES TOTAL

The Place of Use described above consists of Primary Service Land and Supplemental Service Land.
Primary Service Lands:
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Sec 10, SESE 17.5 ac;
Sec 11, SWSW 29.0 ac, SESW 26.0 ac;
Sec 14, NWNW 23.0 ac, SWNW 23.0 ac, NWSW 13.0 ac;
Sec 15, NENE 24.0 ac, SENE 24.0 ac, NESE 24.0 ac, SESE 4 ac.
Supplemental Service Lands:
T05N, R40E:
Sec 02, SWSW 25.5 ac, SESW 17.0 ac;
Sec 03, SESE 17.0 ac;
Sec 10, NENE 26.0 ac;
Sec 11, NENW 34.0 ac, NWNW 40.0 ac.

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.

SCANNED
JAN 1 2 2008

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

SCANNED

JAN 27 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

DEC 06 2007

Department of Water Resources
Eastern Region

- [] Water Right Number(s): 22-7280A *Adj.*
- [] Name(s): Catherine H. Rowan
- [] Old Mailing Address: 843 Three Ftns. Dr. # 258
Salt Lake City, Utah 84107
- [] New Mailing Address: P.O. Box 566
Draper, Utah 84020
- Telephone Number: (801) 641-5326
- [] Signature(s) of Owner(s) Catherine H. Rowan
(Include your title if on behalf of company or organization)
- Date: Nov. 30, 2007

SCANNED

Claim no. ^(Riley) A22-07280B

^(Rowan) A22-07280A

Claimant Contact Log

Date	Remarks	Agent initials
1-6-2005		HLJ

This claim is a split of right 22-07280 which was the subject of a long court fight over ownership of cfs + acres between Katherine Rowan + Norman + Robin Riley.

Judge Daniel Hurlbutt of the SRBA court rendered a Memorandum Decision on Aug 28, 1997. His conclusion on page 12 gives the 2 parties "1/2 interest" each in the "South well".

Even though the parties owned different amounts of irrigated acres, each received 367 acres + 4.77 cfs. To accomplish this, the Rowans who actually have less than 367 irrigated acres got a water right credit on ground owned by the Riley's. This same set of principles seem to apply to the Riley's water right (22-07280B).

The terms primary + secondary acres seem to define owned acres (primary) + non-owned acres (secondary) where the water rights sit. See Keith Wilson's map (attached).

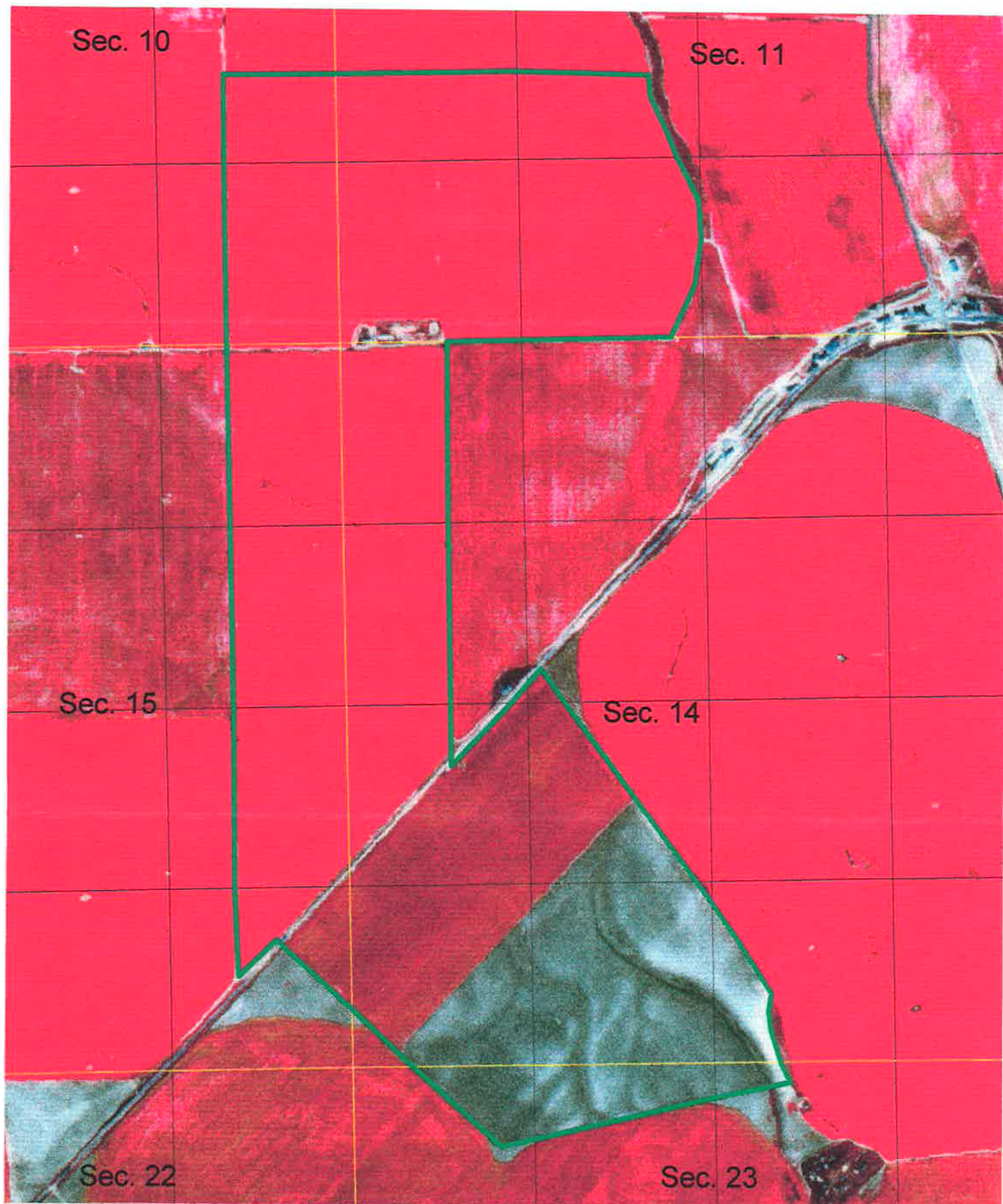
Through a bankruptcy proceeding, the Law firm of Andersen Nelson Hall Smith, P.A. gained control of the water right 22-07280B but not the place of use upon which it sits.

This change of ownership reflects this new water right/
Claim owner.

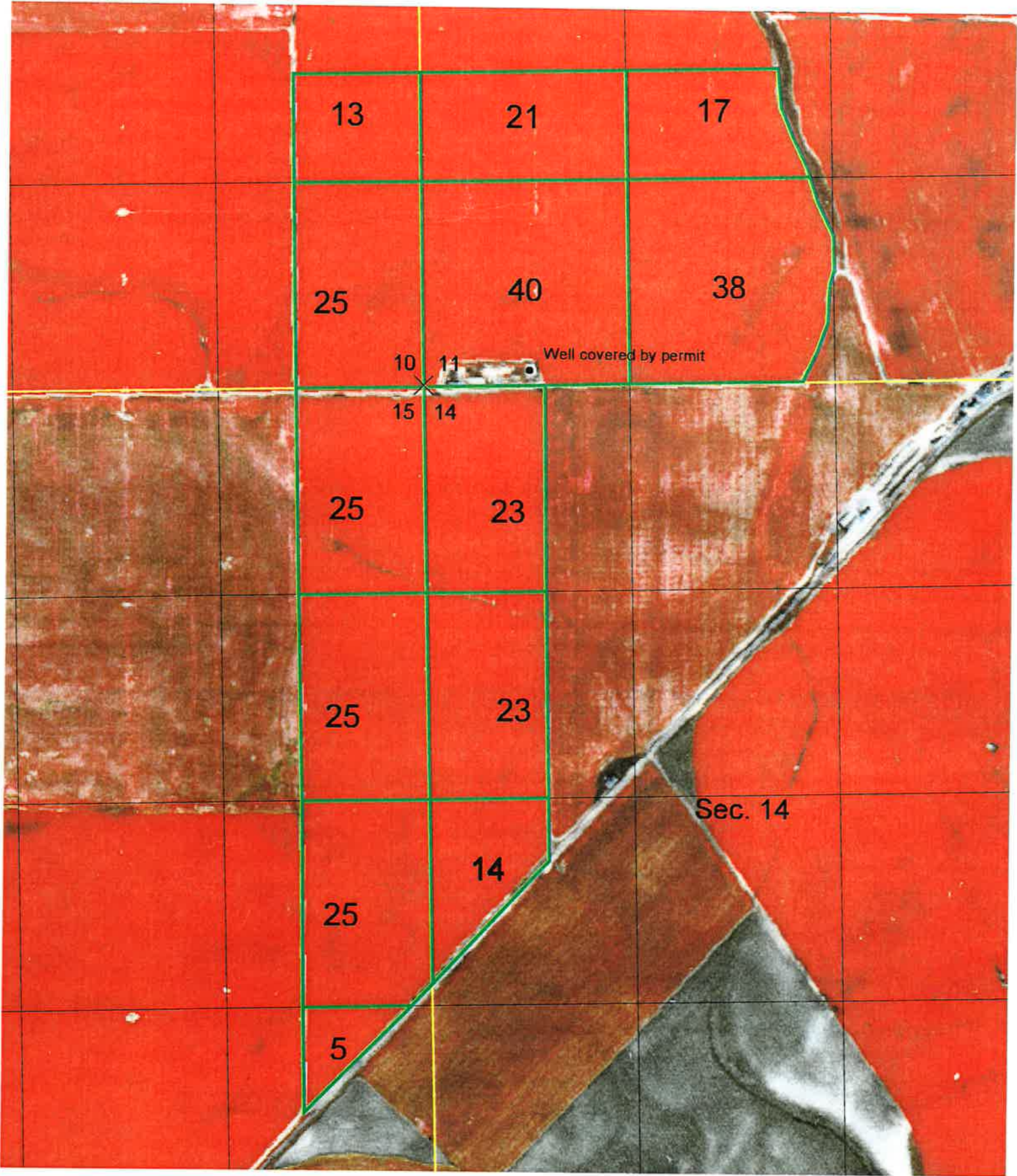
PROFILED

SCANNED

SEP 09 2005



Calculated Irrigated Acres for Rowan Property



Total Acres =294

22 - 7280

9.18

734 ac = 0.01251 cfs/ac

22 - 02223

3.87 cfs on 319 ac. = 0.01213 cfs/ac

13.05 cfs

427 North Parcel

285 South Parcel

712

$$\frac{13.05 \text{ cfs}}{712 \text{ ac}} = 0.01833 \text{ cfs/ac}$$

North Parcel $0.01833 \text{ cfs/ac} \times 427 \text{ ac} =$

7.83 cfs on 427 ac

- 3.87 cfs on 319 ac } Limited to 427 ac

3.96 cfs on 427 ac

South Parcel $0.01833 \text{ cfs/ac} \times 285 \text{ ac} =$
5.22 cfs on 285 ac.

SCANNED

SEP 09 2005

SN 40E

75-113-5644
189 - - 49 1980 NJHAP

77-135-2645 or 46
76-133 - 8927

Claim Aaa-07280 filed: 11/10/88 by Jim Howe &/or Catherine Rowan

Priority Date for Aaa-07280 : 6/27/78

Jim Howe died 3/4/92

Beneficial Use Exam: 6/29/87
Follow-Up Exam: 6/28/89

Change of Ownership from Rowan & Howe to Rowan filed 11/5/92

Change of Ownership from Howe to Rileys filed 11/12/92

Grant deed from Catherine Rowan to James Howe the (north portion) of the entire property - 8/10/88

Grant deed from James Howe to Catherine Rowan the south portion of the entire property - 3/31/88

374.6 ac.
4 (corrected 11/12/91) 296.3 ac.

Grant deed from James Howe to Catherine Rowan ? - 5/24/88 156.6 ac.

SCANNED

SEP 09 2005

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 22-07280A

Priority: June 27, 1978

Maximum Diversion Rate:

4.77 CFS

Maximum Diversion Volume:

*

This is to certify, that CATHERINE ROWAN

843 THREE FOUNTAINS DR

SALT LAKE CITY UT 84107

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1978; and has submitted Proof of Beneficial Use on February 7, 1983. An examination indicates that the works have a diversion capacity of 9.530 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/1 to 10/31	4.77 CFS	*

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 11, Township 05N, Range 40E
MADISON County

<u>PLACE OF USE:</u> IRRIGATION		<u>PRIMARY SERVICE LAND</u>				
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	10	SESE 17.5			17.5
		11	SWSW 29	SESW 26		55
		14	NWNW 23	SWNW 23	NWSW 13	59
		15	NENE 24	SENE 24	NESE 24	
			SESE 4			76

Total acres irrigated as primary right: 207.5

<u>PLACE OF USE:</u> IRRIGATION		<u>SUPPLEMENTAL SERVICE LAND</u>				
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	2	SESW 17	SWSW 25.5		42.5
		3	SESE 17			17
		10	NENE 26			26
		11	NENW 34	NWNW 40		74

Total acres irrigated supplemental to Right 22-02223: 159.5

CONDITIONS OF APPROVAL AND REMARKS

- * 1. The annual volume allowed to be diverted under this right shall not exceed 727.0 af per year for the primary service lands and 559.0 af per year when combined with Right 22-02223 for the supplemental service lands.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

SCANNED

SEP 09 2005

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DEC 30 1998

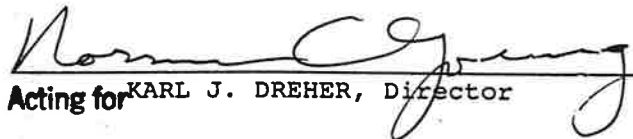
State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 22-07280A

CONDITIONS OF APPROVAL AND REMARKS

3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to estimate the amount of water diverted using power records and shall annually report the information to the department.
5. Issuance of this license does not designate ownership of the irrigation system, or any part thereof, to any person nor does it in any way designate those who control the irrigation system.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30th day of NOVEMBER, 1998.


Acting for KARL J. DREHER, Director

SCANNED
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DEC 30 1998

RE-EXAMINATION FIELD REPORT

A. GENERAL INFORMATION

Permit No. 22-07280

B. MEASUREMENTS:

Date: 16 Nov 1998

Note: Measurements taken with 2 different diameter tapes & thickness mikes

North Well #1: o.d. = 11.850" - 12.050" Thickness = 0.110" - 0.113"

South Well #2:

North mainline:

o.d. = 14.000" - 14.040" Thickness = 0.102" - 0.105"

South mainline:

o.d. = 15.990" - 16.025" Thickness = 0.136" - 0.139"

C. FLOW CALCULATIONS:

i.d. = [o.d.] - [2(T)]

i.d. = inside diameter

o.d. = outside diameter

T = wall thickness

 $Q_{cfs} = (i.d.)^2(\sqrt{H})(C) \div 448.8 \text{ gpm/cfs}$ H = differential pressure inches H₂O

C = Annubar Constant

C for 12" = 3.99

C for 14"-16" = 4.01

Assumptions:

o.d. = maximum measured outside diameter

T = minimum measured thickness

H = use differential pressure measured original exam (6-29-87)

NORTH #1 WELL: i.d. = [12.050] - [2(0.110)] = 11.830 H = 12.9' C = 3.99

$$Q_{cfs} = (11.830)^2(\sqrt{12.9})(3.99) \div 448.8 = 2005.567 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 4.469 \text{ cfs} = 4.47 \text{ cfs}$$

SOUTH #2 WELL:

North Mainline: i.d. = [14.040] - [2(0.102)] = 13.836" H = 4.9' C = 4.01

$$Q_{cfs} = (13.836)^2(\sqrt{4.9})(4.01) \div 448.8 = 1699.274 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 3.786 \text{ cfs} = 3.79 \text{ cfs}$$

South Mainline: i.d. = [16.025] - [2(0.136)] = 15.753" H = 6.7' C = 4.01

$$Q_{cfs} = (15.753)^2(\sqrt{6.7})(4.01) \div 448.8 = 2575.777 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 5.739 \text{ cfs} = 5.74$$

TOTAL CALCULATED FLOW RATE: $Q_{TOTAL} = 4.47 \text{ cfs} + 3.79 \text{ cfs} + 5.74 \text{ cfs} = 14.00 \text{ cfs}$

D. AUTHENTICATION:

Field Examiner's Name: KEITH C WILSON

SCANNED

SEP 09 2005

#1

THEORETICAL PUMP FLOW CALCULATIONSFormula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$ SYSTEM: NORTH**Assumptions:**Hp = Name plate Horsepower = Water Hp = 300Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 370 ft.

Well log used is for this well

psi = 0 psi (Between well pump & booster pump)

$$Q_{cfs} = \left[\frac{300}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{370}{Lift} + \left(\frac{0}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{1850.94}{370} \right]$$

$$Q_{cfs} = \underline{5.00} \text{ cfs}$$

SYSTEM: SOUTH**Assumptions:**Hp = Name plate Horsepower = Water Hp = 500Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 350 ft.

Well log used is for this well

psi = 0 psi (Between well pump & booster pump)

$$Q_{cfs} = \left[\frac{500}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{350}{Lift} + \left(\frac{0}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{3084.90}{350} \right]$$

$$Q_{cfs} = \underline{8.81} \text{ cfs}$$

TOTAL SYSTEM

$$\text{CAPACITY } Q = \underline{5.00 \text{ cfs} + 8.81 \text{ cfs}} = \underline{13.81} \text{ cfs}$$

PERMIT NO. 22-7280SCANNED
SEP 09 2005

THEORETICAL PUMP FLOW CALCULATIONSFormula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$ SYSTEM: NORTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $300 + 100 = 400$ Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 370 ft.

Well log used is for this well

psi = 58 psi (Measured after booster pump)

$$Q_{cfs} = \left[\frac{400}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{370}{Lift} + \left(\frac{58}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{2467.92} \right] \div \left[\underline{503.86} \right]$$

4.90 cfs

$$Q_{cfs} = \underline{4.897} \text{ cfs}$$

SYSTEM: SOUTH**Assumptions:**Hp = Nameplate Hp (Well + Booster) = Water Hp = $500 + 350 = 850$ Eff = Efficiency (pump & motor) = 70%

Lift: Static Level = Dynamic water level

Static Water Level = 350 ft.

Well log used is for this well

psi = 59 psi

(After booster pump & Avg psi of N & S Mainlines)

$$Q_{cfs} = \left[\frac{850}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{350}{Lift} + \left(\frac{59}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{5244.33} \right] \div \left[\underline{486.17} \right] = 10.786$$

$$Q_{cfs} = \underline{10.79} \text{ cfs}$$

TOTAL SYSTEM

$$\text{CAPACITY } Q = \underline{4.90 \text{ cfs} + 10.79 \text{ cfs}} = \underline{15.69} \text{ cfs}$$

PERMIT NO. 22-7280ED

SEP 09 2005

#3

THEORETICAL PUMP FLOW CALCULATIONS

Formula: $Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$

SYSTEM: NORTH

Assumptions:

Hp = Nameplate Hp (Well + Booster) = Water Hp = 300 + 100 = 400 hp

Eff = Efficiency (pump & motor) = 70%

Lift: Static Level + 50' Draw down

Dynamic water level = 420 ft.

Well log used is for this well

psi = 58 psi (Measured after booster pump)

$$Q_{cfs} = \left[\frac{400}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{420}{Lift} + \left(\frac{58}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{2467.92}{} \right] \div \left[\frac{553.86}{} \right] = 4.455$$

$$Q_{cfs} = \underline{4.46} \text{ cfs}$$

SYSTEM: SOUTH

Assumptions:

Hp = Nameplate Hp (Well + Booster) = Water Hp = 500 + 350 = 850 hp

Eff = Efficiency (pump & motor) = 70%

Lift: Static Level + 50' Draw down

Dynamic water level = 400 ft.

Well log used is for this well

psi = 59 psi

(After booster pump & Avg psi of N & S Mainlines)

$$Q_{cfs} = \left[\frac{850}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] \div \left[\frac{400}{Lift} + \left(\frac{59}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{5244.33}{} \right] \div \left[\frac{536.17}{} \right] =$$

$$Q_{cfs} = \underline{9.78} \text{ cfs}$$

TOTAL SYSTEM

$$\text{CAPACITY } Q = \underline{4.46 \text{ cfs} + 9.78 \text{ cfs} = 14.24 \text{ cfs}}$$

PERMIT NO. 22-7280

SCANNED

SEP 03 2005

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07280A

Priority: June 27, 1978

Maximum Diversion Rate: 4.59 CFS
Maximum Diversion Volume: 1029.0 AF

This is to certify, that CATHERINE ROWAN

843 THREE FOUNTAINS DR
SALT LAKE CITY UT 84107

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 27, 1978; and has submitted Proof of Beneficial Use on February 7, 1983. An examination indicates that the works have a diversion capacity of 9.180 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.59 CFS	1029.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 11, Township 05N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	40E	10	NESE 13	SESE 25		38
		11	NESW 17	NWSW 21	SWSW 40	
			SESW 38			116
		14	NWNW 23	SWNW 23	NWSW 14	60
		15	NENE 25	SENE 25	NESE 25	
			SESE 5			80

Total number of acres irrigated: 294

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 af per acre at the field headgate for irrigation of the lands above.

MICROFILMED

SUPERSEDED

SCANNED

SEP 09 2005

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07280A

CONDITIONS OF APPROVAL AND REMARKS

6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to estimate the amount of water diverted using power records and shall annually report the information to the department.
8. Issuance of this license does not designate ownership of the irrigation system, or any part thereof, to any person nor does it in any way designate those who control the irrigation system.
9. In accordance with the August 28, 1997, Memorandum Decision of the SRBA District Court in Subcase No. 94-00012, the effective date of licensing this right is February 7, 1983.

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 12TH
day of DECEMBER, 1997.

[Signature]
Acting for KARL J. REHER, Director

SUPERSEDED

SCANNED

SEP 09 2005 MICROFILMED

DEC 30 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: LUCILLE W. or SIM W. HOWE
Current Address: Box 803, REXBURG, ID. 83440
2. Accompanied by: NORMAN RILEY
Address: 1623 W. 3400 S., REXBURG, ID 83440
Relationship to Permit Holder: SON-IN-LAW / OPERATOR
3. Source: GROUNDWATER tributary to _____

Permit No. 22-7280

Phone No. 356-3027

EXAM. DATE: 29-JUNE-1987

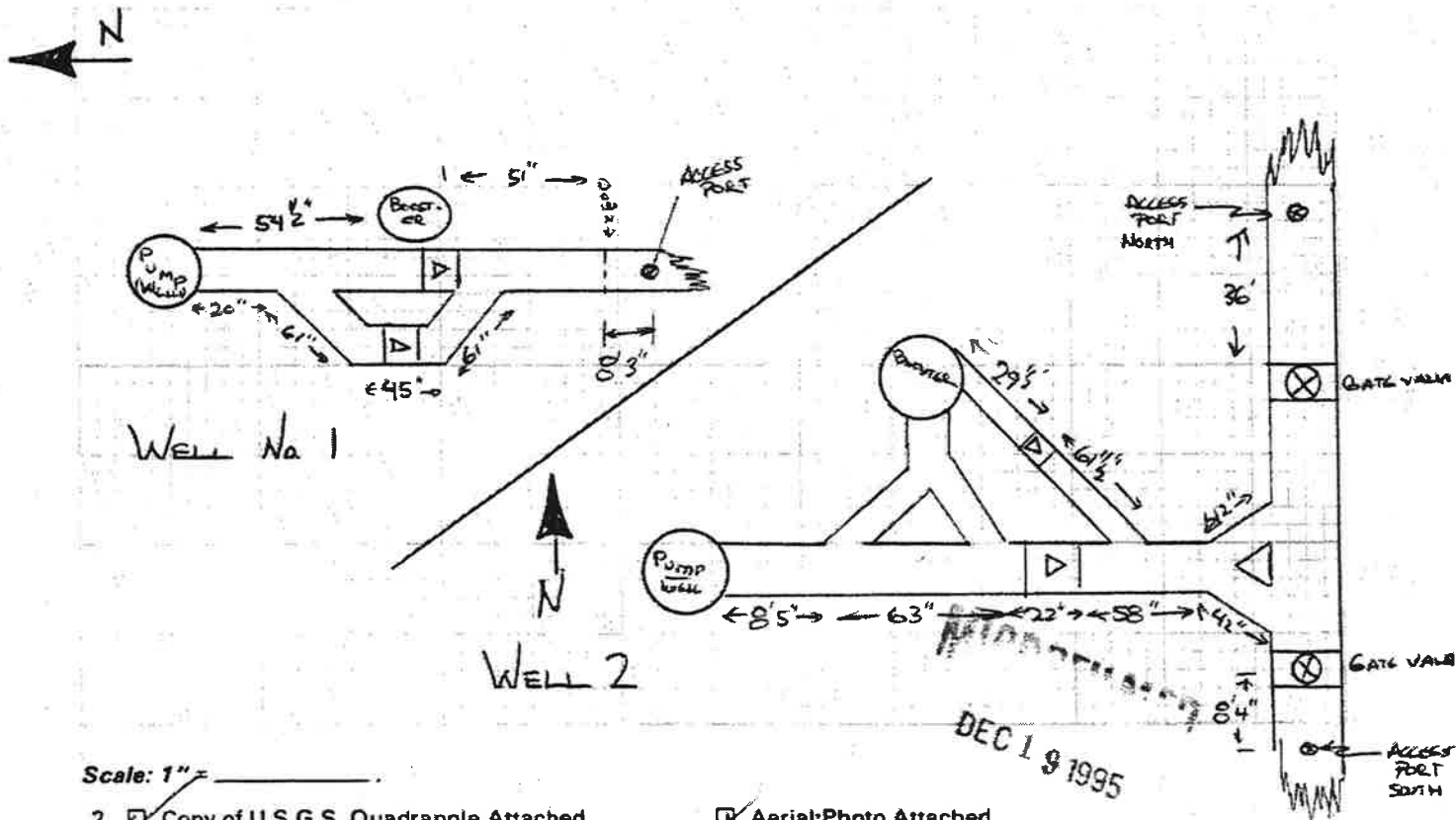
Phone No. 356-5873

B. OVERLAP REVIEW

1. Other water rights with same place of use: 22-2223 (PORTION)
☐ Copies Attached
2. Other water rights with same point of diversion: 22-2223 (WELL No. 1) 3.87 cfs
☐ 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. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

RE-EXAMINATION FIELD REPORT

A. GENERAL INFORMATION

Permit No. 22-07280

B. MEASUREMENTS:

Date: 16 Nov 1998

Note: Measurements taken with 2 different diameter tapes & thickness mikes

North Well #1:	o.d. = 11.850" - 12.050"	Thickness = 0.110" - 0.113"
South Well #2:		
North mainline:	o.d. = 14.000" - 14.040"	Thickness = 0.102" - 0.105"
South mainline:	o.d. = 15.990" - 16.025"	Thickness = 0.136" - 0.139"

C. FLOW CALCULATIONS:

i.d. = [o.d.] - [2(T)]

i.d. = inside diameter

o.d. = outside diameter

T = wall thickness

$Q_{cfs} = (i.d.)^2(\sqrt{H})(C) \div 448.8 \text{ gpm/cfs}$

H = differential pressure inches H₂O

C = Annubar Constant

C for 12" = 3.99

C for 14"-16" = 4.01

Assumptions:

o.d. = maximum measured outside diameter

T = minimum measured thickness

H = use differential pressure measured original exam (6-29-87)

NORTH #1 WELL: i.d. = [12.050] - [2(0.110)] = 11.830 H = 12.9' C = 3.99

$$Q_{cfs} = (11.830)^2(\sqrt{12.9})(3.99) \div 448.8 = 2005.567 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 4.469 \text{ cfs} = 4.47 \text{ cfs}$$

SOUTH #2 WELL:

North Mainline: i.d. = [14.040] - [2(0.102)] = 13.836" H = 4.9' C = 4.01

$$Q_{cfs} = (13.836)^2(\sqrt{4.9})(4.01) \div 448.8 = 1699.274 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 3.786 \text{ cfs} = 3.79 \text{ cfs}$$

South Mainline: i.d. = [16.025] - [2(0.136)] = 15.753" H = 6.7' C = 4.01

$$Q_{cfs} = (15.753)^2(\sqrt{6.7})(4.01) \div 448.8 = 2575.777 \text{ gpm} \div 448.8 \text{ gpm/cfs}$$

$$Q_{cfs} = 5.739 \text{ cfs} = 5.74$$

9.53 for S well

TOTAL CALCULATED FLOW RATE: $Q_{TOTAL} = 4.47 \text{ cfs} + 3.79 \text{ cfs} + 5.74 \text{ cfs} = 14.00 \text{ cfs}$

D. AUTHENTICATION:

Field Examiner's Name:

KEITH C WILSON

MICROFILMED

DEC 30 1998

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MAR 30 2000

Department of Water Resources

Eastern
EMC

2001 MAR 29 PM 2:45

TITLE SRBA
DISTRICT COURT, IDAHO

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

SRBA Assigned Case 94-00012

Case No. 39576

NORMAN RILEY and ROBIN
RILEY, husband and wife,

Plaintiffs,

v.

CATHERINE ROWAN,

Defendant.

ORDER ADOPTING SPECIAL
MASTER'S REPORT AND
RECOMMENDATION

On July 20, 1999, Special Master Bilyeu issued a *Special Master's Report and Recommendation* in the above-captioned case, pertaining to water right license numbers

22-07280A and 22-07280B. No party filed a Motion to Alter or Amend the Special Master's findings.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report*, finds them to be consistent with the Supreme Court's decision in *Riley v. Rowan*, 131 Idaho 831, 965 P.2d 191 (1998) and wholly adopts them as its own.

SCANNED

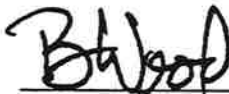
SEP 09 2005

THEREFORE IT IS ORDERED that the ownership and elements of the subject water rights, as found by the Special Master, are hereby binding on the parties to the above-captioned case.¹

Recommendations for water right license numbers 22-07280A and 22-07280B will be included in the Director's Report for Irrigation and Other Water Rights for Basin 22 when it is filed with the Court. At that time, the objection period for 22-07280A and 22-07280B will commence. Although the parties to the above-captioned case (and their successors) are bound by the *Special Master's Report and Recommendation*, other parties to the SRBA will be afforded the opportunity to file objections at that time.

IT IS SO ORDERED:

DATED: MARCH 29 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

¹ The Idaho Supreme Court's decision in *Riley* holds that the Rileys and Rowan were each entitled to a one-half interest in water license no. 22-07280. IDWR, in attempting to comply with the directive, was unable to affect an exact one-half division of all the elements of the license. The result is that a portion of the place of use for the license issued to Rowan is on the Rileys' property, and a portion of the place of use for the license issued to the Rileys is on Rowan's property. Although the Rileys and Rowan are bound by the Supreme Court's decision, other parties to the SRBA, as well as the SRBA Court, are not. At issue in *Riley* was the interpretation of a private agreement between the Rileys' predecessor in title and Rowan. Because other parties to the adjudication are not bound by the private agreement, then neither IDWR or the SRBA Court are bound by the private agreement as it relates to other claimants. Claimants cannot circumvent the application of Idaho's permit and adjudication statutes simply by entering into a private agreement.

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of **ORDER ADOPTING SPECIAL MASTER'S REPORT AND RECOMMENDATION** were mailed on March 29, 2000, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83270-0098

Gregory Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller
PO Box 250
Rexburg, ID 83440-0250

Steven Parry
Anderson Nelson Hall & Smith
PO Box 51630
Idaho Falls, ID 83405-1620


Deputy Clerk of the Court

SCANNED

SEP 09 2005

CERTIFICATE OF MAILING

APR 08 1999

Department of Water Resources

Eastern
EMC

1999 APR -6 PM 3:42

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

F/I

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

Rowan # Riley

In Re SRBA	)	Companion Case: 94-00012
	)	
Case No. 39576	)	ORDER SETTING MANDATORY
	)	SETTLEMENT CONFERENCE,
	)	EXHIBIT AND WITNESS
	)	DISCLOSURE, AND HEARING

A status conference was held April 6, 1999. The parties agreed to attend a mandatory settlement conference, and to disclose exhibit and witness lists. The Court orders a **Mandatory Settlement Conference** for water rights 22-07280A and 22-07280B. The Settlement Conference shall proceed before a Settlement Moderator for the purpose of helping the parties work on settling their differences before hearing.

IT IS ORDERED that this case shall proceed with a Settlement Conference before Settlement Moderator Fritz X. Haemmerle. Parties and their attorney of record must be personally present at the settlement conference. No one may attend by proxy or by telephone. Each party is required to be present with the individual(s) possessing full settlement authority on every aspect of this case. **Failure to attend or attendance without settlement authority may result in sanctions by the court.**

The following deadlines shall apply to this case:

5/12/99	9:00 am	Settlement Conference
		Location: Madison County Courthouse
		134 East Main
		Rexburg, Idaho

5/12/99	9:00 am	Disclosure of Intent to Call Witnesses
---------	---------	--

SCANNED

SEP 09 2005

ORDER SETTING MANDATORY SETTLEMENT
CONFERENCE, EXHIBIT AND WITNESS
DISCLOSURE, AND HEARING
4/6/99

5/14/99 5:00 pm Deadline to: Exchange Exhibit and Witness Lists, File with
the Court, and provide copies to IDWR.

5/21/99 10:00 am **Hearing**
Location: Madison County Courthouse
134 East Main
Rexburg, Idaho

DATED April 6, 1999.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING MANDATORY SETTLEMENT CONFERENCE, EXHIBIT AND WITNESS DISCLOSURE, AND HEARING was mailed on April 6, 1999, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Gregory Moeller
Rigby Thatcher Andrus Rigby
Kam & Moeller
Po Box 250
Rexburg, ID 83440-0250

Steven Parry
Anderson Nelson Hall Smith
PO Box 51630
Idaho Falls, ID 83405-1630


Deputy Clerk

SCANNED

SEP 09 2005

ORDER SETTING MANDATORY SETTLEMENT
CONFERENCE, EXHIBIT AND WITNESS
DISCLOSURE, AND HEARING
4/6/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Eastern Region - FYE
Marcie Pope has adj.
file

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1997

NORMAN AND ROBIN RILEY (First Class Mail)
1623 W 3400 S
REXBURG ID 83440

CATHERINE ROWAN (First Class Mail)
843 THREE FOUNTAINS DR
SALT LAKE CITY, UT 84107

RECEIVED

DEC 22 1997

Department of Water Resources
Eastern Region

RE: Water Right Nos. 22-07280A & 22-07280B -- CERTIFICATE OF SERVICE

Dear Interested Parties:

Pursuant to the SRBA District Court's *Order Denying Stay and Amendment to Court's Order to IDWR Re: Issuance of License* dated September 30, 1997, I have enclosed Director's Reports pursuant to Idaho Code §42-1411 recommending the elements of right nos. 22-07280A & 22-07280B in the SRBA. I have also enclosed for your review color copies of IDWR's Geographic Information System analysis of the irrigated acreage for the rights in question.

Pursuant to the Court's *Order* you have 30 days in which to file objections to either or both of the water rights recommended in these reports. Therefore, objections must be filed by **January 14, 1998**. You have 14 days from the end of the objection period to file responses to any objections to the Director's Reports. Therefore, responses must be filed by **January 28, 1998**.

If you have any questions about these recommendations, please feel free to contact me at (208) 327-7929.

Sincerely,

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

Enclosures: SRBA Director's Reports for Water Rights Nos. 22-07280A and 22-07280B
Color Copies of GIS Shape Files of Irrigated Parcels for Rowan and Riley

c: Gregory W. Moeller, Steven R. Parry
Honorable Daniel C. Hurlbutt

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SEP 09 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Noted - Mailed w/ Shelley's
mailing
Dr

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1997

NORMAN AND ROBIN RILEY (First Class Mail)
1623 W 3400 S
REXBURG ID 83440

CATHERINE ROWAN (First Class Mail)
843 THREE FOUNTAINS DR
SALT LAKE CITY, UT 84107

RE: Water Right Nos. 22-07280A & 22-07280B -- CERTIFICATE OF SERVICE

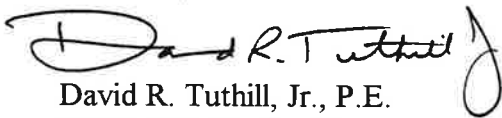
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Color Copies of GIS Shape Files of Irrigated Parcels for Rowan and Riley

c: Gregory W. Moeller, Steven R. Parry
Honorable Daniel C. Hurlbutt

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MAK 2 9 1999

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 No. 39576



Subcase 22-07280 A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: Catherine Rowan

Address: 843 Three Fountains Drive

Salt Lake City, UT 84107

Daytime Phone: (801) 255-4566

Name & Address of Attorney, if any:

Gregory W. Moeller

P. O. Box 250

Rexburg, ID 83440



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Catherine Rowan

Address: 843 Three Fountains Drive

Salt Lake City, UT 84107

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 5.41 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Adjusted along with Subcase No. 22-07280 B to treat all 367 acres as Rowans "Primary Service Lands." See Preliminary Licenses dated December 12, 1997.

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): _____

Please see attached statement (Attachment "A") and Re-Examination Field Report,
dated 11/16/98 (Attachment "B").

F.

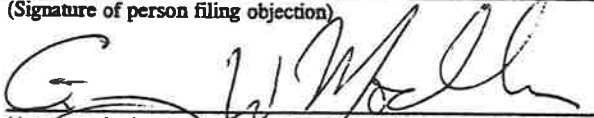
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Madison)

Gregory W. Moeller, 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.

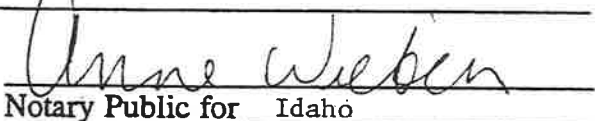
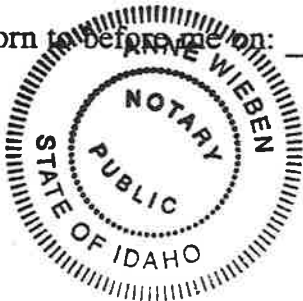
(Signature of person filing objection)



(Attorney signing in representative capacity)

March 26, 1999.

Subscribed and sworn to before me on:



Notary Public for Idaho

Residing at: Rexburg, Idaho

My Commission Expires: 7-27-2001

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SEP 09 2005

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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 March 26, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Catherine Rowan
Address: 843 Three Fountains Drive
Salt Lake City, UT 84102

3. Copies to:

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

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

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


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

There are two wells involved in this dispute. The North Well (Water Right No. 22-02223) is located on Riley's property. Rowan concedes that she has no rights to this well. The center of the controversy is the South Well (subject to Water Right Nos. 22-07280A and 22-07280B) which is located on Rowan's property. Historically, approximately 575 acres have been watered from the South Well. However, 160 acres were left off the application for permit originally filed in 1978. The 160 acres were part of the 1988 property division and are now covered by Permit No. 22-00792, in the name of Catherine Rowan. These 160 acres are located at the extreme southern tip of Rowan's property, and apparently were not considered in the District Court's decision nor in the new licenses issued by IDWR.

Ignoring the 160 acres, historically Rowan has irrigated 294 acres from the South Well. Rileys have historically irrigated 121 acres from the South Well and an additional 319 acres from the North Well (Water Right No. 22-02223). So in essence, what the SRBA District Court asked IDWR to do, was to give Catherine one-half of the water from the South Well to irrigate her 294 acres and the Rileys one-half of the water to irrigate their 121 acres, plus water to supplement the North Well.

When the Department issued its preliminary licenses on December 12, 1997 (Exhibits "B(1)" and "B(2)") the Department essentially did just that. The Department determined the rate of flow to be 9.18 CFS, an amount that both parties agree is substantially too low. Then the Department split the flow and granted Catherine Rowan the right to irrigate her 294 acres with an annual volume of 1029 acre feet. Rileys were allowed to irrigate 440 acres (121 from the South

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Well and 319 from the North Well) with an annual volume of 1540 acre feet, to be used in conjunction with Water Right 22-02223 (the North Well). Although there were some substantial issues related to quantity, Rowan believed the essential division was fair and accomplished what the parties intended.

It is worth noting that the trial testimony established that when the farm was divided in 1988, the intent was clearly to leave **both** parties with sufficient water to irrigate their ground. The preliminary licenses issued by the Department did just that by dividing the flow evenly and applying it to the waters historically irrigated from that well.

Following Rowan's prevailing on appeal, the Department was again asked to issue licenses. However, this time the Department changed its tact. The November 30, 1998 licenses (Exhibits C(1) and C(2)) did increase the amount of flow to 9.53 CFS, essentially giving both parties 4.77 CFS. However, rather than merely dividing the flow and allowing it to be applied to the historically irrigated acreage, the Department went further. The Department apparently felt that the annual volume of water should also be divided equally. As a result of this analysis, Rowan was given 207.5 acres of a primary right, with an annual volume of 727 acre feet. Rowan was also given the right to irrigate 159.5 acres supplemental to the North Well (Water Right No. 22-00223). As IDWR was well aware, Rowan has no rights in the North Well and cannot use this supplemental right. It is essentially worthless to her. Rileys were given the exact same right, 207.5 primary acres with an annual volume of 727 acre feet and 159.5 supplemental acres, related to their rights in the North Well.

While Rowan has no use for the supplemental acreage, Rileys obviously do. As argued before the Court, IDWR, in attempting to exactly split this right, has created a grossly fair and

inequitable division which results in Rowan receiving less than she needs and Rileys receiving more than they can use on their land. For example, the Rileys are given 207.5 acres of a primary rights, while they have historically only irrigated 121 acres from the South Well. Meanwhile, Rowan is given 207.5 primary acres, while she has historically irrigated 294 acres from this well, in addition to the 160 acres, which is covered by Permit No. 22-00792.

As a result of the Department's decision, Rowan will lose the right to irrigate approximately 87 acres, which have always been irrigated. When a final resolution is reached as to the status of the south 160 acres, (Permit No. 22-00792) the Department could take an additional 80 acres away from Catherine, leaving her once fully irrigated farm, with 167 acres of dry farm.

Such a result was clearly not intended by Judge Hurlbutt's "Memorandum Decision" of August 28, 1997. For example, in that decision Judge Hurlbutt stated:

At Lucille's death, Jim Howe and Catherine Rowan became co-owners of the permit. To rule otherwise would allow Jim Howe, a co-owner, to strip water from his co-tenant's, Catherine Rowan, one-half of the farm. Idaho Water Law does not permit such a result.

Memorandum Decision, p. 10

By effectively holding that the license was appurtenant to Catherine Rowan's ground, and could not be conveyed or removed without her permission, Judge Hurlbutt is clearly indicating that all of Catherine's ground would be irrigated. Judge Hurlbutt's decision clearly does not support a result that would leave Rileys with more water than they can use on this ground and Rowan with less than she needs.

In adopting the findings in the Court's Memorandum Decision, the Idaho Supreme Court stated as follows:

ATTACHMENT "A" - PAGE 3 OF 4
ROWAN.ATT

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The District Court held that the only interest Jim Howe had in the permit was identical to that of Rowan; thus at the time of Lucille Howe's death, Jim Howe and Rowan became co-owners of the permit. The evidence indicated that Jim Howe "acknowledged that the permit application was intended to benefit the **complete set of farm owners**, not just himself. When he filed the application in his and Lucille's names, he did not intend to disavow Catherine Rowan's ownership interest." Furthermore, both the application for the permit and notice of claim were filed when Jim Howe was acting as manager of the farm and did not create a separate interest in the water permit to the exclusion of Rowan. The District Court determined that following the parties' decision to partition the property, Jim Howe and Rowan entered into an agreement in which it was "Jim Howe's clear, and ambiguous agreement and understanding that the permitted interest in the 'south well' was shared with Catherine Rowan. . . ."

Riley v. Rowan, Idaho Supreme Court 1998 Opinion No. 96 (Emphasis added).

The December 12, 1997 licenses allowed a flow of 9.18 CFS. Interestingly, the November 30, 1998 licenses increased that amount substantially to 9.53 CFS. This is still is far less than both parties believe they are entitled to. Rowan believes, and assumes that Rileys concur, there is substantial evidence justifying a flow rate of at least 9.72 CFS, with higher amounts ranging from 10.81 CFS to over 13 CFS being possible. During settlement negotiations between Rowan, Rileys and IDWR, IDWR produced records substantiating flow rates between 10.81 CFS and 13.0 CFS.

It is worth repeating that as a result of these new licenses, (Exhibits C(1) and C(2)) Rowan gets 87 less acres than she needs. This is not cured by giving her the right to water an additional 159.5 supplemental acres on a North Well to which she has no rights. On the other had, the Rileys get the right to water 86 more acres than they need from the South Well, plus the 159.5 supplemental acres.



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DECEMBER 3, 1992

CATHERINE H ROWAN
843 THREE FOUNTAINS DRIVE #258
SALT LAKE CITY UT 84107

RE: CHANGE IN OWNERSHIP FOR A22-07280, A22-02223, AND
A22-12251

Dear Mr. Rowan:

This letter is in direct regard to the Change in Ownership that was completed on the water rights in the above reference (letter dated November 24, 1992 to Norman Riley, enclosed). Particularly in question is your portion of A22-07280. I found an error in my calculations. Refiguring the division of the split between the two water rights resulted in the following:

Norman Riley, 4.27 cfs on 290 acres (A22-07280B)
Catherine Rowan, 6.54 cfs on 444 acres (A22-07280A)

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt
Enclosure: Copy of letter to Riley's
Copy of Claim A22-07280A (revised)

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DEC 09 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

NOVEMBER 24, 1992

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NORMAN RILEY
1623 W 3400 S
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07280, A22-02223, AND
A22-12251

Dear Mr. Riley:

The request for Change in Ownership concerning the Notices of Claim in the above reference (A22-02223 and A22-12251) has been processed and the names changed to show you as the current owner. A22-07280 was split into two separate portions.

Enclosed are "copies" of A22-02223 and A22-12251 for your records. Also enclosed is A22-07280B for a portion of water right A22-07280.

Jim Howe has died and Mrs. Rowan requested the water rights be in her name (they were formerly in both names).

Since you purchased 205 acres of land from Catherine H. Rowan, the above mentioned water right, A22-07280, has been split into A22-07280A and A22-07280B. A22-07280B gives you 3.020 cfs for 205 acres and A22-07280A with 7.790 cfs on 529 acres is the remaining portion belonging to Mrs. Rowan.

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

cc: Catherine Rowan/copy letter/A22-07280A

*See letter
dated
Dec 3, 1992*

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SEP 09 2005

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DEC 09 1992



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: A22-07280, A22-02223, A22-12251

☐ Name and Address of Former Owner/Claimant(s)(Seller): Tim W. Lowe
PO Box 803 (Palm Springs 390 Midland Ave)
Box 803 ID 83940

☐ New Owner/Claimant (Purchaser): Norman or Robin R. Riser

☐ New Mailing Address: 1622 W 3400 S.
Reynolds ID 83940

☐ New Telephone Number: (208) 356-5873

☐ 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:

No in the others

☐ 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): Robin Riser Date 11-12-92

☐ 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

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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SEP 09 2005

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DEC 09 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Dear Sir,
Enclosed is the
completed form and
copy of the death certifi-
cate per your request.
Thank you.

Catherine Rowan

Ms Rowan,

PLEASE complete the form
and provide us with a copy
of the death certificate.

Thank You.

DEPT OF WATER RESOURCES
150 SHOUP AVE STE 15
TINAH FALLS ID 83402

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SEP 09 2005

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23 1992

Water Resources
District Office

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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 5 N Range 40 E
Section 11, SW 1/4 of SW 1/4 of SW 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: A22-07280(A)
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Jim W. Howe
Catherine Rowan
P.O. Box 803, Rexburg, Idaho 83440
- ☐ New Owner/Claimant (Purchaser): Catherine H. Rowan
- ☐ New Mailing Address: 843 Three Fountains Dr. #258
5917 Lake City, Utah 84107
- ☐ New Telephone Number: (801) 266-4044
- ☐ 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:

- ☐ Attach proof of ownership, describe proof attached: Copy of Death Certificate Enclosed
(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): Catherine H. Rowan Date 11/5/92
- ☐ 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
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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SEP 09 2005

MICROFILMED

DEC 09 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MAR 1 6 1992

State of Idaho
CERTIFICATE OF DEATH

State File No. **1353**
Local Reg. No. **126#7**

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DEATH UNDER IDAHO CODE 39-241(k) & 39-274

DECEDENT	DECEDENT — NAME FIRST		MIDDLE		LAST		SEX	DATE OF DEATH (Month, Day, Year)	
	1. JAMES WEBSTER HOWE						2. Male	3. March 4, 1992	
	SOCIAL SECURITY NUMBER		AGE - Last Birthday (Yrs.)		UNDER 1 YEAR MONTHS DAYS		DATE OF BIRTH (Month, Day, Year)		
	[REDACTED]		5a. 62		5b. 5c.		6. April 23, 1929		
	WAS DECEDENT EVER IN U.S. ARMED FORCES?		PLACE OF DEATH (Check only one) *		HOSPITAL		OTHER		
	a. ☐ Yes ☒ No		9a. (1) ☒ Inpatient (2) ☐ ER/Outpatient (3) ☐ DOA		(4) ☐ Licensed Nursing Home (5) ☐ Private Residence (6) ☐ Licensed Shelter Home (7) ☐ Other (Specify)				
	FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number)						CITY, TOWN OR LOCATION OF DEATH		COUNTY OF DEATH
	9b. Eastern Idaho Regional Medical Center						9c. Idaho Falls		9d. Bonneville
	MARITAL STATUS — Married, Never Married, Widowed, Divorced (Specify)		SURVIVING SPOUSE (If wife, give maiden name)		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.)		KIND OF BUSINESS / INDUSTRY		
	10. Divorced		11.		12a. Farmer 473		12b. Agriculture 010		
PARENTS	FATHER — NAME		BIRTHPLACE		MOTHER — FULL MAIDEN NAME		BIRTHPLACE		
	17a. Royal George Howe		17b. Utah		18a. Lucille Webster		18b. Idaho		
	INFORMANT'S NAME (Type/Print)				MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)				
	19a. Robin Riley				19b. 1623 West 3400 South Rexburg, Idaho 83440				
	METHOD OF DISPOSITION		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place)		LOCATION — City or Town, State				
	20a. ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify)		20b. Rexburg Cemetery		20c. Rexburg, Idaho				
	SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH *		LICENSE NUMBER (of Licensee)		NAME AND ADDRESS OF FACILITY				
	21a. [Signature]		21b. M-599		22. Flamm Funeral Home Rexburg, Idaho				
	TIME OF DEATH		DATE PRONOUNCED DEAD (Month, Day, Year)		WAS CASE REFERRED TO CORONER?		MANNER OF DEATH (Check One)		
	23. 5:35 PM		24. March 4, 1992		25. ☐ Yes ☒ No		26. ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined		
DISPOSITION	27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.								
	IMMEDIATE CAUSE (Final disease or condition resulting in death)								
	a. <i>coronary respiratory arrest</i> 3 days								
	b. <i>AIDS assoc. lymphoma & simicasts</i> 6 mo								
	c. <i>acquired immune deficiency syndrome</i> 6 mo								
	d. <i>HIV infection</i> 4 yrs +								
	27. PART-II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.								
	WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No								
	WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☐ No								
	CERTIFIER	CERTIFIER (Check only one)							
☒ PHYSICIAN — To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.									
☐ CORONER — On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.									
SIGNATURE AND TITLE OF CERTIFIER		LICENSE NUMBER		DATE SIGNED (Month, Day, Year)					
29a. [Signature]		29c. M4125		29d. 3/10/92					
NAME AND ADDRESS OF CERTIFIER (Type/Print)									
29e. Dr. Martha H. Tanner, M.D. 2001 South Woodruff Avenue Idaho Falls, Idaho 83404									
DATE OF INJURY (Mo., Day, Yr.)		HOUR OF INJURY		DESCRIBE HOW INJURY OCCURRED					
30a.		30b.		30c.					
INJURY AT WORK? ☐ Yes ☐ No		IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other		PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify)		LOCATION (Street or Route Number, City/Town, or County, and State)			
30d.		30a.		30f.		30g.			
CORONER'S REVIEW AREA	CORONER'S ACTION (Check One)		(2) ☐ Reviewed, Completed Items 26 and/or 30		CORONER'S SIGNATURE		DATE SIGNED (Month, Day, Year)		
	31a. (1) ☐ Reviewed Only (3) ☐ Reviewed, Amended and Certified		31b.		31c.				
	REGISTRAR'S SIGNATURE						DATE FILED (Month, Day, Year)		
	32a. [Signature]						32b. 3-13-92		

State of Idaho.)
County of Ada)

THIS IS TO CERTIFY That this is a certified copy of a certificate filed with the Department of Health and Welfare under Title 39, Idaho Code.

OCT 19 1992

Date Issued

Richard W. Blair
State Registrar of Vital Statistics

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: **A22-07280A**
Date Received: 10/20/1988
Receipt No: X777777
Received By: _____

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

1. Name: CATHERINE H ROWAN 801-266-404.
Address: 213 THREE FOUNTAINS DRIVE #258
SALT LAKE CITY UT 84107

2. Date of Priority: JUN 27, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	40E	11	SW	SW	SW		MADISON

5. Description of diverting works:
WELL, 500HP PMP 505'-12" COL. SETTING, 16"-12GA. DIS. STEEL PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.540		

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

8. Total consumptive use is 1468.0 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	40E	10	NE	SE		IRR	12.0
			SE	SE		IRR	24.0

SCANNED

SEP 09 2005

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Date: 12/02/92
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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	36.0
		11	NE	SW	IRR	10.0
			NW	SW	IRR	20.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
					Section Acres	110.0
		14	SW	NE	IRR	0.3
			NW	NW	IRR	25.6
			SW	NW	IRR	18.4
			SE	NW	IRR	1.7
			NE	SW	IRR	29.0
			NW	SW	IRR	32.0
			SW	SW	IRR	31.0
			SE	SW	IRR	39.0
			SW	SE	IRR	15.0
					Section Acres	192.0
		15	NE	NE	IRR	24.0
			SE	NE	IRR	24.0
			NE	SE	IRR	24.0
			SE	SE	IRR	7.0
					Section Acres	79.0
		23	NW	NE	IRR	2.0
			NE	NW	IRR	17.0
			NW	NW	IRR	8.0
					Section Acres	27.0
					Total Acres	444.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THE PLACE OF USE LISTED ABOVE DIFFERS FROM THE PERMITTED ACREAGE
REFLECTS ACTUAL PRACTICE WHICH STARTED WHEN WE BEGAN USING THE

14. Remarks: Continued

WELL. THIS WAS CONFIRMED BY DEPARTMENT PERSONEL WHEN THEY COM-
PLETED THE LICENSING FIELD EXAM.
PAID #E003351

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 _____ 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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

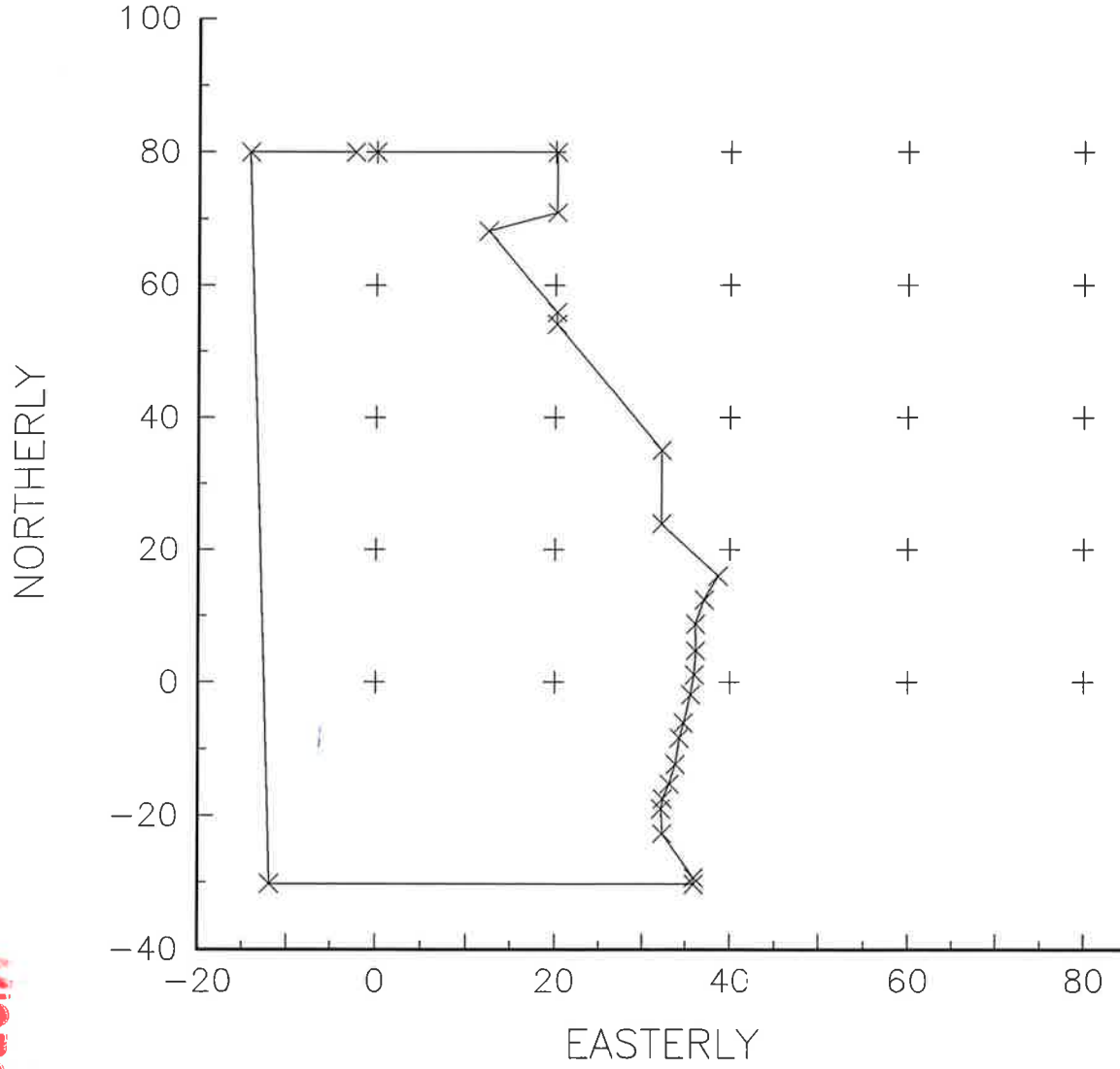
My Commission Expires _____

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TYPICAL SECTION

Property Overlay



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SEP 09 2005