

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: A63-05112
Date Received: 2/ 5/1990
Receipt No: M005731
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: HERMAN F & VELMA R CASE TRUST 208-459-3758
Address: CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL ID 83605

2. Date of Priority: APR 1, 1961

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	04W	14		NE	SE		CANYON

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.480		

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

8. Total consumptive use is 98.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	14	NE	SE		IRR	24.0

Section Acres 24.0

SCANNED

A63-05112 APR 14 2008

Page 1

Date: 08/25/95

10. Place of Use: Continued

Total Acres 24.0

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:
 WILDER IRR.

14. Remarks:
 WILDER IRR. PAID FEES FOR ACREAGE.

15. Basis of Claim: STATUTORY CLAIM

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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: A63-05112
Date Received: 2/05/1990
Receipt No: M005731
Received By: La

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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Address: C/O CLARE CASE, TRUSTEE
19074 DEER FLAT RD.
CALDWELL, ID 83605

2. Date of Priority: APR 01, 1961

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	04W	14	NE	SE			CANYON

5. Description of diverting works:
~~WELL~~, PUMP, PIPELINE & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.480		

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	14	NE	SE		IRR	24.0
Section Acres							24.0

A63-05112

Page 1

Date: 02/05/90

MICROFILMED

AUG 20 1992

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Total Acres 24.0

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

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 WILDER IRR.

14. Remarks:
 WILDER IRR. PAID FEES FOR ACREAGE.

15. Basis of Claim: STATUTORY CLAIM

(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.

MICROFILMED
AUG 20 1992

THE HERMAN F. AND VELMA R. CASE REVOCABLE TRUST

THIS TRUST AGREEMENT, dated this 2nd day of October, 1988, is among HERMAN F. CASE and VELMA R. CASE, Husband and Wife, of Canyon County, Idaho, (referred to collectively as "Grantors"), and CLAIR R. CASE, of Canyon County, Idaho, (referred to collectively as "Trustee").

ARTICLE 1: CREATION OF TRUST

1.01 Initial Trust Estate. By this agreement, Grantors assign, convey, transfer and deliver to the Trustee the property described on Schedule A attached thereto and the Trustee accepts such property as the initial trust estate. Such property shall be held IN TRUST and shall be administered and distributed upon the terms and conditions herein set forth.

1.02 Character of Property. The property described on Schedule A is the community property of Grantors and shall retain its character as such in the trust estate.

1.03 Additions to Trust. Grantors, or either of them, or any other person may from time to time transfer or devise additional property to the Trustee upon the terms of this instrument.

1.04 Name of Trust. While either Grantor is living, the trust hereby created shall be known as THE HERMAN F. AND VELMA R. CASE REVOCABLE TRUST.

ARTICLE 2: ADMINISTRATION AND DISPOSITION OF TRUST ESTATE

2.01 Powers Reserved by Grantors.

(a) Enumeration of Powers.

(1) Revocation. While either Grantor is living, the trust created by this instrument may be revoked, in whole or in part, by an instrument signed by Grantors, or the survivor of them, and delivered to the Trustee. Upon revocation, the Trustee shall promptly

8.05. Trustee. Unless a contrary meaning or reference shall be expressly indicated or clearly implied from the context, the term "trustee" and the pronoun "it" in reference to Trustee always refer interchangeably to the male or female person or persons or to the institution or any combination of them then acting as Trustees of any trust established hereunder.

8.06. Governing Law. The laws of Idaho shall govern all questions as to the validity and construction of this instrument and of all trusts created by this instrument.

8.07 Other Principles of Construction. Words in any gender shall be deemed to include the other genders; the singular shall be deemed to include the plural and vice versa; the words "pay" and "distribute" shall also mean assign and convey; and the table of contents, headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this instrument.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

GRANTORS:

Herman F. Case
HERMAN F. CASE

Velma R. Case
VELMA R. CASE

TRUSTEE:

Clair R. Case
CLAIR R. CASE

STATE OF IDAHO

COUNTY OF ~~CANYON~~ ^{Owyhee}

) SS:

On this 2nd day of ~~October~~ ^{November}, 1988, before me, a Notary Public, in and for said State, personally appeared HERMAN F. CASE and VELMA R. CASE, Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

[Signature]
Notary Public for Idaho
Residing at Caldwell, Idaho

D. HAKEN
Notary Public, State of Idaho
Qualified in Owyhee County
Commission Expires June 27, 1993

STATE OF IDAHO

COUNTY OF ~~CANYON~~ ^{Owyhee}

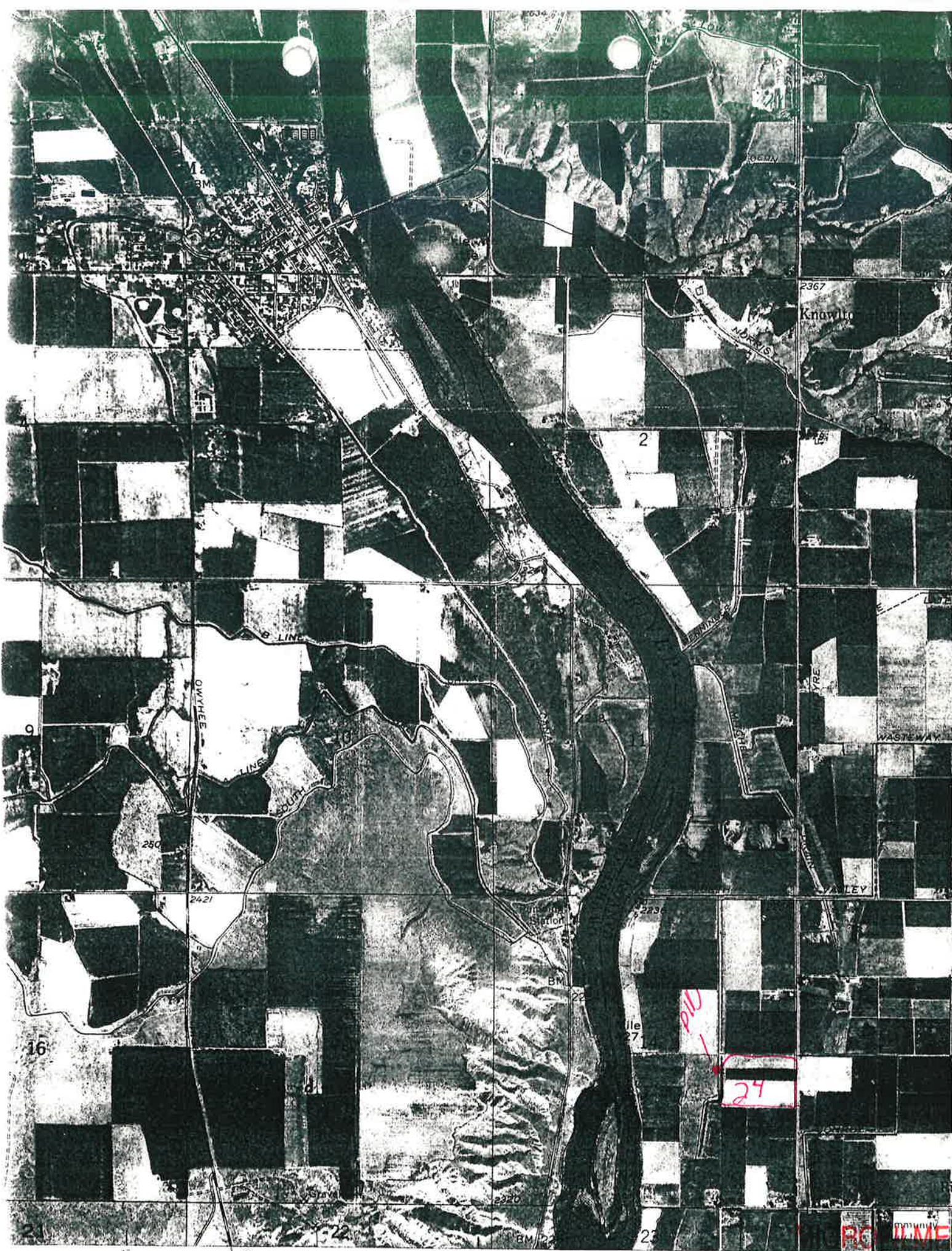
) SS:

On this 2nd day of ~~October~~ ^{November}, 1988, before me, a Notary Public, in and for said State, personally appeared CLAIR R. CASE, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

[Signature]
Notary Public for Idaho
Residing at Caldwell, Idaho

D. HAKEN
Notary Public, State of Idaho
Qualified in Owyhee County
Commission Expires June 27, 1993



AG3-5112

T2N, R4W Sec. 14: NE, SE

AUG 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Herman Case
Box 433 (Name of Claimant)

Box 4 Caldwell, Id 83605
(Mailing Address)

Telephone No. 959-7746
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1961
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Unnamed Drain tributary to Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.48</u>		Use <u>Irrigation</u>		Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 14 Twp. 2N Rge. 4W B.M., County of Canyon
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
10 HP pump and motor into pipeline and sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>2N</u>	<u>4W</u>	<u>14</u>													<u>24</u>				<u>24</u>

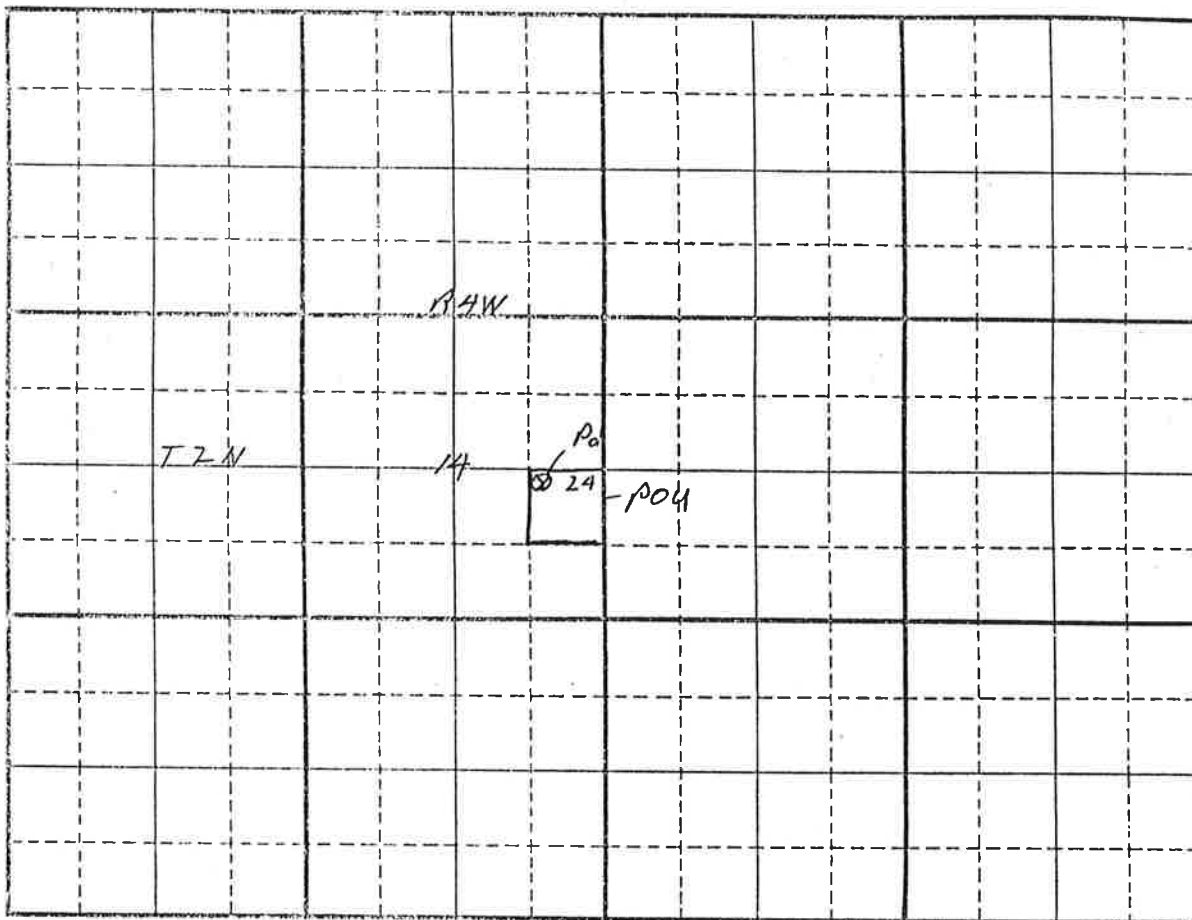
No. of acres 24

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

16

day of

June

1953.

x Gerrman Carl

(Claimant)

Nancy M. Hathway

Notary Public

Residing at

Bosse

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by

6.5

Date

6/16/83

Exception filed by:

Forwarded to

Date

Prelim. check by

6.5

Date

6/24/83

\$30.00 fee received by

6.5

Date

6/16/83 # 3103B

claimant by:

Published in

Boise Tribune

Dates

6/24/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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At 4 Caldwell, Id 83605 (Mailing Address) Telephone No. 859-7746 (Zip Code)

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Quantity <u>.48</u>		Use <u>Irrigation</u>		Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) TOTAL QUANTITY USED.

(cfs, af)

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Additional points of diversion:

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T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2N</u>	<u>4W</u>	<u>14</u>													<u>24</u>				<u>24</u>

No. of acres 24

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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FOR DEPARTMENT USE ONLY

Received by _____ Date 6/5
 Prelim. check by _____ Date 6/5
 \$30.00 fee received by _____ Date 6/5
 Published in _____ Date 6/16/83
 Exception filed by: _____ Date 6/16/83 # 31038
 Forwarded to _____ Date _____
 claimant by: _____

My commission expires _____

Sworn to before me this 16 day of June, 1983.

James M. Maltby
 (Claimant)

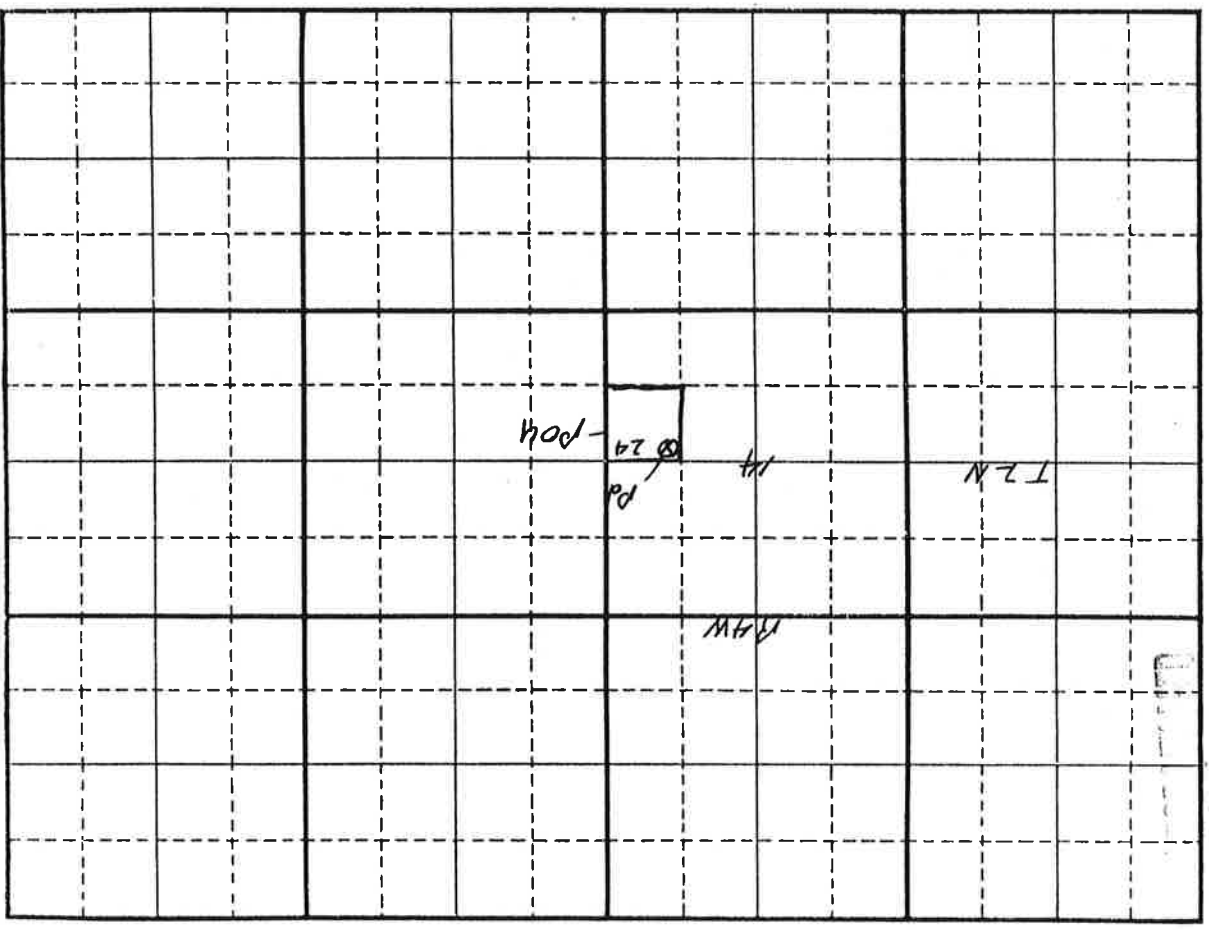
James M. Maltby
 Notary Public
 Residing at Bow

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

State of Idaho)
 County of Ada) ss.
)

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Scale: 2 inches equal 1 mile.



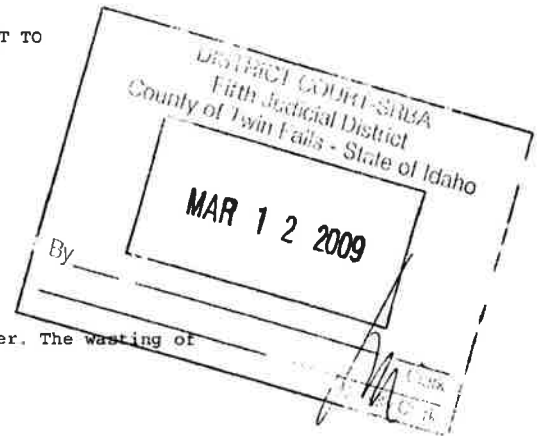
(8) Remarks _____

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

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

Water Right 63-05112



NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA, AZ 85205-4083

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.35 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION: T02N R04W S14 NESE Within Canyon County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-01 TO 11-15	0.35 CFS

PLACE OF USE: Irrigation Within Canyon County
T02N R04W S14 NESE 24.0
24.0 Acres Total

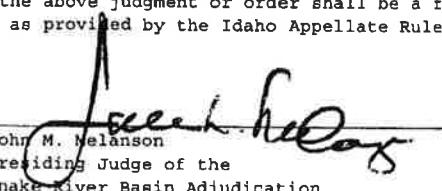
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

An easement or right of way agreement providing for access to the
drain by its owner and those responsible for maintaining it -
and/or for access to the drain by the appropriator to divert
water pursuant to this right - must be executed among the
appropriator, the owner of the drain, and, if appropriate, those
responsible for maintaining the drain. Failure to execute such
an agreement will constitute grounds for legal action to prevent
water from being diverted under this 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 10 2008	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
_____	) FOR WATER RIGHT 63-05112

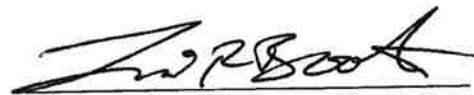
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On December 3, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection.¹ The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-05112 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec. 10, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ The SF-5 signed by the parties adds a remark concerning wastewater under the "source" element of the right. The *Director's Report* included a different wastewater remark under "other provisions necessary" which was not deleted in the SF-5. Presumably this is a clerical error caused by oversight, and accordingly the recommendation herein deletes the wastewater remark that was included in the *Director's Report*.

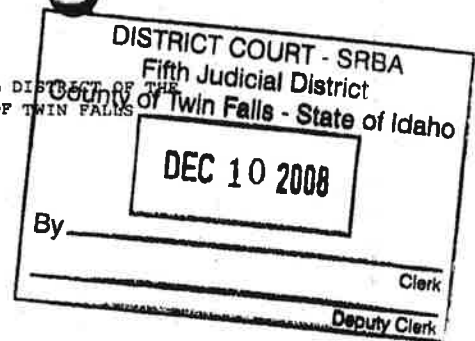
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 63-05112



NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA, AZ 85205-4083

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.35 CFS

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PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.35 CFS

PLACE OF USE: Irrigation Within Canyon County
T02N R04W S14 NESE 24.0
24.0 Acres Total

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drain by its owner and those responsible for maintaining it -
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appropriator, the owner of the drain, and, if appropriate, those
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an agreement will constitute grounds for legal action to prevent
water from being diverted under this 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

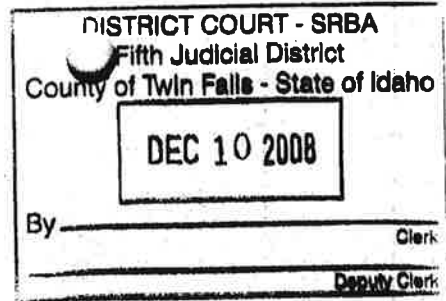
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 10 2008

SPECIAL MASTER



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

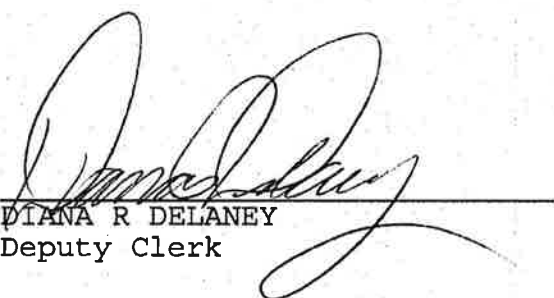
Water Right(s): 63-05112

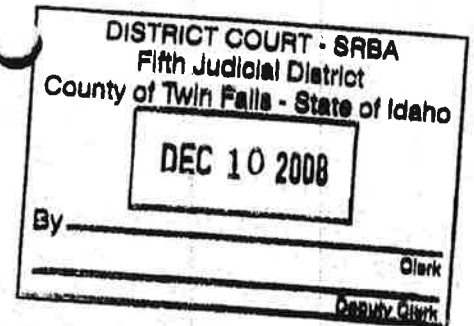
On December 10, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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

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

DATED December 10, 2008.


DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-05112

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 10, 2008, with sufficient first-class postage prepaid to the following:

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

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

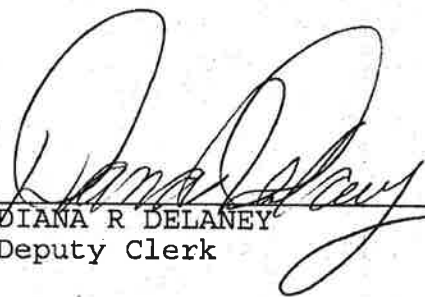
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
12/10/08

RIKAS CAPITAL LLC
DAVID B WALKER
SHAWN KING
4320 E BROWN RD, STE 110
MESA, AZ 85205

LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA, AZ 85205-4083



DIANA R DELANEY
Deputy Clerk

2008 DEC 03 PM 12:15
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

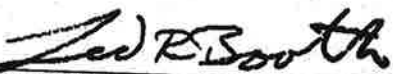
Case No. 39576

) ORDER VACATING
) STATUS CONFERENCE
)
) SUBCASE NO: 63-05112

All parties to the above subcase(s) executed and filed a Stipulation/Standard Form 5 for the above water right(s). Since all parties to the above subcase(s) have reached an agreement as to all elements of the above water right(s) as set forth in the Stipulation/Standard Form 5, IT IS ORDERED that the STATUS CONFERENCE set for Tuesday, December 23, 2008 at 01:30 PM (MT), is vacated.

IT IS SO ORDERED.

Dated: December 03, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

FILE COPY FOR 01924
FILE COPY FOR 01924

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER VACATING STATUS CONFERENCE was mailed on December 03, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

RIKAS CAPITAL LLC

DAVID B WALKER
SHAWN KING
4320 E BROWN RD, STE 110
MESA, AZ 85205

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LYONS IDAHO INVESTMENT LLC

4320 E BROWN RD STE 110
MESA, AZ 85205-4083

RECEIVED

NOV 13 2008

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

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

DEC - 3 2008

By _____

Clerk
Deputy Clerk

Subcase No. 63-05112

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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

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

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

CLAIMANT

Lyons Idaho Investment, LLC



Trustee on Behalf of Claimant

10-27-08

Date

OBJECTOR

Wilder Irrigation District



Albert P. Barker, Attorney

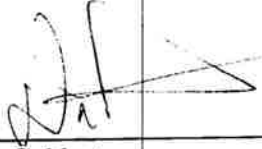
11-11-08

Date

STANDARD FORM 5 - 63-05112

RESPONDENT

United States on behalf of
Bureau of Reclamation



Date 12/2/08
David Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

INTERVENOR

Rikas Capital, LLC

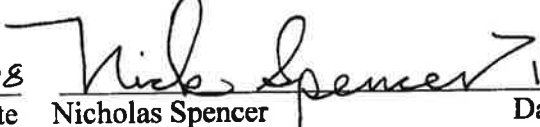


Date

IDWR Concurrence:



Date 11-4-08
IDWR Agent



Date 11-26-08
Nicholas Spencer
Deputy Attorney General

10/17/2008

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

RIGHT NUMBER: 63-5112

NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA AZ 85205-4083

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T02N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.350 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T02N R04W S14 NESE 24.00

24 ACRES TOTAL

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

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

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and, if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

BJS
10.27.08DL
NBS

CERTIFICATE OF MAILING

I certify that on Dec 2, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

RIKAS CAPITAL LLC
DAVID B WALKER
SHAWN KING
4320 E BROWN RD, STE 110
MESA, AZ 85205

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

LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA, AZ 85205-4083



Signature of person or attorney mailing the form

2008 OCT 31 AM 10:24
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
		SUBCASE NO: 63-05112

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

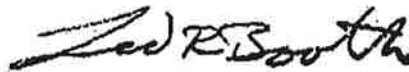
TUESDAY, DECEMBER 23, 2008 at 01:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: OCTOBER 31, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on OCTOBER 31, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:

ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

RIKAS CAPITAL LLC

DAVID B WALKER

SHAWN KING

4320 E BROWN RD, STE 110
MESA, AZ 85205

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

LYONS IDAHO INVESTMENT LLC

4320 E BROWN RD STE 110
MESA, AZ 85205-4083

09/18/2008

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

RIGHT NUMBER: 63-5112

NAME AND ADDRESS: LYONS IDAHO INVESTMENT LLC
4320 E BROWN RD STE 110
MESA AZ 85205-4083

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1961

POINT OF
DIVERSION:

T02N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T02N R04W S14

NESE 24.00

24 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

RECEIVED
SEP 02 2008
DEPARTMENT OF
WATER RESOURCES

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~65-5112~~	63-5112	—			—
63-5112 is the correct number		—			—
		—			—
		—			—
		—			—

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

- N/A* ☒ A. The appropriate ~~FILING FEE~~. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) HERMAN F & VELMA R CASE TRUST
CLAIR CASE TRUSTEE 19074 DEER FLAT RD
CALDWELL, ID 83605
4. New Owner/Claimant(s) LYONS IDAHO INVESTMENT, LLC
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 4320 EAST BROWN RD SUITE 110
- City, State and ZIP Code MESA, ARIZONA 85205
- New Telephone Number (480) 325-1800
5. Date you acquired the property 8/1/06

SCANNED

SEP 18 2008

SCANNED

SEP - 2 2008

OK to change ownership
NCRP needed AC 9-18-08

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Em A [Signature]
PROJECT MANAGER

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

SCANNED

SEP 18 2008

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by <i>[Signature]</i>	Date <i>9-18-08</i>	WR _____ Date _____

SCANNED

SEP - 2 2008

NCBP prepared.

SCANNED
SEP 18 2008

SCANNED
SEP 22 2008

SCANNED
SEP 29 2008

©2008 Google

Eye alt 2.6

Deer Flat Road

Chicken Dinner Road

Chicken Dinner 77



Image © 2008 DigitalGlobe

© 2008 Tele Atlas
elev 691 m

Bruneau Highway

39° N 116° 46' 28.13" W

08/21/2008

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

RIGHT NUMBER: 63-5112

NAME AND ADDRESS: HERMAN F & VELMA R CASE TRUST
CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL ID 83605

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1961

POINT OF
DIVERSION:

T02N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T02N R04W S14

NESE

24.00

24 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

COPY

FOR YOUR FILES
DO NOT RETURN

SCANNED

SEP 18 2008

SCANNED

SEP - 2 2008

Egbert, Sandy

From: Egbert, Sandy
Sent: Monday, September 15, 2008 10:21 AM
To: 'eric@lyonsintl.com'
Subject: Water Right 63-5112

Eric,

I sent a letter to your company earlier this month requesting a Warranty Deed with Township, Range, Section and quarter/quarter information for a change of ownership of the above water right. I have received the Warranty Deed along with numerous other papers from you but the Warranty Deed mentions an Exhibit A which I did not receive a copy of. I need a copy of that Exhibit A because it contains the legal description I need to finish the change of ownership. Would you fax the Warranty Deed Exhibit A to me at 208-287-6700 and include my name on the cover sheet? Once I receive the complete deed I will be able to finish the change of ownership. If you have questions you can reply to this email or call me at 208-287-4967.

Thank You,

Sandy Egbert
GIS Specialist
Idaho Dept. of Water Resources

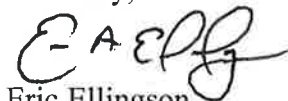
To: State of Idaho Department of Water Resources
From: Lyons Real Estate & Development
Date: September 9, 2008
RE: Notice of Change of Water Right Ownership

To Whom It May Concern:

Enclosed is a warranty deed for the property with water right number 63-5112. Please note that Lyons Idaho Investment, LLC is the managing member of the ownership. Lyons Idaho Investment, LLC is managed and owned by Fred Lyons who is the owner of Lyons Real Estate & Development. If you have any questions please feel free to call me at 480-328-7800 or e-mail me at the address listed below.

Thanks for your help!

Sincerely,



Eric Ellingson

Project Manger

eric@lyonsintl.com



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

REQUEST
TYPE Warranty Deed FEE 9-

PIONEER - NAMPA

BY [Signature]
CANYON CITY RECORDER

2008 AUG 2 PM 4 37

RECORDED

200862073

200604881

WARRANTY DEED

For Value Received James W. Kranz and Carol J. Kranz, husband and wife Pioneer 1031 Exchange Co.

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Rikos Capital LLC, a Nevada limited liability company, as to an undivided 23.33% interest; Lyons Idaho Investment, LLC an Idaho limited liability company, as to an undivided 11.67% interest; Peter F. Niemczyk and Patricia L. Niemczyk, Trustees of The Peter F. Niemczyk and Patricia L. Niemczyk Family Trust w/va November 19, 1996, as to an undivided 10% interest; Craig D. Burr and Jennifer L. Burr, Trustees of The Liberty Nevada Trust w/va October 29, 2002, as to an undivided 10% interest; Paul K. Hilton and Nanette R. Hilton, Trustees of The Paul and Nanette Hilton Family Trust w/va December 18, 1998, as to an undivided 5% interest; Jonathan W. Tuttle and Carol E. Tuttle, husband and wife, as to an undivided 5% interest; Shmoe Malick, an unmarried man, as to an undivided 5% interest; Sean S. Malick and Lisa A. Malick, husband and wife, as to an undivided 5% interest; Brian T. Macdon, Trustee of The Brian Thomas Macdon Trust w/va July 29, 2004, as to an undivided 5% interest; David V. Walker and Peggy Walker, husband and wife, as to an undivided 5% interest; Alejandro J. Delgado, Trustee of The Delgado Family Trust o/va April 11, 1995, as to an undivided 5% interest; Accura LLC, a Nevada limited liability company, as to an undivided 5% interest; KYR, LLC, a Nevada limited liability company, as to an undivided 5% interest

hereinafter referred to as Grantor, whose current address is 1. Shawn King 2600 Posen Verde Parkway Ste 250 Henderson, NV 89074
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 26, 2006

[Signature]
James W. Kranz

[Signature]
Carol J. Kranz

Eric, Warrant Deed to Shawn King on Chubb

Shawn King

State of Idaho

ss.

County of Canyon

On this 1st day of August, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared James W. Kranz and Carol J. Kranz known to me and or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Vicki Hunsperger

Notary Public

Residing at: Caldwell, ID

Commission Expires: 12/2/2010



SCANNED

SEP 18 2008

EXHIBIT A

This parcel is a portion of the East Half of the Southeast Quarter of Section 14, Township 2 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

Commencing at the Southeast corner of said East Half of the Southeast Quarter; thence
 South 89° 45' 00" West along the South boundary of said East Half of the Southeast Quarter a
 distance of 512.02 feet to the TRUE POINT OF BEGINNING; thence continuing
 South 89° 45' 00" West along said South boundary a distance of 807.98 feet to the Southwest
 corner of said East Half of the Southeast Quarter; thence
 North 00° 04' 23" West along said West boundary a distance of 2650.54 feet to the Northwest
 corner of said East Half of the Southeast Quarter; thence
 North 89° 45' 11" East along said North boundary a distance of 1320.05 feet to the Northeast
 corner of said East Half of the Southeast Quarter; thence
 South 00° 04' 19" East along said East boundary a distance of 2395.24 feet; thence
 South 89° 45' 00" West parallel with the South boundary of said East Half of the Southeast
 Quarter a distance of 512.02 feet; thence
 South 00° 04' 19" East parallel with the East boundary of said East Half of the Southeast
 Quarter a distance of 255.23 feet to the TRUE POINT OF BEGINNING.

SCANNED
 SEP 18 2008



Pioneer Title Co.

GOING BEYOND

610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

READ & APPROVED
[Signature]

200604881

WARRANTY DEED

For Value Received James W. Kranz and Carol J. Kranz, husband and wife Pioneer 1031 Exchange Co.

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Rikas Capital LLC, a Nevada limited liability company, as to an undivided 23.33% interest; Lyons Idaho Investment, LLC an Idaho limited liability company, as to an undivided 11.67% interest; Peter F. Niemczyk and Patricia L. Niemczyk, Trustees of The Peter F. Niemczyk and Patricia L. Niemczyk Family Trust u/t/a November 19, 1996, as to an undivided 10% interest; Craig D. Burr and Jennifer L. Burr, Trustees of The Liberty Nevada Trust u/t/a October 29, 2002, as to an undivided 10% interest; Paul K. Hilton and Nanette R. Hilton, Trustees of The Paul and Nanette Hilton Family Trust u/t/a December 18, 1998, as to an undivided 5% interest; Jonathan W. Tuttle and Carol E. Tuttle, husband and wife, as to an undivided 5% interest; Shane Malek, an unmarried man, as to an undivided 5% interest; Sean S. Malek and Lisa A. Malek, husband and wife, as to an undivided 5% interest; Brian T. Mecum, Trustee of The Brian Thomas Mecum Trust u/t/a July 29, 2004, as to an undivided 5% interest; David V. Walker and Peggy Walker, husband and wife, as to an undivided 5% interest; Alejandro J. Delgado, Trustee of The Delgado Family Trust u/t/a April 11, 1995, as to an undivided 5% interest; Aozora LLC, a Nevada limited liability company, as to an undivided 5% interest; KYH, LLC, a Nevada limited liability company, as to an undivided 5% interest

hereinafter referred to as Grantee, whose current address is _____
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 26, 2006

James W. Kranz

Carol J. Kranz

SCANNED

SEP 18 2008



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

READ & APPROVED
JK

200604881

WARRANTY DEED

For Value Received James W. Kranz and Carol J. Kranz, husband and wife Pioneer 1031 Exchange Co.

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Rikas Capital LLC, a Nevada limited liability company, as to an undivided 23.33% interest; Lyons Idaho Investment, LLC an Idaho limited liability company, as to an undivided 11.67% interest; Peter F. Niemczyk and Patricia L. Niemczyk, Trustees of The Peter F. Niemczyk and Patricia L. Niemczyk Family Trust u/t/a November 19, 1996, as to an undivided 10% interest; Craig D. Burr and Jennifer L. Burr, Trustees of The Liberty Nevada Trust u/t/a October 29, 2002, as to an undivided 10% interest; Paul K. Hilton and Nanette

R. Hilton, Trustees of The Paul and Nanette Hilton Family Trust u/t/a December 18, 1998, as to an undivided 5% interest; Jonathan W. Tuttle and Carol E. Tuttle, husband and wife, as to an undivided 5% interest; Shane Malek, an unmarried man, as to an undivided 5% interest; Sean S. Malek and Lisa A. Malek, husband and wife, as to an undivided 5% interest; Brian T. Mecum, Trustee of The Brian Thomas Mecum Trust u/t/a July 29, 2004, as to an undivided 5% interest; David V. Walker and Peggy Walker, husband and wife, as to an undivided 5% interest; Alejandro J. Delgado, Trustee of The Delgado Family Trust u/t/a April

11, 1995, as to an undivided 5% interest; Aozora LLC, a Nevada limited liability company, as to an undivided 5% interest; KYH, LLC, a Nevada limited liability company, as to an undivided 5% interest

hereinafter referred to as Grantee, whose current address is _____

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 26, 2006

James W. Kranz

Carol J. Kranz

SCANNED

SEP 18 2008



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

READ & APPROVED

[Signature]

200604881

WARRANTY DEED

For Value Received James W. Kranz and Carol J. Kranz, husband and wife Pioneer 1031 Exchange Co.

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Dated: July 26, 2006

James W. Kranz

Carol J. Kranz

SCANNED

SEP 18 2008



Pioneer Title Co.

GOING BEYOND

610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

READ & APPROVED

BTM

200604881

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Dated: July 26, 2006

James W. Kranz

Carol J. Kranz

SCANNED

SEP 18 2008

READ & AFFIX
[Signature]

200604881

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Dated: July 26, 2006

James W. Kranz

Carol J. Kranz



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

READ & APPROVED
[Handwritten signatures and initials]

200604881

WARRANTY DEED

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hereinafter referred to as Grantee, whose current address is 2608 PASEO VERDE PKWY, SUITE 250 HENDERSON, NV 89074

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Dated: July 26, 2006

James W. Kranz

Carol J. Kranz

SCANNED

SEP 18 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 3, 2008

LYONS IDAHO INVESTMENT, LLC
4320 EAST BROWN RD. SUITE 110
MESA, AZ 85205

RE: Notice of Change of Water Right Ownership No. 63-5112

Dear Claimants:

Enclosed is a copy of a Notice of Change of Water Right Ownership form that was recently submitted to our office. We cannot continue to process the ownership change without sufficient **proof of ownership**. This proof can be a copy of a Warranty Deed(s), Contract of Sale, Title Policy or other legal documentation indicating your ownership of the property; which includes the **legal description of the property by ¼ ¼ , Section, Township and Range**.

Please submit a copy of the proof of ownership, and we will be able to complete the ownership change. If you have any questions regarding this letter, feel free to call me at 287-4967.

Sincerely,

A handwritten signature in blue ink that reads "Sandy Egbert". The signature is written in a cursive, flowing style.

Sandy Egbert
GIS Specialist

Enc.

Copy

SCANNED
SEP 18 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 21, 2008

RIKAS CAPITAL LLC
C/O DAVID V WALKER OR SHAWN KING
4320 E BROWN RD STE 110
MESA AZ 85205

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #63-5112

Dear Claimant:

We have been advised you may be the new owner of the property and water right claim referenced above. I have enclosed a copy of our recommendation for your information. Before we can modify our records to reflect this change, we require the enclosed Notice of Change of Water Right Ownership form be submitted. I have enclosed that form for your use.

Since this water right is still pending before the court, there is no fee to change the ownership. Please send the completed ownership change to the attention of Sandy Egbert at this office. I have enclosed a postage-paid envelope for your convenience.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Recommendation Report
Notice of Change in Water Right Ownership Form

SCANNED

AUG 21 2008



RECEIVED
AUG 19 2008
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 23, 2008

Albert P. Barker, Esq.
BARKER, ROSHOLT & SIMPSON, LLP.
P.O. Box 2139
Boise, Idaho 83701-2139

Re: 63-5112, 63-5114, 63-5221, 63-19875, 63-21602, 63-21924, 63-32166 & 63-32348

Dear Al:

Something that I thought had been resolved several months ago with regard to the SF-5s you guys are preparing to resolve wastewater objections in Basin 63 Part 3 has come to my attention again. We are holding the listed above SF-5s because each of them contains the following remark, which you are using to settle objections involving access to the drain:

Water shall not be diverted under this permit until an easement or right of way with the owner of the drain providing for access to the drain is filed with the Department.

Earlier I had alerted you to the fact that the use of the word "permit" caused confusion because the remark was being applied to rights that were not in the permit stage, and that ultimately would be decreed rights. I had suggested that the term "water right" be substituted for "permit". IDWR changed several SF-5s to use that term. Additionally it looks like several SF-5s with that remark have slipped through and made it unchanged to the Court.

On reflection the use of the remark causes additional problems that I had not initially recognized. First, it imposes upon IDWR the burden of keeping a repository of access agreements. That can be a problem because IDWR doesn't really have a place to file them. Since the agreements will be legally significant contracts I would think the irrigation districts themselves would want to keep them in their own records so they would have easy access to them.

Additionally, my understanding is that the same remark is being used to resolve two different situations, but does not make this clear. In some cases the irrigation district wants an agreement authorizing the appropriator to access the drain to divert the water; in other cases the irrigation district wants what Paul Arrington is calling a "crossing" agreement, whereby the appropriator grants to the irrigation district a right of way to cross the appropriator's property in order to get to the drain to maintain it. This is not in itself a problem, but I think it would help if the situation were clarified, since even we at IDWR did not initially understand the remark was doing double duty.

However, the remark creates a much more significant problem: it can be construed as placing upon the watermaster, and therefore by extension, IDWR the responsibility for policing the situation with regard to these agreements and shutting off the water of appropriators who have not entered into them. I do not think IDWR has legal authority to do this. Moreover, I would think that the irrigation districts would not want the watermaster or IDWR to be the arbiter of the meaning of private easement and right of way agreements. That is a responsibility for the courts.

For these reasons IDWR will not be able to sign off on any more SF-5s containing that remark. But in order to help keep the pace of settlement of this type of objection moving along, I have tried very hard to come up with a substitute remark that I believe more accurately describes what you are trying to accomplish in this type of situation. The remark is as follows:

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it—and/or for access to the drain by the appropriator to divert water pursuant to this right—must be executed among the appropriator, the owner of the drain, and, if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this right.

Please ponder this and let me know what you think. I have tried to make it cover both of the situations you are dealing with, and to apply irrespective of whether the drain is owned by the Bureau of Reclamation or the irrigation district itself. I am not wedded to the language and would welcome any suggestions for improvements.

Assuming we can soon reach agreement on a substitute remark, IDWR will prepare substitute SF-5s for the group enumerated above and get them into circulation for re-signing. Also, in the future IDWR will gladly undertake the responsibility for preparing any additional SF-5s you wish to send out to claimants.

Thank you for your consideration. I look forward to hearing from you.

Best wishes,

A handwritten signature in black ink, appearing to read "Nick Spencer". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

NICHOLAS B. SPENCER
Deputy Attorney General

Cc: David Gehlert
Gail McGarry

Kevin E. Dinius
Julie Klein Fischer
William A. Morrow
Shelli D. Stewart
Dennis P. Wilkinson

Morrow Dinius

Attorneys at Law

5680 E. Franklin Rd., Ste. 220
Nampa, ID 83687
Telephone: (208) 475-2200
Fax: (208) 475-2201
www.morrowdinius.com

Email: jfischer@morrowdinius.com

June 2, 2008

Andrea Courtney
Deputy Attorney General
322 E. Front Street
Boise ID 83720

Albert P. Barker
Attorney for Wilder Irrigation District
1010 W. Jefferson, Suite 102
Boise, ID 83701

US Department of Justice
Environmental and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Re: Subcase No. 63-05112

To all interested parties:

We represent the Herman F. and Velma R. Case Trust, record owners of the above-referenced water right. We are aware an initial hearing has been scheduled for June 26, 2008 with Special master Booth to meet and confer regarding the pending objection(s) filed by Wilder Irrigation District.

The purpose of this correspondence is to notify you that the Case Trust no longer owns the real property and appurtenant water right at issue. The Cases sold the property (to which this water right is appurtenant) in 2002 to James and Carol Kranz. It is our understanding the Kranzes have since sold the property to another party. Apparently none of the subsequent owners have ever filed change of ownership forms with the Department.

In any event, please be advised that the Cases do not intend to appear at the initial hearing, and the real party or parties in interest likely are unaware of this process.

Please let me know if you have any questions about our client's position.

Sincerely,

MORROW DINIUS & FISCHER, PLLC



Julie Klein Fischer

JKF/lmh
C: Clair Case
T:\Clients\C\case\Ltr to IDWR.docx

RECEIVED

JUN 03 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 19 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:14
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
	)	SUBCASE NO: 63-05112

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 26, 2008 at 03:00 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

HERMAN F & VELMA R CASE TRUST

CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL, ID 83605
Phone: 208-459-3758

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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) A. Subcase 63-5112
(Insert water right number)

Case No. 39576)
STANDARD FORM 1
OBJECTION

RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District
Address: 709 Cleveland Blvd
Caldwell, ID 83605
Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Herman and Velma Case Trust
Clair Case Trustee
Address: 19074 Deer Flat Rd.
Caldwell, ID 83605

SCANNED
APR 14 2008

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: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

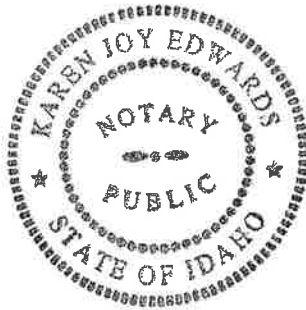
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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 JUN 18 2007, 2007, 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: Herman and Velma Case Trust
Clair Case Trustee
Address: 19074 Deer Flat Rd.
Caldwell, ID 83605

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-5112

NAME AND ADDRESS: HERMAN F & VELMA R CASE TRUST
CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL ID 83605

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1961

POINT OF

DIVERSION: T02N R04W S14 NESE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.350 CFS

PLACE OF USE: IRRIGATION in CANYON County

T02N R04W S14

NESE

24.00

24 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

03/17/2006

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

RIGHT NUMBER: 63-5112

NAME AND ADDRESS: HERMAN F & VELMA R CASE TRUST
CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL ID 83605

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T02N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.350 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T02N R04W S14 NESE 24.00

24 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

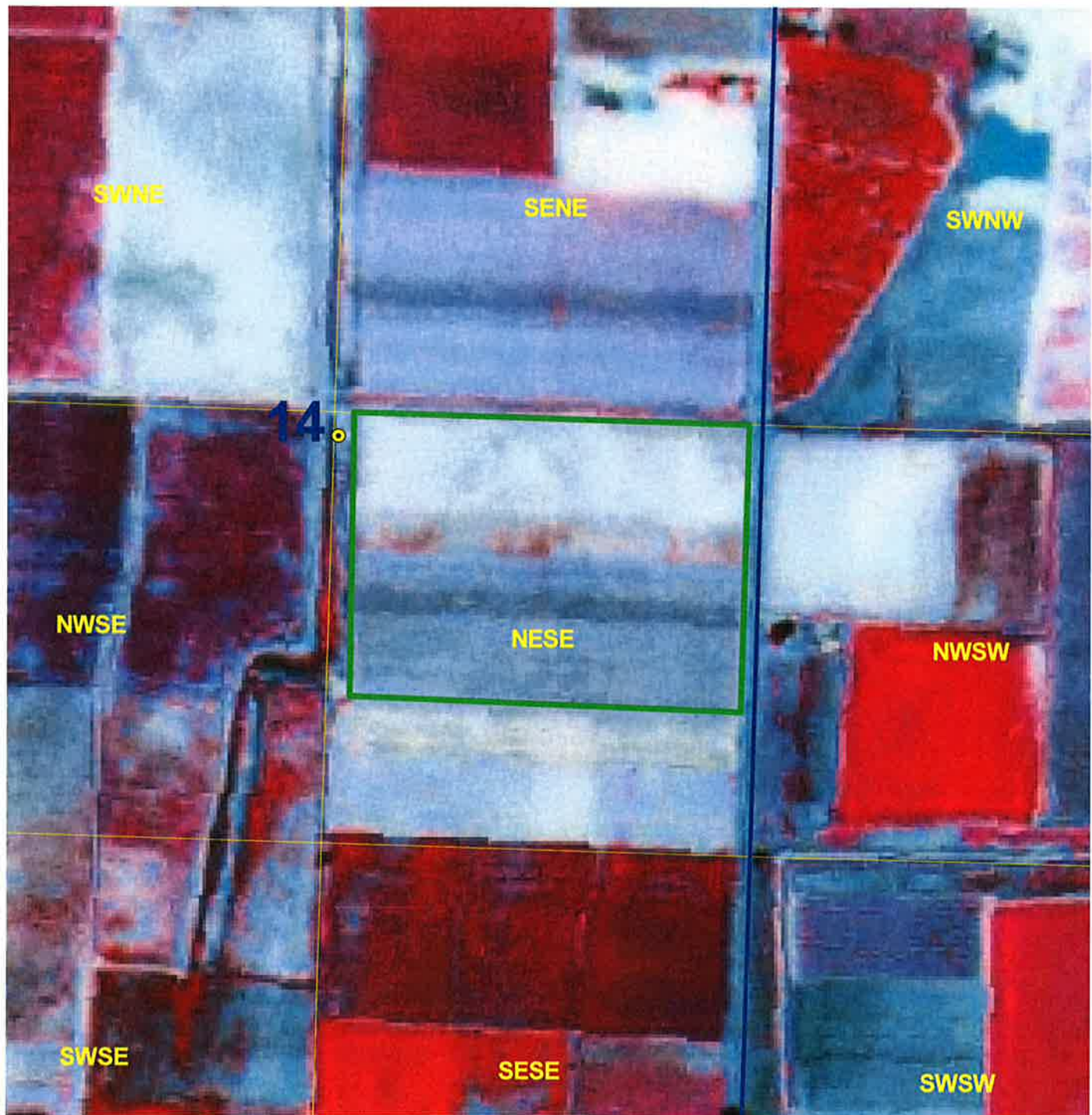
SCANNED
APR 14 2008



Idaho Department of Water Resources

63-5112

T02N R04W S14



● Point of Diversion

□ Place of Use

□ Sections

□ Quarter Quarter

Total irrigated
acres = 24



200 0 200 400 600 Feet

IDWR

Prepared by: Sandy Egbert

Date: March 17, 2006

1987 NAAP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5112 V1

WATER RIGHT NUMBER: 63-5112 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERMAN F & VELMA R CASE TRUST CLAIR CASE TRUSTEE 19074 DEER FLAT RD CALDWELL, ID 83605 (208)459-3758

Priority Date: 04/01/1961
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.350 CFS	
	<u>Total Diversion:</u>	0.350 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NE1/4SE1/4	Sec. 14, Twp 02N, Rge 04W, 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	
02N	04W	14													24.0				24.0

Total Acres: 24

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. W59 Use of this right is combined with water from Wilder Irrigation District.

Remarks:Comments:

1. segbert 3/17/2006 Quantity
Comment: Reduced the rate to the capacity of the system per field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5112 V1

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:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary	3/17/2006 11:37:07 AM	segbert	03/14/2006	lharris	Active
Priority Date	3/17/2006 11:37:07 AM	segbert			Active
POD	3/17/2006 11:37:33 AM	segbert			Active
Source	3/17/2006 11:38:17 AM	segbert			Active
POU	3/17/2006 11:38:42 AM	segbert			Active
Use	3/17/2006 11:39:36 AM	segbert			Active
Season	3/17/2006 11:39:57 AM	segbert			Active
Quantity	3/17/2006 11:41:12 AM	segbert			Active
Summary			03/17/2006	segbert	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	3/14/2006 11:56:42 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
POU	3/17/2006 11:39:02 AM	segbert	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5112 V1

Summary	3/17/2006 11:45:14 AM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	3/17/2006 11:37:07 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - affidavit in file
POD	3/17/2006 11:37:34 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	3/17/2006 11:38:17 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5112 V1

POU	3/17/2006 11:38:42 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Use	3/17/2006 11:39:36 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	3/17/2006 11:37:53 AM	segbert	Updated shape
Season	3/17/2006 11:39:58 AM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/17/2006 11:41:12 AM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5112

WATER RIGHT NUMBER: 63-5112

Owner Type Name and Address
 Current Owner HERMAN F & VELMA R CASE TRUST
 CLAIR CASE TRUSTEE
 19074 DEER FLAT RD
 CALDWELL, ID 83605
 (208)459-3758

Priority Date: 04/01/1961 ✓ *see affidavit in file*Basis: Statutory Claim *BU*

Status: Active ✓

Source Tributary
 UNNAMED DRAIN ✓ SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION ✓ 4/01 to 11/01 0.480 CFS
 3-1 to 11-15 *35 - capacity per field stream*
 Total Diversion: 0.480 CFS
 .35

Location of Point(s) of Diversion

UNNAMED DRAIN NE1/4SE1/4 ✓ Sec. 14, Twp 02N, Rge 04W, 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	
02N	04W	14													24.0				24.0

Total Acres: 24

Conditions of Approval:

1. WILDER IRR. PAID FEES FOR ACREAGE.

Remarks:Comments:*Wilder Irr.*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5112

WATER RIGHT NUMBER: 63-5112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERMAN CASE RT 2 BOX 433 CALDWELL, ID 83605

Priority Date: 04/01/1961

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NE1/4SE1/4	Sec. 14, Twp 02N, Rge 04W, 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	
02N	04W	14													24.0				24.0

Total Acres: 24

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5112

03/14/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5112	Claim	02N	04W	14	NE	SE		IRRIGATION	24/24	HERMAN F & VELMA R CASE TRUST
5112	Water Right	02N	04W	14	NE	SE		IRRIGATION	24/24	HERMAN CASE

Receipt Details for ID M005731

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/5/1990 3:18:45 PM	2/5/1990	Mobile	\$75.00	Check
Payer		CASE, CLARE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8986			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

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

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	20619		\$25.00	Claim
63	5112		\$50.00	Claim

Print Report

A WATER RIGHT NO. (S))

463-05112.

_____)

State of Idaho)
County of Adams)

County of (Hanyon)

AFFIDAVIT

VELMA RAE CASE

being first duly sworn,

deposes and says: My Husband and I Have Resided at This

LOCATION Since December 1954 and did install a gasoline powered sprinkler system in a unnamed drain on this property. This system has been in continuous operation since that date (1961) with various changes and improvements.

Ullona R Case

(Signature)

Subscribed and sworn to before me this
day 22nd of August, 1995.

SEAL

Melvin T. Shulte
(Notary Public)

(Notary Public)

Residing at Boise, Idaho.

My Commission Expires 7-24-2001.

A63-05112

Photos 8-22-95



#1
P/D



#2
Looking East
from P/D -
Wheel line.
equipped with
5 gpm Nelson
flow control
nozzles.

A63-05112

Photos 8-22-95



#3

P14 looking
West from
County road.

10 Hp. GE. 5K42.54X A1Y3

31 lbs @ 5 gpm ^{Nelson} flow controls

$31 \times 5 \text{ gpm} = 155 \text{ gpm} / 448.8 = .35 \text{ cfs}$

av ~ 50 psi

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-05112

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>Y</u>	<u>8-25-95</u> <u>mts</u>	<u>6</u>	<u>N</u>	<u>N</u>		
PT. OF DIV.	<u>Y</u>	<u>"</u>	<u>1,2,5</u>	<u>N</u>			
SOURCE	<u>Y</u>	<u>"</u>	<u>1,2,5</u>	<u>N</u>			DATA ENTRY COMPLETE BY _____ DATE _____
PL. OF USE	<u>Y</u>	<u>"</u>	<u>1,2,5</u>	<u>N</u>			FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF	<u>Y</u>	<u>"</u>	<u>6</u>	<u>Y</u>			
CONSUMPTIVE USE	<u>Y</u>	<u>"</u>		<u>Y</u>			
NATURE OF USE	<u>Y</u>	<u>"</u>	<u>5</u>	<u>N</u>			
PERIOD OF USE	<u>X</u>	<u>"</u>	<u>6</u>	<u>Y</u>			
BASIS OF CLAIM	<u>Y</u>	<u>"</u>		<u>N</u>			
REMARKS	<u>X</u>	<u>"</u>		<u>N</u>			

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES ✓ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Period of use should be 3-15 to 11-15

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:20:36
07/10/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-05112

LAST: ~~CASE~~ FIRST: ~~HERMAN~~
ADDRESS: ~~C/O CLAIR CASE TRUSTEE~~
19074 DEER FLAT RD
CITY: CALDWELL STATE: ID ZIP: 83605
PHONE NUMBER: 208-459-3758

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: WILDER IRR. PAID FEES FOR ACREAGE.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y() N()

TIME: __:__ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A63-05112 PRIORITY DATE: 04-01-1961 STAGE: S

B. WR RECORD: # 63-05112 PRIORITY DATE: 04-01-1961 STAGE: S

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y() N()

FIELD EXAM COMPLETED N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y() N()

LICENSE ISSUED N/A(☒) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(☒) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE. *Owner's affidavit*

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: *Priority date should comply with beginning date of period of use (3-15)*

=====

RECOMMENDED PRIORITY DATE:

3-15-1961

REVIEWED BY *MTS*

DATE *8-25-95*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-05112	02N 04W	14		NE	SE			CANYON		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-05112	02N 04W	14		NE	SE			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 8-22-95 NAME OF EXAMINER Mel S.) Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

No Gout lots

NOTES: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

TWP. 02N	RGE. 04W	SEC. 14	1/4	1/4 NE	1/4 SE	LOT	POD FLAG	COUNTY CANYON	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

REVIEWED BY: MTS DATE: 8-25-95

SYSTEM DESCRIPTION: DESCRIBED BELOW (✓), SEE LICENSE FILE (___), OR SEE ATTACHMENT (✓)

10hp centrifugal pump with GE motor (5K4254X A1Y3) lifts water about 15' a distance of about 50' to a 4" buried mainline with risers. A wheel line with 31- 5 gpm Nelson flow control nozzles irrigates about 24 acres. ($31 \times 5 = 155 \text{ gpm} = .35 \text{ cfs}$)

A. ROOT WATER RIGHT NUMBERS: A63-05112

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	04W	14	NE	SE		CASE, HERMAN	A63-05112 / 24.0	63-05112 / 24.0	37.0		

ADDITIONAL POU FOUND

None

TOTAL ACRES	A63-05112	24.00	24.00	37.00
-------------	-----------	-------	-------	-------

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: WILDER IRR.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: (☒) ORTHOPHOTOQUAD, IDWR NO. X54; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; (☒) ASCS PHOTO; () OTHER _____

NOTES: No Govt. lots

Acres determined by ASCS aerial map + dot grid
matrix. (24.8 + 23.8 = 24.3 = 24 ac.)

RECOMMENDATIONS:

TOTAL ACRES: 24 N/A()

REVIEWED BY: MTS

DATE: 8-25-95

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-05112 IRRIGATION	FROM 04-01 TO 11-01	0.480 CFS	
TOTAL DIVERSION RATE/VOLUME		0.480 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-05112 IRRIGATION	FROM 04-01 TO 11-01	0.480 CFS	
TOTAL DIVERSION RATE/VOLUME		0.480 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

3-15 to 11-15

NOTES: Change period use to 3-15 to 11-15

Recommend div. rate @ system capacity as per field
exam of .35 cfs.

AJ CLAIM TOTAL DIVERSION RATE: 0.480 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.480 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E.

MEASUREMENT METHOD 3/ head wheel line with 5gpm flow control Nelson nozzles. FLOW MEASUREMENT SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 24 x 0.02 CFS/ACRE = .48 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME NA

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 98.0 AF/A

ACRES 24 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 = 84 ofa

TOTAL CONSUMPTIVE USE 84 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (NA) OR SEE ATTACHMENT ()

NOTES:

Change recommended CU volume to 84 afa

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	11-01	DATABASE 0.480	EXAMINER <u>.35</u>	DATABASE	EXAMINER <u>NA</u>	DATABASE 98.0	EXAMINER <u>84</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.480	<u>.35</u>			98.0	<u>84 of a</u>

NON-IRRIGATION USES CLAIMED: NA

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: MTS

DATE: 8-25-95

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW *NA*

ROOT WATER RIGHT NUMBER: 63-05112

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.480	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	63-05112	0.480
TOTAL CFS						0.480

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 8-25-95

NAME OF FIELD EXAMINER: Mel Schulte TITLE: WR Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1979</u> IDWR ID NO. <u>X54</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☐ NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u>	Y(☒) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>8-22-95</u>	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:20:36
07/10/95

PAGE: 14
QUICKLOOK INFORMATION

14
CLAIM NUMBER: A63-05112

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		MTS 8-22-95	Y	8-25-95 MTS	8-25-95 MTI		
POINT OF DIV			"					
SOURCE			"					
PLACE OF USE	Y		"					
DIV. AMOUNT CFS/VOLUME			NA					
CONSUMPTIVE USE	-			Y				
PURPOSES OF USE			MTS 8-22-95					
PERIOD OF USE			"	Y				
BASIS OF CLAIM	Y		"					
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:21:32
07/10/95
15

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A63-05112

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERMAN CASE	~~04/01/1961~~ 3-15-1961	IRRIGATION	04-01 11-01	~~0.48 CFS~~	35
					TOTAL DIVERSION: CONSUMPTIVE USE:	~~0.48 CFS~~ , 35 98.00-AFA 84afe.

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T02N R04W S14

NESE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02N	04W	14	:																	:	24.0
																				TOTAL ACRES	24.0

POU County: CANYON

Other Rights: WILDER IRR.

- Not on this parcel

Remarks: WILDER IRR. PAID FEES FOR ACREAGE.

Dates: Exam Made Date: 8-22-95 Verified Date:

Misc: Water District Number: NA Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM															
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac																					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																				
A6305112	T02N R04W S14	UNNAMED DRAIN																																24															
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																																	
A0200064	SNAKE RIVE																	01																1															
A0200065	SNAKE RIVE																	01																1															
0202000	SNAKE RIVE	35				25				05-16				01-40												76																							
0202014	SNAKE RIVE																	02-04																		40													
0207199D	SNAKE RIVE																	02-07																		4													
A0207199D	SNAKE RIVE																					04-0																		7									
0207404	SNAKE RIVE																					04-08																		8									
0207451	SNAKE RIVE																					03-01				04-01																		2					
0207455	SNAKE RIVE																	03-05																		5													
0207456	SNAKE RIVE																	02-01				04-0																		1									
5707559	GROUNDWATE																					04-08																		8									
5707561	GROUNDWATE																					0				0																		2					
*5710868	GROUNDWATE																	01-0				02*0				02-0				0																		2	
A5710868	GROUNDWATE																	01-0				02-0				02-0				0																		2	
6302388	BOISE RIVE																																																
A6302388	BOISE RIVE																																																
6304832	SPRING FED																															06-38 07-07																	
6305112	UNNAMED DR																															24																	
6305114	UNNAMED DR																	30																30															
A6305114	UNNAMED DR																	30																30															
A6320619	GROUNDWATE	04								S				05-05																		S	17																
A6320903	GROUNDWATE																	0																															
A6328798	GROUNDWATE																																																
C73q-X 54		38		37		38		40																								37	07*40 07-0		40												230		
NO QTRS	MAPPING	Lot01-08		Lot02-01		Lot05-13		Lot06-42		Lot07-37																																							
	COQ-X 54	35		34		36		39																								37	41		37		39												298
NO QTRS	MAPPING	Lot05-14		Lot06-11		Lot07-06		Lot08-05																																									



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 25, 1995

Clair Case
19074 Deer Flat Rd
Caldwell ID 83605

RECEIVED

NOV 08 1995

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Clair:

Enclosed for your records is a copy of the Affidavit your mother submitted as evidence of priority for their water right claim. You indicated you found a journal entry in your father's records showing he purchased a pump in 1961 that was used for the irrigation system. A copy of this record would be good to have in our files with the affidavit.

I intend to use the current capacity of the wheel line system you are using as the diversion rate I will recommend for your water right. Based on the 5 gpm Nelson flow control nozzles and 31 sprinklers the system was diverting 155 gpm which converts to .35 cfs or 17.5 inches.

Enclosed for your records is a copy of the claim you filed for the 24 acres of irrigation we examined on August 22nd. Note that I changed the name on our records to more accurately reflect that the claim was filed in the name of your parents trust and that you are trustee. The claim was originally entered in your father's name with you as trustee which is not correct.

Thanks for the assistance in helping me complete my field exam. If you have questions or discussions about the exam or your water right claim please call me at the number below.

Sincerely,

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

OWNER6305112

DATE
19

1. KIND OF PROPERTY

2. DATE
ACQUIRED

3. COST

4. DEPRECIATION
IN ALL
PRIOR YEARS

5. REMAINING
COST TO BE
RECOVERED

6. ESTIMATED
TOTAL LIFE

7. ESTIMATED
REMAINING
LIFE

8. DEPRECIATION
THIS YEAR

IDEAL SYSTEM - FORM 5

May Small tractor

Sept 1957 Hay Baler

Dec 6 1957 Pump Bed for truck
Feb Int. Packer
July 1958 350 Case tractor + mowers
Feb. 1958

1957

5400

4000

6600

1400

3402.00

61.00

720 Hay Baler

466.00

not life

3467.00

262.00

3200.00

total 35.00

started 1958

2700 160 1964

2640

140.00

263.00

Salvage value

50.00

1964

2640

140.00

263.00

7/3/59 Sprayer

10/19/59 Mower sprayer

1959

82.00

1960

250.00

Salvage 32.00

300.00

32.00

59 Fertilizer spreader for 1/2 C. Unit Jumbo

30.00

Mar 20 1961 Sprinkler system

23 1961

1961

1252.90

June 3 1961

1961

336.15

1961

545.85

2134.90

Salvage Pump 400.00

1968

334.90

Aug 18-1962 1960 Ford Car

1875.00 + 170.00 unsold at 1/2 C. = 1545.00 + 170.00 = 1715.00

1963 Sprinkler (Panel)

1964 Hose 440 + Salvage value old Hose 715.00

1964 Hay Baler 1100.00 + 160.00 undepreciated

120.00

455.00

1260.00

1835.00

325.00

1964 Rotary Hoe

12 1964 Plow

15 1964 Hose

3 1964 Sprinkler Pipe

7 1964 Packer 1956

70 1956

40.00

90.00

80.00

173.25

292.50

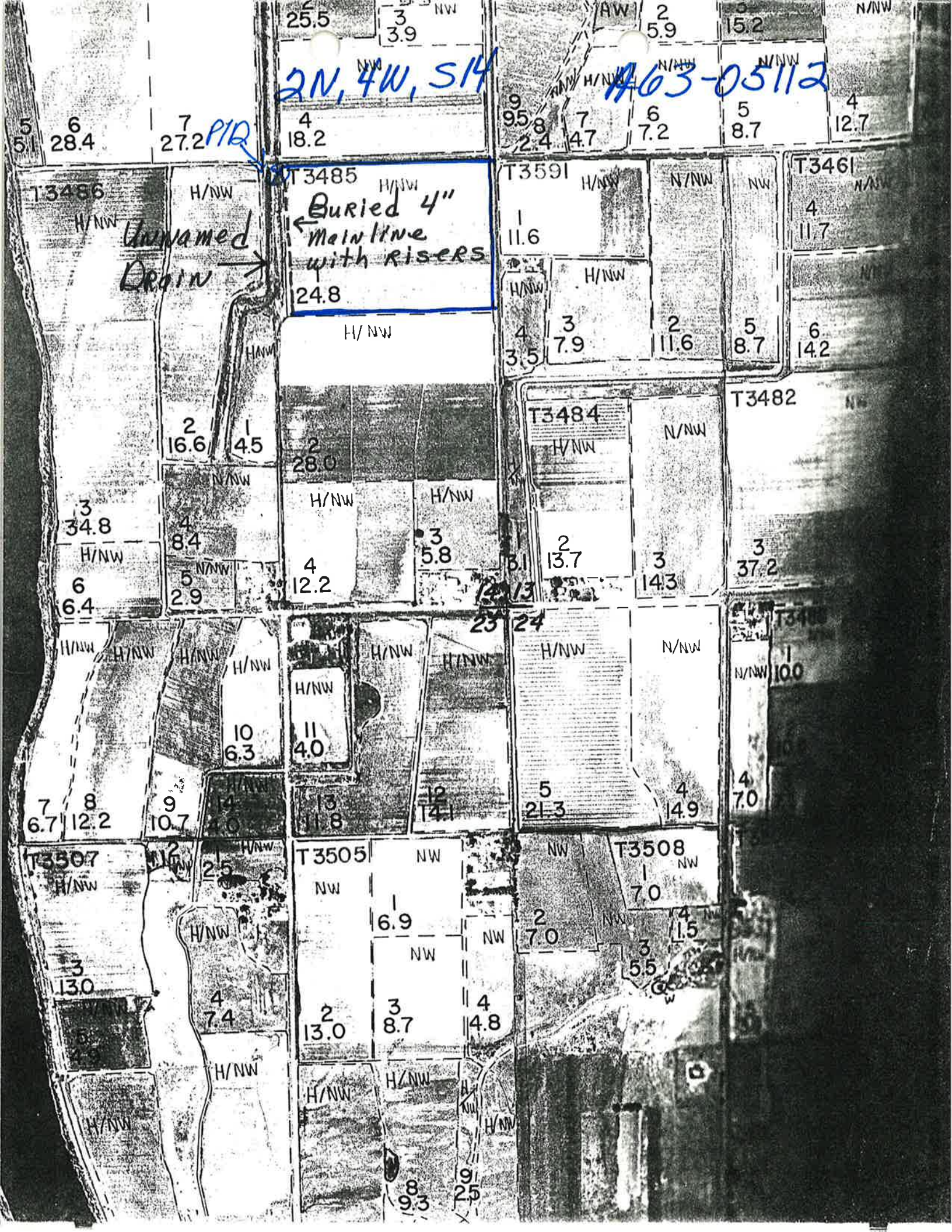
1963

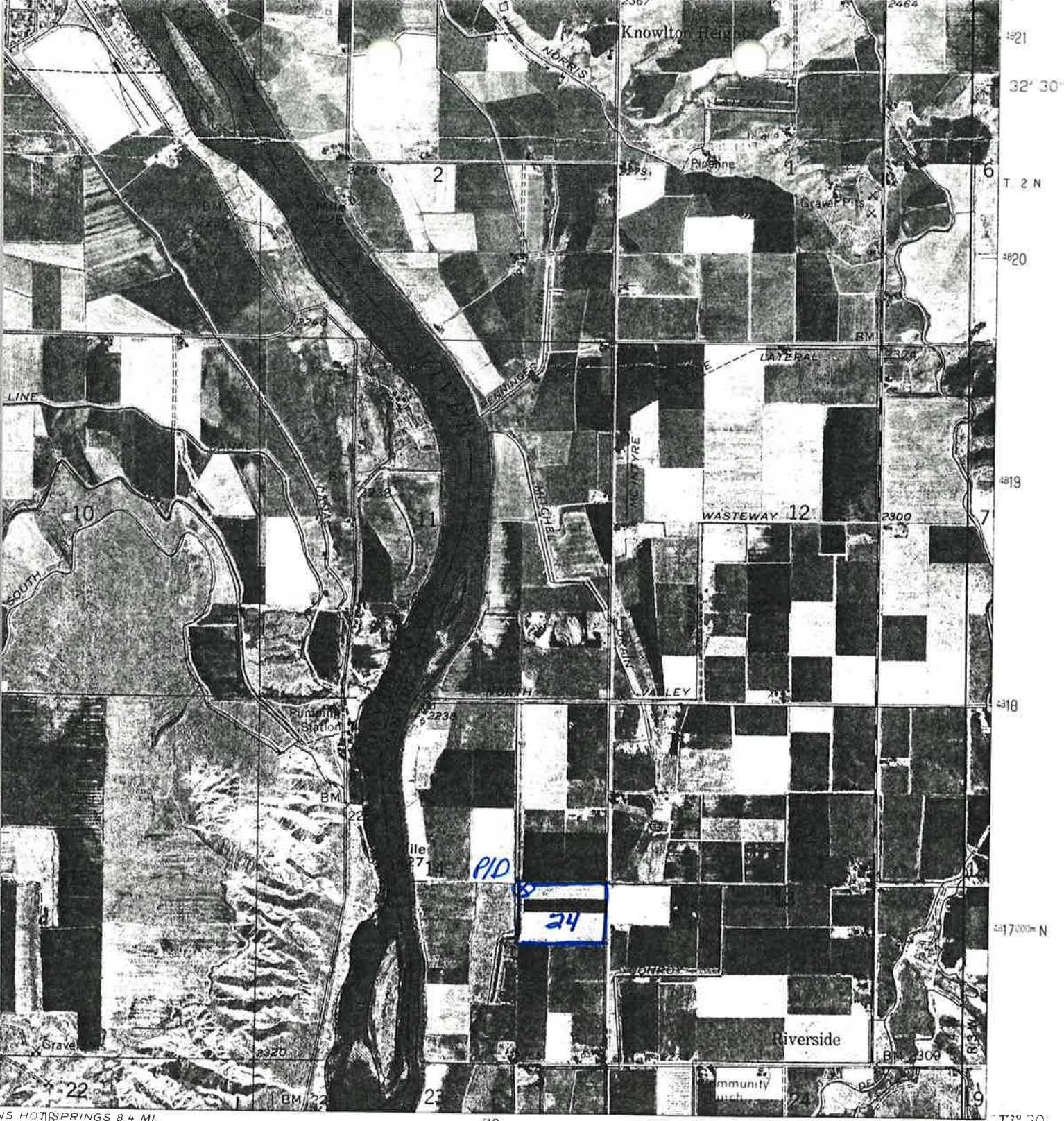
383.25

RECEIVED

NOV 08 1995

WATER RESOURCES
WESTERN REGION





X54 SE
PID: 2N, 4W, S14, NESE

STANDARDS
ARK, CALIF. 94025



MARSING, IDAHO
N4330 W11645 7.5

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/29/95 08:25:08
Page 1

Water Right Number - A63-05112

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CASE

HERMAN

1 - C/O CLAIR CASE TRUSTEE
2 - 19074 DEER FLAT RD
3 -
City- CALDWELL
Phone - 208-459-3758

State- ID Zip- 83605

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1961 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED DRAIN SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

02N 04W 14 NE SE (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.480

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.480 98.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 04W 14 NE SE 24.0 01 IRRIGATION (27) CANYON

Total Acres: 24.0

+ - - Diversion Means - PUMP, PIPELINE & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - WILDER IRR.

+ - - - - Remarks - - - - - +
WILDER IRR. PAID FEES FOR ACREAGE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 08/23/95
PAGE: 1

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM							
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac									
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac										
A6305112	T02N R04W S14	UNNAMED DRAIN																24	24						
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																									
A0200064	SNAKE RIVE	01																1							
A0200065	SNAKE RIVE	01																1							
0202000	SNAKE RIVE	35				25				05-16				01-40				76							
0202014	SNAKE RIVE	02-04																40							
0207199D	SNAKE RIVE	02-07																4							
A0207199D	SNAKE RIVE	04-0																7							
0207404	SNAKE RIVE	04-08																8							
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6304832	SPRING FED	06-38 07-07																45							
6305112	UNNAMED DR	24																24							
6305114	UNNAMED DR	30																30							
A6305114	UNNAMED DR	30																30							
A6320619	GROUNDWATE	04				S				05-05				S				17							
A6320903	GROUNDWATE	0																17							
A6328798	GROUNDWATE	07*40 07-0																80							
C73Q-X 54		38				37				38				40				37	40	230					
NO QTRS	MAPPING	Lot01-08				Lot02-01				Lot05-13				Lot06-42				Lot07-37				298			
	COQ-X 54	35				34				36				39				37				41	37	39	298
NO QTRS	MAPPING	Lot05-14				Lot06-11				Lot07-06				Lot08-05											



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

Re: Claim No(s). Ala3-05112

A63-05112
HERMAN CASE
C/O CLAIR CASE TRUSTEE
19074 DEER FLAT RD
CALDWELL ID 83605

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 25, 1995

PHILIP E. BATT
GOVERNOR

Clair Case
19074 Deer Flat Rd
Caldwell ID 83605

KARL J. DREHER
DIRECTOR

Dear Clair:

Enclosed for your records is a copy of the Affidavit your mother submitted as evidence of priority for their water right claim. You indicated you found a journal entry in your father's records showing he purchased a pump in 1961 that was used for the irrigation system. A copy of this record would be good to have in our files with the affidavit.

I intend to use the current capacity of the wheel line system you are using as the diversion rate I will recommend for your water right. Based on the 5 gpm Nelson flow control nozzles and 31 sprinklers the system was diverting 155 gpm which converts to .35 cfs or 17.5 inches.

Enclosed for your records is a copy of the claim you filed for the 24 acres of irrigation we examined on August 22nd. Note that I changed the name on our records to more accurately reflect that the claim was filed in the name of your parents trust and that you are trustee. The claim was originally entered in your father's name with you as trustee which is not correct.

Thanks for the assistance in helping me complete my field exam. If you have questions or discussions about the exam or your water right claim please call me at the number below.

Sincerely,

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

OWNER6305112