

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: **A63-05140**
Date Received: 2/13/1990
Receipt No: W008795
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DON J HOGGE 208-466-4982
Address: 12732 MEMORY LN
NAMPA ID 83686

OR

Name: SHIRLEY HOGGE 208-466-4982
Address: 12732 MEMORY LN
NAMPA ID 83686

2. Date of Priority: JUN 1, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03W	36	SW	NE			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	03/15	11/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	03W	36	SW	NE		IRR	3.0

MICROFILMED

JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED

JUL 25 1994

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

claim NO 63-5140

Date Received

Receipt Number

RECEIVED

FEB 13 1990

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Don J / or Shirley F Hogge Phone (208) 466-4982Mailing Address 12732 Memory Lane Nampa, IDA. Zip 836862. Date of Priority (Only one (1) per claim) 1957 June 13. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 3W Section 36,
SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Pump w/pipeline & sprinkler
irrigation

MICROFILMED

JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic + irrigation purposes from 1/1 to 12/31 amount 0.09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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>3N</u>	<u>3W</u>	<u>36</u>			<u>3</u>														<u>3</u>

Total number of acres irrigated 3

11. In which county (ies) are lands listed above as place of use located? CANYON

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

MICROFILMED

JUL 25 1994

Last Name Hogge Ident No. 63-5140 (claim)

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

JUL 25 1994

Last Name Hogge

Ident No. 62-5140 (claim)

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number 63-5140

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Shirley J. Hogge Date 12/4/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 4 day of December 19 89

SEAL

Notary Public John K. Hogan

Residing at 15470 Homedale Rd
Eldredge, Idaho 83605

My Commission Expires Sept 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Hogge Ident. Number 63-5140

Copies White-State, Yellow-Claimant

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-5140

SHIRLEY HOGGE
12732 MEMORY LN
NAMPA ID 83686
Telephone Number: (208)466-4982

DON J HOGGE
12732 MEMORY LN
NAMPA ID 83686
Telephone Number: (208)466-4982

RECEIVED

OCT 20 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/12/06 SIGNATURE: Shirley Hogge - Don J. Hogge
Please print your name: Shirley Hogge - Don J. Hogge

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

04/18/2006

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

RIGHT NUMBER: 63-5140
NAME AND ADDRESS: SHIRLEY HOGGE
12732 MEMORY LN
NAMPA ID 83686

DON J HOGGE
12732 MEMORY LN
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
12.200 AFY

PRIORITY DATE: 03/01/1958

POINT OF DIVERSION:

T03N R03W S36 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.080 CFS

12.20 AFY

PLACE OF USE:

IRRIGATION Within CANYON County

T03N R03W S36

SWNE

2.70

2.7 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.

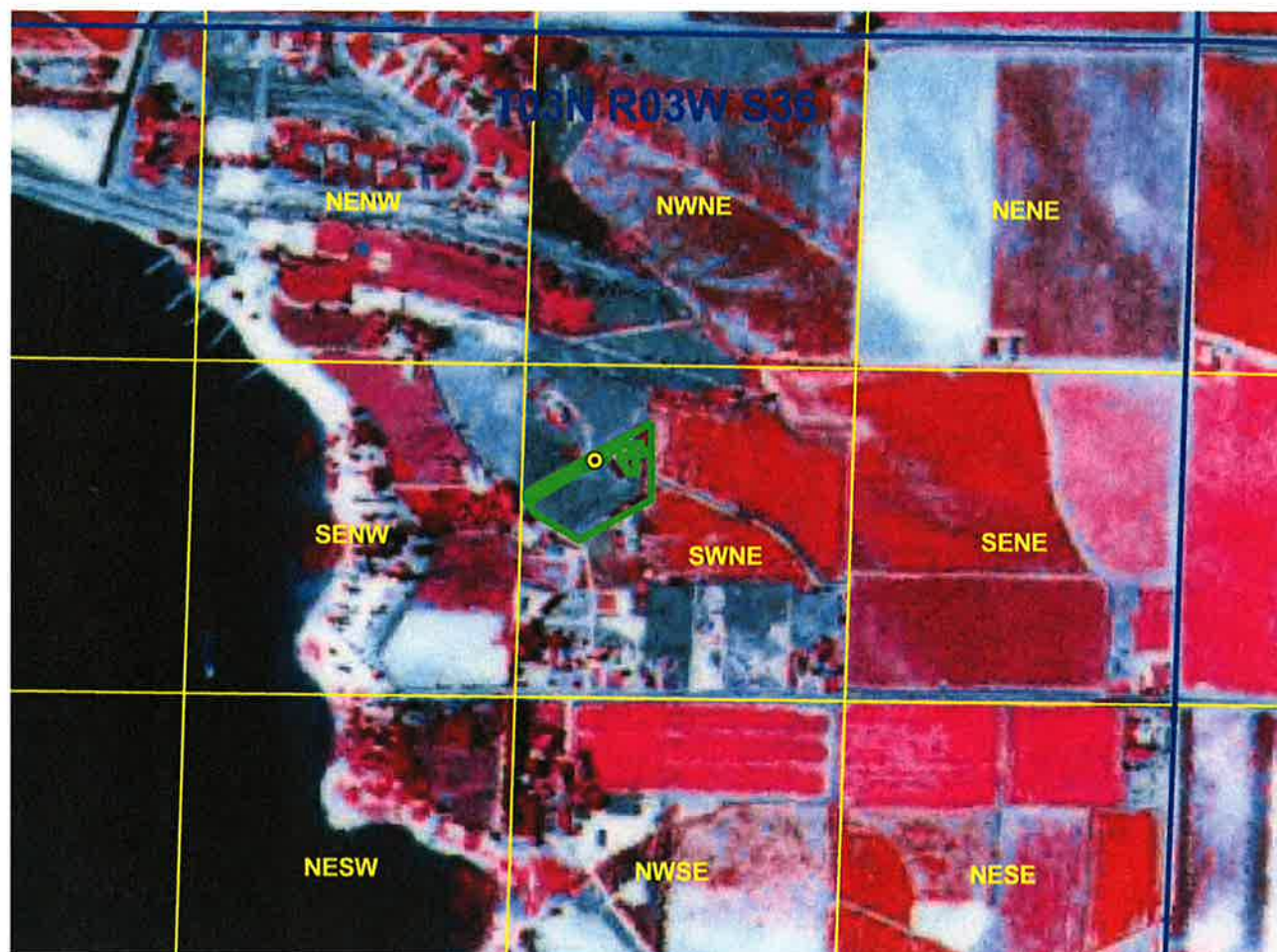
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No.63-32278 is also diverted through point of diversion described above.



**State of Idaho
Idaho Department of Water Resources
Western Region**

**T3N R3W SECTION(S) 36
WATER RIGHT (S): 63-5140
IRRIGATION USE**



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

Total Irrigated Acres = 2.7 acre(s)

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: March 2006**



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5140 V1

WATER RIGHT NUMBER: 63-5140 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHIRLEY HOGGE 12732 MEMORY LN NAMPA, ID 83686 (208)466-4982
Current Owner	DON J HOGGE 12732 MEMORY LN NAMPA, ID 83686 (208)466-4982
Original Owner	DON J HOGGE RT 1 BOX 1455 NAMPA, ID 83651
Original Owner	SHIRLEY F HOGGE RT 1 BOX 1455 NAMPA, ID 83651

Priority Date: 03/01/1958

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.080 CFS	12.20 AF
	<u>Total Diversion:</u>	0.080 CFS	12.20 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	36				2.7													2.7

Total Acres: 2.7

Conditions of Approval:

1. F05 Right No.63-32278 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5140 V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. dnelson 4/14/2006 Claim Review

Comment: On March 2, 2006, I sent out a request for evidence of priority, and clarification of the location of the property involved with adjudication claim 63-5140. I received a letter back from the claimant on April 19, 2006 complete with a letter from a neighbor, a well agreement, and a map showing the location of the well and lands irrigated for the property of the claimant. The letter from their neighbor, Clara Babcock, is sufficient to provide proof that the priority date of 3/1/1958 is feasible since it was the start of the irrigation season. A well agreement dated February 26, 1959 supplies additional proof that the well was in use around this time period. I recommend the priority date discussed in the letter from Ms. Babcock and on the claim.

The claimant also supplied a map that showed the location of the well and an outline of the property. Using the 2004 aerial photography, I determined that 2.7 acres are actually being irrigated. The total tax lot is 3 acres, and the reduction of acres occurred when the home, shop and driveway were removed. Whereas this is a very minimal amount of irrigation, the full allocation of 0.03 cfs per acre was allowed for a total of 0.08 cfs for the 2.7 acres. The volume was also calculated using the standard volume of 4.5 afa for the 2.7 acres or 12.2 total afa.

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: OR
 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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/09/2006	lharris	Active
Contacts	4/14/2006 2:20:53 PM	dnelson			Active
Priority Date	4/14/2006 2:22:51 PM	dnelson			Active
POD	4/14/2006 2:23:49 PM	dnelson			Active
Source	4/14/2006 2:24:42 PM	dnelson			Active
POU	4/14/2006 2:26:43 PM	dnelson			Active
Use	4/14/2006 2:27:43 PM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5140 V1

Season	4/14/2006 2:29:12 PM	dnelson	Active
Quantity	4/14/2006 2:31:05 PM	dnelson	Active
Summary	04/14/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/14/2006 2:23:33 PM	dnelson	Updated shape
POD	4/14/2006 2:23:49 PM	dnelson	(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?
General	4/14/2006 2:22:52 PM	dnelson	(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 - A letter from their neighbor Clara Babcock, and supporting documentation of a copy of a well agreement dated two years later.
Source	4/14/2006 2:24:43 PM	dnelson	(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 - Listed as a well, and a well agreement was supplied.
POU	4/14/2006 2:26:23 PM	dnelson	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5140 V1

POU	4/14/2006 2:26:44 PM	dnelson	(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 - A map was returned showing the well and place of use location
Use	4/14/2006 2:27:44 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Aerial photography shows irrigation in 2004 and 1987.
Contacts	4/14/2006 2:20:53 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is under the 0.20 cfs standard for requiring a field exam. Enough information was acquired to recommend the claim.
Season	4/14/2006 2:29:13 PM	dnelson	(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? (Yes) 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) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5140 V1

Quantity	4/14/2006 2:31:06 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - This use is under the 0.20 requirement for a field exam. The full standard of 0.03 cfs per acre was allowed. 2.7 cfs X 0.03cfs = 0.08 cfs. Description for Question 10 - 2.7 acres X 4.5 afa standard = 12.2 total afa.
Summary	4/14/2006 2:38:20 PM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	3/9/2006 11:42:15 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?

Water Supply Bank:

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-5140

FROM: DANIEL A. NELSON

DATE: 4/18/06

SUBJECT: CLAIM REVIEW

On March 2, 2006, I sent out a request for evidence of priority, and clarification of the location of the property involved with adjudication claim 63-5140. I received a letter back from the claimant on April 19, 2006 complete with a letter from a neighbor, a well agreement, and a map showing the location of the well and lands irrigated for the property of the claimant. The letter from their neighbor, Clara Babcock, is sufficient to provide proof that the priority date of 3/1/1958 is feasible. A well agreement dated February 26, 1959 supplies additional proof that the well was in use around this time period. I recommend the priority date discussed in the letter from Ms. Babcock and on the claim.

The claimant also supplied a map that showed the location of the well and an outline of the property. Using the 2004 aerial photography, I determined that 2.7 acres are actually being irrigated. The total tax lot is 3 acres, and the reduction of acres occurred when the home, shop and driveway were removed. Whereas this is a very minimal amount of irrigation, the full allocation of 0.03 cfs per acre was allowed for a total of 0.08 cfs for the 2.7 acres. The volume was also calculated using the standard volume of 4.5 afa for the 2.7 acres or 12.2 total afa.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5140

WATER RIGHT NUMBER: 63-5140

Owner Type Name and Address

Current Owner SHIRLEY HOGGE
 12732 MEMORY LN
 NAMPA, ID 83686
 (208)466-4982

Current Owner DON J HOGGE
 12732 MEMORY LN
 NAMPA, ID 83686
 (208)466-4982

Original Owner DON J HOGGE
 RT 1 BOX 1455
 NAMPA, ID 83651

Original Owner SHIRLEY F HOGGE
 RT 1 BOX 1455
 NAMPA, ID 83651

Priority Date: 06/01/1957

Basis: Statutory Claim

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To
 3/15 to 11/15

Diversion Rate

0.090 CFS

Annual Volume $2.7 \times 4.5 =$

12.2959.

Total Diversion:

0.090 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4

Sec. 36, Twp 03N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	03W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					3.0														3.0
					2.7														2.7

Total Acres: 3

Conditions of Approval:Remarks:

CURRENT OWNERS

START OF IRRIG. SEASON
SEE LETTER FROM CHARA BABCOCKUSE STANDARD. 3-1-11-15
NO CONDITIONS. $2.795 \times .03 = 0.08385$

SEE 2004 AERIAL PHOTO

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5140

WATER RIGHT NUMBER: 63-5140

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHIRLEY F HOGGE RT 1 BOX 1455 NAMPA, ID 83651
Current Owner	DON J HOGGE RT 1 BOX 1455 NAMPA, ID 83651

Priority Date: 03/15/1957

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 36, Twp 03N, Rge 03W, B.M.
CANYON County		

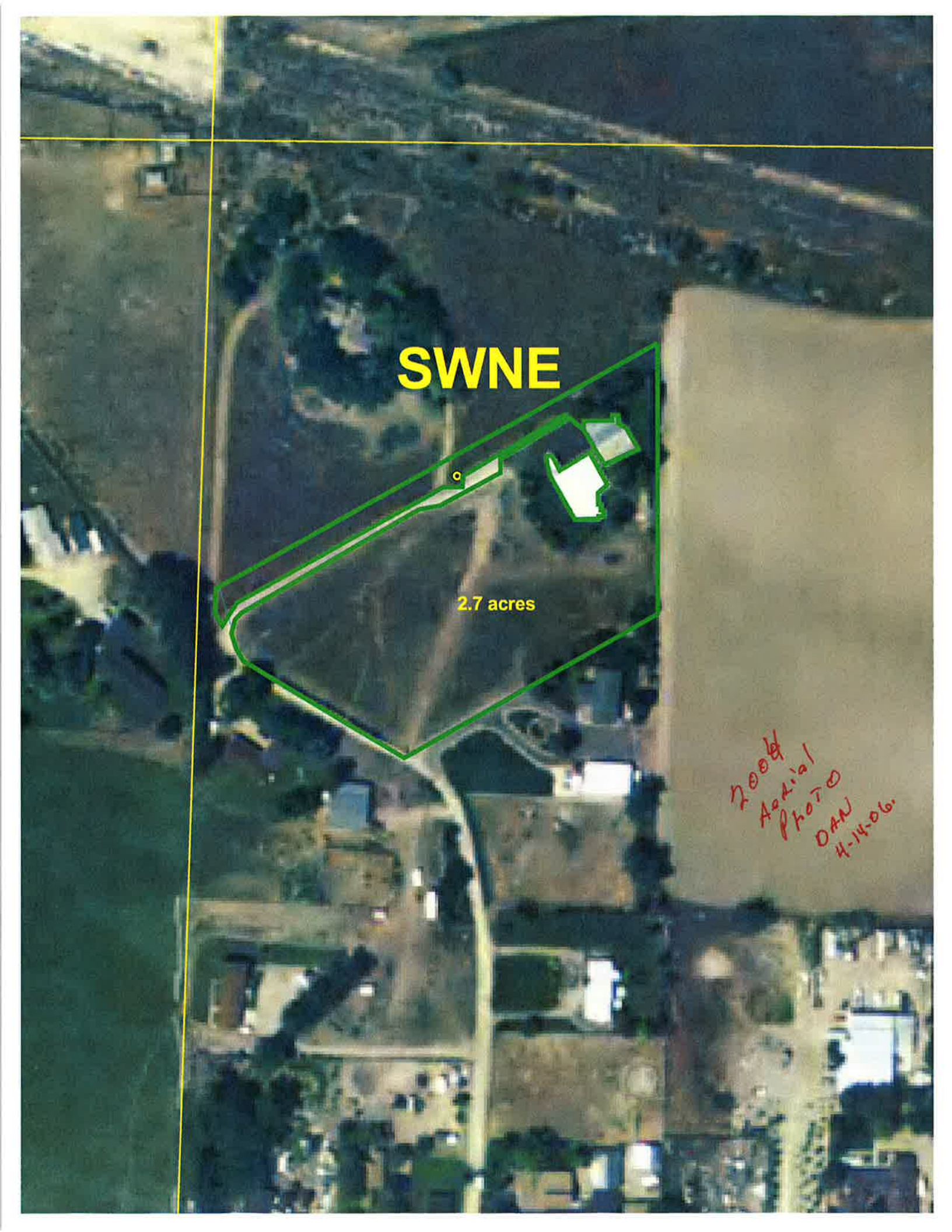
Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	36			3.0														3.0

Total Acres: 3

Conditions of Approval:Remarks:Comments:

An aerial photograph of a residential area. A green boundary line outlines a specific plot of land. Inside this plot, there is a yellow dot. The text 'SWNE' is written in yellow, and '2.7 acres' is written in yellow. A red handwritten note is in the bottom right corner. The background shows various houses, trees, and a road.

SWNE

2.7 acres

2004
Aerial
Photo
DAN
4-14-06

9 April 2006

Daniel A. Nelson, Senior Agent
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
APR 14 2006
WATER RESOURCES
WESTERN REGION

RE: SRBA Claim No(s): A63-5140

Dear Mr. Nelson,

In response to your letter dated March 2, 2006, we have enclosed the following three items:

1) A notarized Affidavit signed by Clara Babcock, a continuing neighbor who has lived and farmed adjacent land since the 1940's. The Affidavit asserts her knowledge of our use of water pumped from our well drilled in 1958 and used for domestic and irrigation purposes since.

- 2) The aerial photograph you had sent showing
a) the location of the well as requested in your letter
b) corrections to the land being served by that well

3) A copy of the well agreement and a brief historical summary of property/well ownership germane to the corrections mentioned above.

Sincerely,

Don J. Hogge
Shirley F. Hogge
Alfred M. McGlinsky
Lee McGlinsky

Don J. and Shirley Hogge
12732 Memory Lane
Nampa, ID 83686

Alfred M. and Lee McGlinsky
12713 Memory Lane
Nampa, ID 83686

4/9/06

Affidavit

To Whom it May Concern:

I, Clara Babcock, was and continue to be aware of the use of water for domestic and irrigation purposes provided by the well drilled in 1958 in a partnership between Don J. and Shirley Hogge, and F.P. and Ilah M. Hatch. Said well is on the property which they then jointly owned on what is now known as Memory Lane in Nampa, Idaho.

While the Hogges have lived continuously on their portion of property, the Hatch portion was subsequently sold and is currently owned by Alfred M. and Lee McGlinsky.

Signed,

Clara E. Babcock

Clara Babcock
12497 Midway Road
Nampa, ID 83686

Subscribed and sworn to (or affirmed) before me
this 12 day of April, 2006

Francisco J. Castro
Notary Public

My Commission Expires on 2/10/2011





RE: SRBA CLAIM

A 63-5140

- HOUSE PROPERTY
LINE IN GREEN
- MCGILSKY PROPERTY
LINE IN RED

2004
Aerial
PHOTO
PLEASE
CHEERLY MARK
Well ON
MAP. ⊗

Thank
you
DAN.

4/9/06

Historical Summary of Property/Well Ownership

In January 1958 a partnership between Don J. and Shirley Hogge, and F.P. and Ilah M. Hatch resulted in purchasing (from Art and Louise Bruck) and dividing approximately 10 acres on what was later named Memory Lane, in Nampa, Idaho.

They commissioned the drilling of a well and in the summer of 1958 began to make use of water from that well by growing wheat on the land. On February 26, 1959 they commissioned the drafting of the Agreement Regarding Ownership of Well, which is attached.

In 1959 Don and Shirley built on their property and have continued living there since.

The Hatch portion was later sold to Lewis E. and Elva K. Roberts, who in September 1983 sold it to Alfred M. and Lee McGlinsky who, in 1985, built on their property and have continued living there since.

Domestic and irrigation uses of the water from the well continue for the acreage owned by both the Hogges and the McGlinskys under the terms specified by the February 26, 1959 Agreement Regarding Ownership of Well.

RECORDED: February 26, 1959, as Instrument No. 468199

468199
AGREEMENT REGARDING OWNERSHIP OF WELL

THIS AGREEMENT, Made and entered into this 23rd day of February, 1959, by and between F. P. HATCH and ILAH M. HATCH, husband and wife, of Nampa, Idaho, parties of the first part, and DON J. HOGGE and SHIRLEY F. HOGGE, husband and wife, of Nampa, Idaho, parties of the second part, WITNESSETH:

WHEREAS, the parties hereto own adjoining properties of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 30, Township 3 North, Range 3 West of the Boise Meridian, and

WHEREAS, there is a common boundary between their respective properties upon which is located a well for domestic and irrigation purposes and which is owned jointly by the parties hereto; one-half being owned by the parties of the first part, and one-half being owned by the parties of the second part, and which well is located at the following point on the common boundary between them, namely, as follows:

Commencing at the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 30, Township 3 North, Range 3 West of the Boise Meridian, thence East along the North boundary line thereof 500 feet, thence South on a line parallel with the West line of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), a distance of 200 feet to a point which is the East end of the common boundary between the parties, and which common boundary is a straight line Southwest from said East point to a point in the West boundary line of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), a distance of 575 feet South of the Northwest corner of said Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and on which common boundary said well is located, the location of said well being at a point 300 feet Northeast of the West point of said common boundary, and

WHEREAS, with reference to said well, the same having been drilled to a depth of 217 feet fitted with a six inch casing and a Jackson ten-stage turbine pump with a five horse power motor, and with reference to which well the parties have entered into

an agreement with reference to its maintenance and repair.

CHERRY & MILD
ATTORNEYS AT LAW
CALDWELL, IDAHO

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Don J. Hogge
Shirley F. Hogge
F. P. Hatch
Ilah M. Hatch

1 agree that the parties of the first part are the owners of one-half
2 of said well and all of the equipment in connection therewith, and
3 the parties of the second part are the owners of one-half of said
4 well and all of the equipment in connection therewith, that they
5 will share equally in the costs of the operation and maintenance of
6 said well and that settlement for the operation costs and maintenance
7 of said well shall, if practical, be made monthly and not less often
8 than once a year, the date of settlement to be on March 1 of each
9 year.

10 It is further mutually understood and agreed that the
11 water produced by said well shall be first used for domestic pur-
12 poses to supply water for each of the parties hereto and thereafter
13 for irrigation purposes upon their respective properties, it being
14 understood that each shall be entitled to one-half of the production
15 of said well.

16 This agreement shall be binding on the heirs, executors,
17 administrators and assigns of all the parties hereto.

18 IN WITNESS WHEREOF, the parties hereto have hereunto set
19 their hands and seals the day and year first above written.

20
21 [Signature] (SEAL)
22

23 [Signature] (SEAL)
24 Parties of the First Part.

25
26 [Signature] (SEAL)
27

28 [Signature] (SEAL)
29 Parties of the Second Part.

30
31
32
GIBBY & BOND
ATTORNEYS AT LAW
CLEVELAND, OHIO

REAL PROPERTY INQUIRY

+++++

01 6R33116-000- -0 207-00 N SCH131+ 12 35,000 1.00

+++++ 2A 19,500 2.17

HOGGE, DON J + 34 80,700

& HOGGE, SHIRLEY F-TRUST +

+

+

+

+

12732 MEMORY LN +

NAMPA ID 83686 +

+++++

36-3N-3W NE + TOTAL 135,200 3.17

TX 2-A IN SWNE LESS TX 2 A-1 ++++++

+ SURVEY INST 9105665

+ DRAIN DR VALUE APPR TAM

+ CLASS 2 REAP 04 MAN 03 UNIT 1

12732 MEMORY LN, NA

+ PARCEL 6R03N03W361400 H/O N C/B N

+ PRIOR ACCOUNT 5R33116-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R33116000 0 UNIT 001 TOTAL UNITS 1

SITE 12732 MEMORY LN NA SEC/TWN/RNG 36-3N-3W

ASSESSED VALUE 135,200 ACREAGE 3.17

SUB/PARK NAME YEAR/MAKE

CLASS 2 OWNER / OCCUPIED HOUSE CLASS ' 2' SPACE LOT BLOCK

+++++

YR BUILT 1959 AIR COND AIR - NONE CARPORT A2

STORY 1 STORY HEATING OIL CARPORT SQ FT 520

FIRST SQ FT 1144 EXTERIOR BRICK DECK/PATIO? Y

SECOND SQ FT ROOF BLT-UP ROCK POOL? N

BEDS 3 BSMT SQ FT SPA? N

BATHS 2.00 % BSMT FIN LOT SIZE

FRPLC 1 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

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

DON J. & OR SHIRLEY F. HODGE
(Name of Claimant)
RE. 1, Box 1455, Nampa, ID 83651 Telephone No. 466-4982
(Mailing Address) (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) 1959

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)

GROUNDWATER tributary to

(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>0.09 cfs</u>		Use <u>IRRIGATION</u>		Period of Use From <u>3/15</u>	To <u>11/15</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) 0.09 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NE 1/4, Sec. 36 Twp. 3N Rge. 3E 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. PUMP W/PIPELINE & SPRINKLER IRRIGATION.

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3N</u>	<u>3E</u>	<u>36</u>			<u>3</u>														<u>3</u>

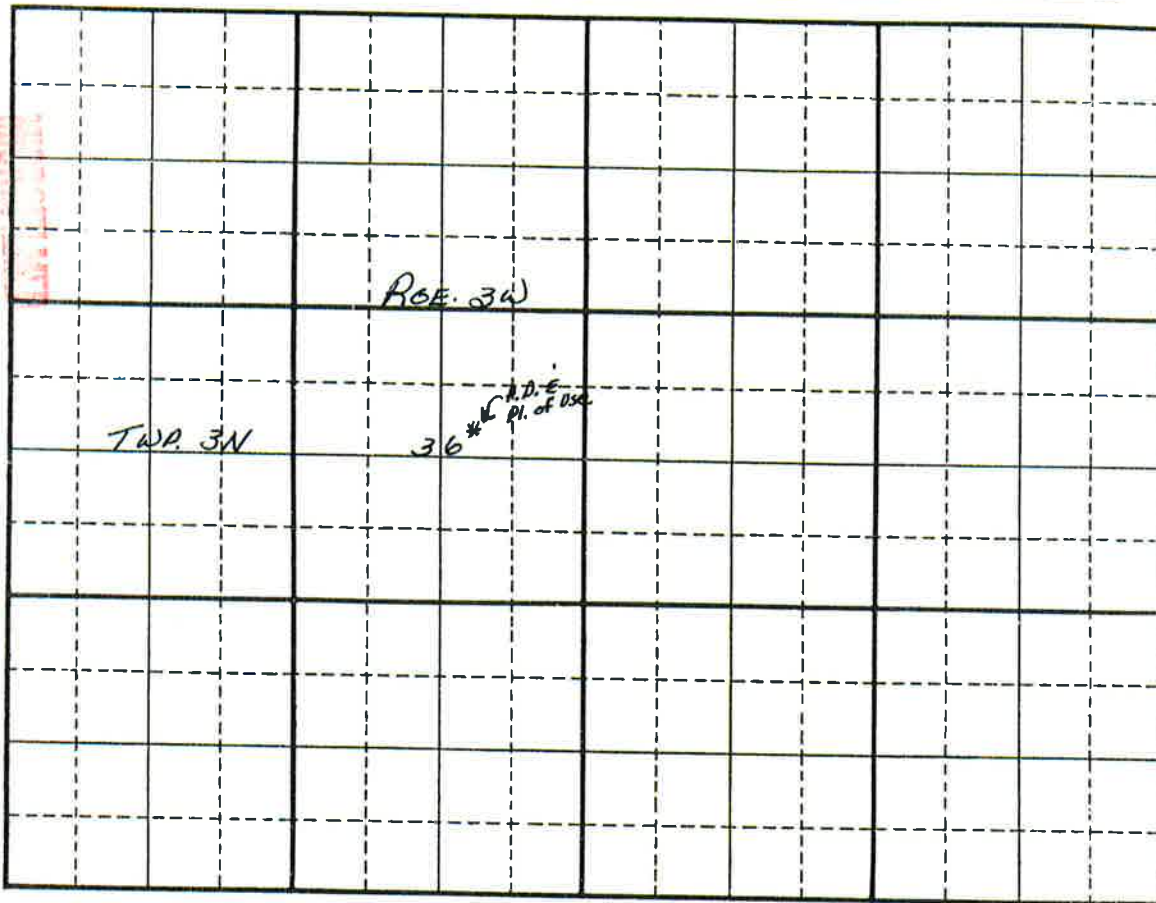
No. of acres 3

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 21 day of June, 19 83.

Shuley J. Hagg
(Claimant)

Nancy M. Northway
Notary Public
Residing at Bose

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by JS

Date 6/21/83

Exception filed by:

Forwarded to

Date

Prelim. check by JS

Date 6/21/83

\$30.00 fee received by JS

Date 6/21/83

31106

claimant by:

Published in Star-Trib.

Dates 8/25 & 9/1/83

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5140

03/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2864	Claim	03N	03W	36	SW	NE		IRRIGATION	5/40	DONNA J ANDERSON
5140	Claim	03N	03W	36	SW	NE		IRRIGATION	3/3	SHIRLEY HOGGE
5245	Claim	03N	03W	36	SW	NE		IRRIGATION	1/1	CAROL J CARSON
3100	Water Right	03N	03W	36	SW	NE		IRRIGATION	18/18	A H BRUCK
5140	Water Right	03N	03W	36	SW	NE		IRRIGATION	3/3	SHIRLEY F HOGGE
5245	Water Right	03N	03W	36	SW	NE		IRRIGATION	1/1	VERLA S ROSE
5245	Claim	03N	03W	36	SW	NE		STOCKWATER		CAROL J CARSON
27169	Water Right	03N	03W	36	SW	NE		STOCKWATER		JOHNNY HABER
5245	Claim	03N	03W	36	SW	NE		DOMESTIC		CAROL J CARSON
19039	Claim	03N	03W	36	SW	NE		DOMESTIC		LONNIE MC GILLIVARY
19038	Water Right	03N	03W	36	SW	NE		DOMESTIC		LONNIE MC GILLIVARY
27169	Water Right	03N	03W	36	SW	NE		DOMESTIC		JOHNNY HABER
27607	Water Right	03N	03W	36	SW	NE		DOMESTIC		HELEN COOPER
28137	Water Right	03N	03W	36	SW	NE		DOMESTIC		ELMER HUSTON



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DON J OR SHIRLEY HOGGE
12732 MEMORY LN
NAMPA ID 83686

RE: EVIDENCE OF PRIORITY

Snake River Basin Adjudication Claim No(s): A63-5140

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on a "Statutory Claim" or "Beneficial Use" of the water.

Water rights of this type are established by historical beneficial use of the water, 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 required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

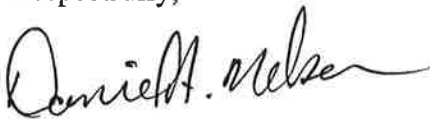
Page 2
Hogge

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, I will need an accurate location of the well used for irrigation under this water right. Please carefully mark on the enclosed aerial photo the exact location of the well for this right.

The required evidence supporting the priority date(s) requested and the aerial photo needs to be returned to me by April 17, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

If you have any questions or concerns, please contact me at the above address.

Respectfully,

A handwritten signature in cursive script, appearing to read "Daniel A. Nelson".

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-20543
2004 aerial photo

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

Receipt Details for ID W008795

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/14/1990 9:11:16 AM	2/14/1990	Western	\$53.00	Check
Payer	HOGGE, SHIRLEY F.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
9266			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$53.00	ADJUDICATION CLAIM 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	5140		\$53.00	Claim

Print Report