

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08977
Date Received: 3/13/1990
Receipt No: W010935
Received By: JFW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORVILLE R. EVANS 208-459-8078
Address: 26281 FREEZE OUT RD.
CALDWELL, ID 83605

2. Date of Priority: SEP 21, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	22	NE	SW			CANYON

5. Description of diverting works:
WELL, PUMP, GRAVITY FLOW & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.880		423.00

7. Total Quantity Appropriated is:
1.880 C.F.S. (and/or) 423.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	22	NE	SW		IRR	10.0
			SW	SW		IRR	31.0
			SE	SW		IRR	32.0
			SW	SE		IRR	21.0

Section Acres 94.0

A63-08977

Page 1

Date: 03/13/90

MICROFILMED
AUG 24 1992

10. Place of Use: Continued

Total Acres 94.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
BLACK CANYON IRR. DIST.

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 0

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): Quill R Evans Date: 3-13-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 12.8.94

REAL PROPERTY INQUIRY

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+++++
01 7R37949-000- -0 032-00 SCH134+ 01 24,100 38.70
+++++
10 13,000 1.00
EVANS, ORVILLE R + 19 2.80
+ 31 83,500
+ 32 60,300
+
+
26281 FREEZEOUT RD +
CALDWELL ID 83605 +
+++++
22-5N-3W SW + TOTAL 180,900 42.50
SESW, S 330' OF E 330' OF NESW ++++++
+ SURVEY INST
+ DRAIN DR VALUE APPR MKB
+ CLASS 2 REAP 93 MAN 95 UNIT 1
26281 FREEZEOUT RD, CA + PARCEL 7R05N03W225300 H/O Y C/B N
+ PRIOR ACCOUNT 6R37949-000- -0
+ 02 MH on Property NO

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MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 14:45

REAL PROPERTY INQUIRY

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+++++
01 7R37951-000- -0 032-00 SCH134+ 01 39,200 76.60
+++++
05 25 1.00
EVANS, ORVILLE R + 19 .65
+
+
+
+
26281 FREEZEOUT RD +
CALDWELL ID 83605 +
+++++
22-5N-3W SW + TOTAL 39,225 78.25
W1/2 SW LESS TAX 2 IN SWSW ++++++
+ SURVEY INST
+ DRAIN DR VALUE APPR GTK
+ CLASS REAP 93 MAN UNIT 0
GALLOWAY RD, CA + PARCEL 7R05N03W225401 H/O N C/B N
+ PRIOR ACCOUNT 6R37951-000- -0
+ 02 MH on Property NO

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MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 14:46

REAL PROPERTY INQUIRY

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+++++
01 7R37911-000- -0 033-00 SCH134+ 01 17,900 36.00
+++++
05 50 1.84
EVANS, ORVILLE R + 19 .76
& EVANS, MARGARET E H/W +
+
+
+
26281 FREEZOUT RD +
CALDWELL ID 83605 +
+++++
20-5N-3W SE + TOTAL 17,950 38.60
SWSE LESS TX 10 ++++++
+ SURVEY INST 9428584
+ DRAIN DR VALUE APPR GTK
+ CLASS REAP 93 MAN UNIT 0
GALLOWAY RD, CA + PARCEL 7R05N03W207800 H/O N C/B N
+ PRIOR ACCOUNT 6R37911-000- -0

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MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 04/03/2006 Time 14:47

REAL PROPERTY INQUIRY

```
+++++
01 7R37950-000- -0 032-00 SCH134+ 01 20,400 37.00
+++++
EVANS, ORVILLE R +
+
+
+
+
26281 FREEZEOUT RD +
CALDWELL ID 83605 +
+++++
22-5N-3W SW + TOTAL 20,400 37.50
NESW LESS S 330' OF E 330' ++++++
+ SURVEY INST
+ DRAIN DR VALUE APPR GTK
+ CLASS REAP 93 MAN UNIT 0
FREEZEOUT RD, CA + PARCEL 7R05N03W224800 H/O N C/B N
+ PRIOR ACCOUNT 6R37950-000- -0
+ 02 MH on Property NO
```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK203

```
+++++
+ PERSONAL PROPERTY INQUIRY +
+++++
+ 01 7P65480-000- -0 032-00 FIRE- FLOOD- REAP 97 APPR KSG +
+++++
+ NAMES +
+ EVANS, ORVILLE R +
+
+ VALUES +
+ 58 116,539 +
+++++
+ MAILING ADDRESS +
+
+ 26281 FREEZEOUT RD +
+ CALDWELL ID 83605 +
+
+ 22-5N-3W SW 7R37949-000- -0 +
+ 26281 FREEZEOUT RD CA + TOTAL 116,539 +
+++++
+ STATUS- COMB N TRAN N DEL N FARM Y DECL N INDUST N PPD N +
+ PRIOR ACCOUNT 6P65480-000- -0 PARCEL 7PC5N3W2250476 HOMEOWNERS ? NO +
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06/22/2006

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

RIGHT NUMBER: 63-8977

NAME AND ADDRESS: ORVILLE R EVANS
26281 FREEZE OUT RD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.880 CFS
423.000 AFY

PRIORITY DATE: 09/21/1977

POINT OF DIVERSION:

T05N R03W S22 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

1.880 CFS
423.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S22	NESW	8.00	T05N R03W S22	SWSW	31.00
T05N R03W S22	SESW	34.00	T05N R03W S22	SWSE	21.00

94 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

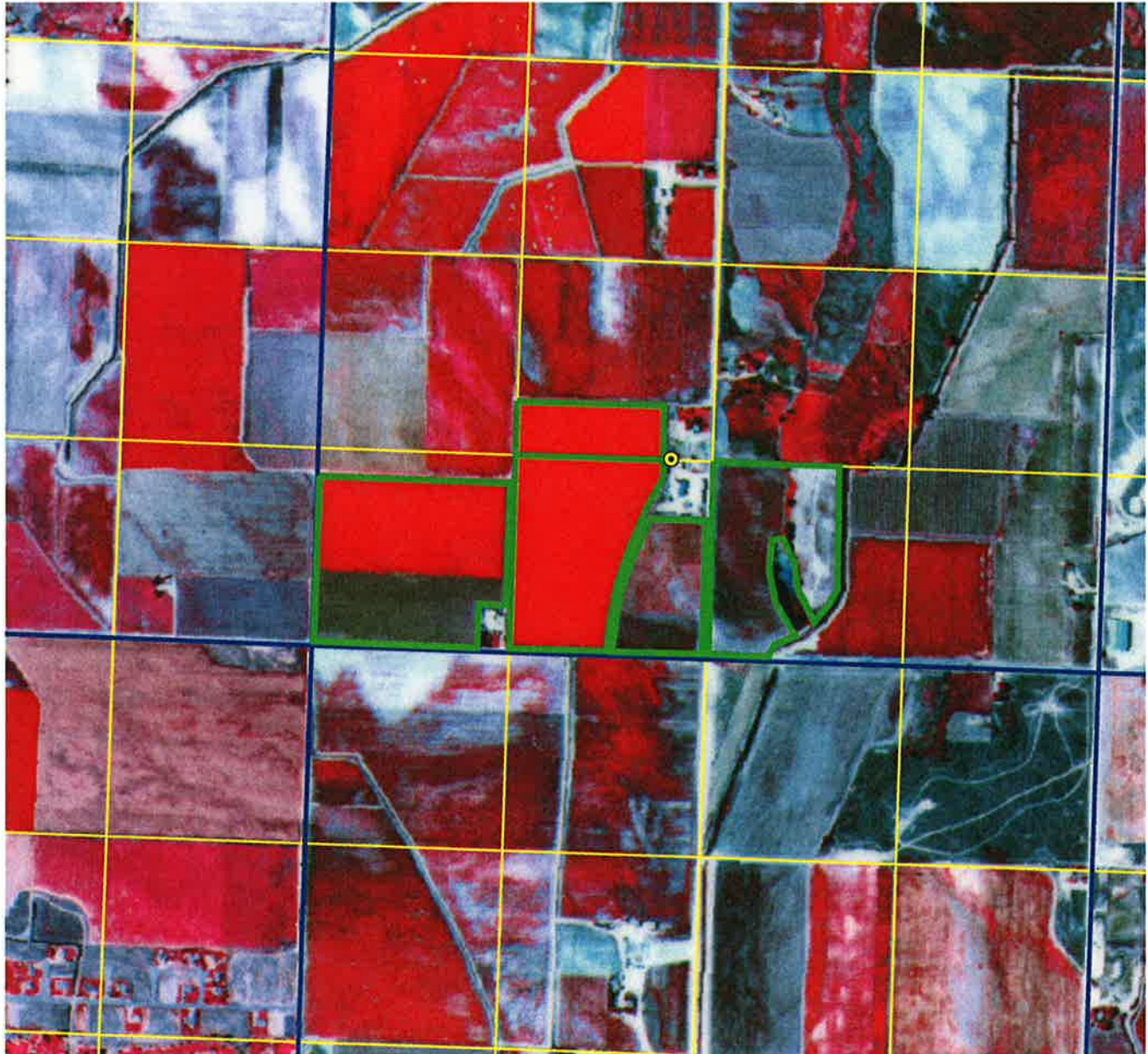
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-8977

05N 03W Section 22



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 94

500 0 500 1000 Feet



IDWR
Prepared by: Lori Graves
Date: 6-22-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8977 V1

WATER RIGHT NUMBER: 63-8977 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ORVILLE R EVANS 26281 FREEZE OUT RD CALDWELL, ID 83605 (208)459-8078

Priority Date: 09/21/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.880 CFS	423.00 AF
	<u>Total Diversion:</u>	1.880 CFS	423.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 22, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	22									8.0		31.0	34.0			21.0		94.0

Total Acres: 94

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. R05 The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. W14 Use of this right is combined with water from Black Canyon Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-8977 V1

Comments:

1. Igraves 6/22/2006 P/U

Comment: Acres were adjusted per 1987 aerial photo compared with licensing field exam map.

2. Igraves 6/22/2006 Ownership

Comment: Tax records indicate property has been split and portions of the licensed acres are currently owned by three separate parties, including the original claimant (as a trust).

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8977

WATER RIGHT NUMBER: 63-8977

Owner Type Name and Address
 Current Owner ORVILLE R EVANS
 26281 FREEZE OUT RD
 CALDWELL, ID 83605
 (208)459-8078

Priority Date: 09/21/1977 ✓
 Basis: License ✓
 Status: Active ✓

Source Tributary
 GROUND WATER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.880 CFS ✓	423.00 AF ✓
<u>Total Diversion:</u>		1.880 CFS ✓	423.00 AF ✓

Location of Point(s) of Diversion
 GROUND WATER NE1/4SW1/4 Sec. 22, Twp 05N, Rge 03W, B.M.
 CANYON County

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	22									40.0		31.0	32.0			21.0		94.0
											8				34				

Total Acres: 94

per 1987 photo + lic
 field exam map

Conditions of Approval:

1. R05 The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 3/13/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

add 539 3/1-11/15
 W14 BCID per claim
 C05 acre shuffler

Property has been split
 Tax records show portions of
 licensed acres owned by
 - Evans Family Trust
 - Perry Trammel
 - Ed McNelis

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8977 (late proof)
Priority September 21, 1977 Amount 1.88 cfs

THIS IS TO CERTIFY, that ORVILLE R. EVANS
of Caldwell, Idaho, has complied with the terms and conditions of Permit
No. 63-8977 issued pursuant to Application for Permit dated July 12, 1977,
and has submitted proof to the Department of Water Resources on December 11, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.89 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>1.88</u> cfs and <u>423</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 1.88 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
423 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 5N,
Rge. 3W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	3W	22									10		31	32				21	94

Total number of acres irrigated 94

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of
April, 19 81.

Director

Permit No.

REMARKS

Purple Sage G.C. acc.

Allow .02¢/s per acre - $.02 \times 94 = 1.88$ ✓

[illegible]

System Description G.E. 40 hp motor, 3phase, JORDANSON pump w/ 8" pipe to POND INTO CEMENT BOX. Then thru cement ditches w/ siphon tubes.
GRAVITY IRRIG.

**Code with map on reverse side. Disregard code if only one.*

Remarks

A hand-drawn map on a grid. The map shows a road layout. A road is shown with a curve, and a point is marked 'P.'. The road is divided into sections labeled '31', '32', and '21'. The text 'TWP. 34N' is written on the left, and 'Rd. 34' is written on the right.

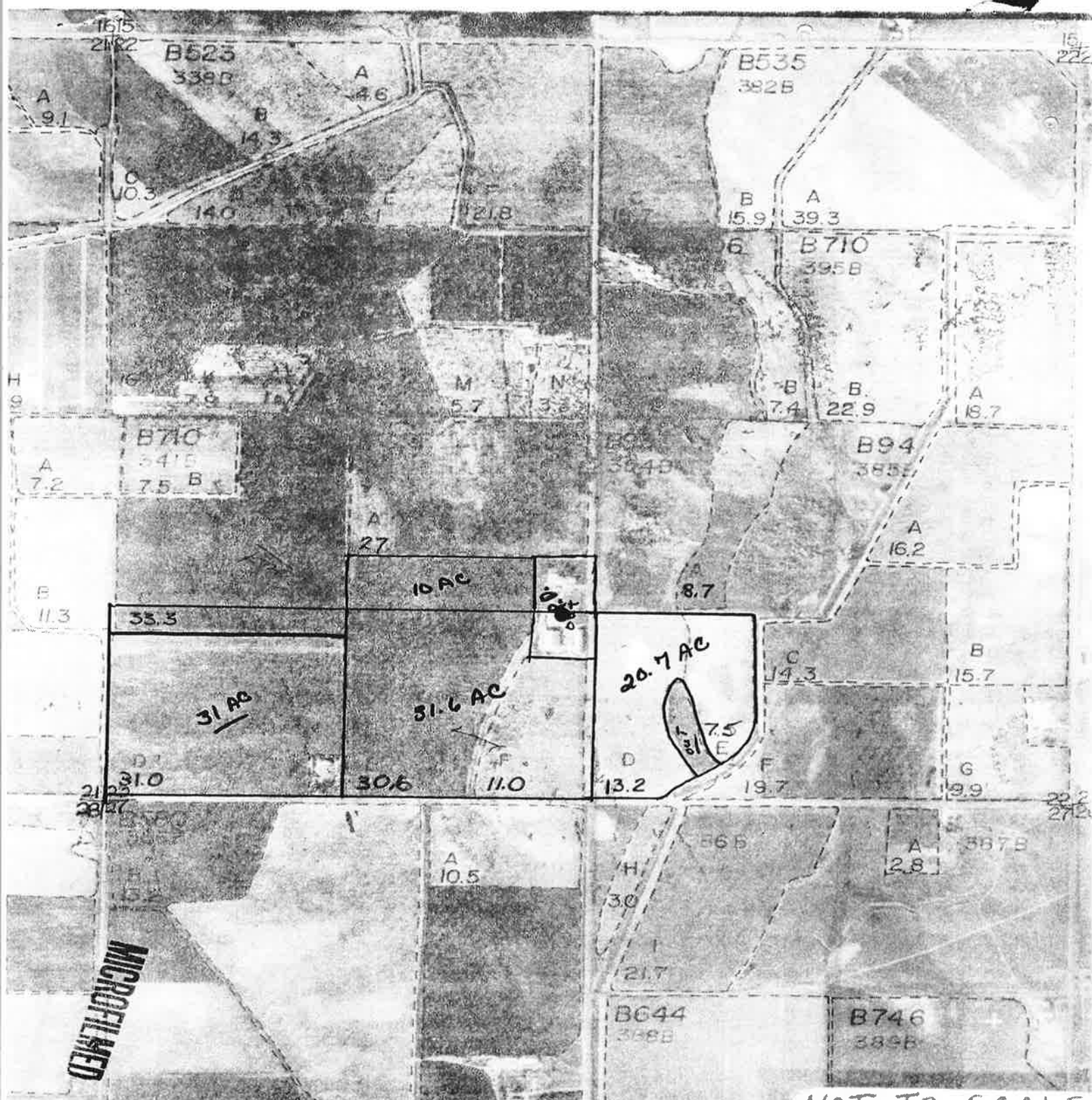
(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NE 1/4 SW 1/4, Sec. 22, Twp. 5N, R6E, 3W, S. 1M.

Place(s) of Use

[illegible]☐ Other

Date 3/12/81



Receipt Details for ID W010935

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/13/1990 1:56:34 PM	3/13/1990	Western	\$75.00	Check
Payer		EVANS, ORVILLE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
7243			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	ADJUDICATION FEES	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8977		\$50.00	Claim
63	21854		\$25.00	Claim

Print Report

4/3/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

[illegible]