

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: **A63-05344**
Date Received: 3/21/1990
Receipt No: W011481
Received By: _____

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

1. Name: GERALDINE L SHETLER CAIN 208-722-7114
Address: 27495 SAND RD
PARMA ID 83660

2. Date of Priority: DEC 31, 1957

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	16	NE	NW	SE		CANYON

5. Description of diverting works:
WATERLIFTER PUMP, 5 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.500		

7. Total Quantity Appropriated is:
1.500 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 of	Lot	Use	Acres
05N	05W	16	NW	SE		IRR	35.0

Section Acres 35.0

Total Acres 35.0

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:
OWNERSHIP CHANGED BY LH 10/21/94.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

Please print or type
(see instructions on back of page)

OCT 18 1994

DATE OF CLOSING: 11-29-90

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 5 NORTH Range 5 WEST
 Section 16, NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A63-05344
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): PHILIP R. BRESHEARS
29516 LANCE LN.
PARMA, ID. 83660
- ☐ New Owner/Claimant (Purchaser): GERALDINE L. SHETLER CAIN
- ☐ New Mailing Address: 27495 SAND RD.
PARMA, ID. 83660
- ☐ New Telephone Number: (208) 722-7114
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: WARRANTY DEED & LEGAL DESCRIPTION

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Geraldine L. Shetler Cain Date 10-17-94
Renee A. Cain Date 10-17-94
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-21-94 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-21-94 By: JD

Claim Numbers of Split, if any:

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

MICROFILMED
 OCT 07 1996

PC02375

902 2-013

WARRANTY DEED

FOR VALUE RECEIVED Philip R. Breshears and Shirley Breshears,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Dennis A. Cain, an unmarried man
and Gerri L. Shetler, an unmarried woman

the Grantees, whose address is P O Box 514, Parma, ID 83660

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1990 and
subsequent years, covenants, conditions, restrictions and easements of record;

and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: November 27, 1990

Philip R. Breshears
Philip R. Breshears

Shirley Breshears
Shirley Breshears

STATE OF IDAHO

COUNTY OF CANYON

On this 27th day of November in the year 1990, before me, a Notary
Public, personally appeared Philip R. Breshears and Shirley Breshears
known or identified to me to be the persons whose names are subscribed
to the within instrument, and acknowledged to me that they executed the
same.

Edward Evans
Notary Public
Residing at Nampa, ID
My commission expires 8/17/96
PUBLIC
STATE OF IDAHO

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

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OCT 07 1996

EXHIBIT "A"

The Northwest Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM mineral rights reserved by State of Idaho in State Deed.

ALSO EXCEPTING the area therefrom reserved for roads, ditches and the Boise River.

ALSO EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southeast Quarter, Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of the Southeast Quarter, Section 16, Township 5 North, Range 5 West, Boise Meridian, the REAL POINT OF BEGINNING; thence

Easterly along the North boundary line of the Southeast Quarter of said Section 16 a distance of 212 feet to a point; thence

Southerly on a line parallel to the West boundary line of the Southeast Quarter of said Section 16 a distance of 222 feet to a point; thence

Westerly on a line parallel to the North boundary line of the Southeast Quarter of said Section 16 a distance of 212 feet to a point; thence

Northerly along West boundary line of the Southeast Quarter of said Section 16 a distance of 222 feet to the REAL POINT OF BEGINNING.

9022013

RECORDED

90 NOV 29 PM 4 56

NED J KERR

CANYON CNTY RECORDER

BY

U. Chassey

PIONEER - CALDWELL

REQUEST

TYPE *Deed* 6 00

MICROFILMED
OCT 07 1996

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: **A63-05344**
Date Received: 3/20/1990
Receipt No: W011481
Received By: _____

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

1. Name: PHILIP R. BRESHEARS 208-722-5780
Address: 29516 LANCE LANE
PARMA ID 83660-0000

2. Date of Priority: DEC 31, 1957

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	16	NE	NW	SE		CANYON

5. Description of diverting works:
WATERLIFTER PUMP, 5 HP MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.500		

7. Total Quantity Appropriated is:
1.500 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
05N	05W	16	NW	SE		IRR	35.0

Section Acres 35.0

Total Acres 35.0

MICROFILMED

AUG 21 1992

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: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 21 1992

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 A63-05344Date Received 3/20/90Receipt Number W011481

RECEIVED

MAR 20 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

JUN 29 1992

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Philip Breshars Phone (208) 722-5780Mailing Address 29516 Lance Lane Zip 836602. Date of Priority (Only one (1) per claim) 1957 and beyond3. Source of water supply (a) Boise River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 5N Range 5W Section 16,
NE 1/4 of NW 1/4 of 2E 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.#4 waterlifter pump shp motor Boise River
back water slew

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 1.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (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.) none

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
			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>5N</u>	<u>5W</u>	<u>16</u>															<u>35</u>		<u>35</u>

Total number of acres irrigated 35

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 X 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 (X)

14. Remarks:

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AUG 21 1992

Last Name Breshears Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A hand-drawn map on a grid. The map shows a proposed canal (labeled 'Canal') running horizontally across the middle. To the left of the canal is the 'Boise River'. To the right of the canal is a 'Pump' and a 'Ditch'. The map is labeled with 'T 5W' and 'R. 5W' in the top left corner. A north arrow is located in the top right corner.

AUG 21 1992

Breshers

Ident No.

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number _____

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 X

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) X Philip R Breshears Date 3-17-90

_____ Date _____

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

_____ Title _____ of _____, that I have signed the foregoing

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 _____)

County of Canyon) SS.

_____)

Subscribed and sworn (or affirmed) before me this 17th day of March 19 90

SEAL

Notary Public Sandra K. Breshears

Residing at Parma, Idaho

My Commission Expires 10-17-94

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 _____

MICROFILMED

AUG 21 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Receipt Details for ID W011481

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/21/1990 8:20:03 AM	3/21/1990	Western	\$127.00	Check
Payer		BRESHEARS, PHILIP R.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5601			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$127.00	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
65	19629		\$25.00	Claim
63	5344		\$85.00	Claim
63	27073		\$17.00	Claim

Print Report

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

RECEIVED

Water right number: 63-5344

NOV 01 2006

GERALDINE L SHETLER CAIN

27495 SAND RD

PARMA ID 83660

Telephone Number: (208)722-7114

WATER RESOURCES
WESTERN REGION

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

"QUANTITY"

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

Original claim dated Dec. 31, 1957 states: Total quantity appropriated is: 1.500 c.f.s.

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

Your form you sent us states 0.600 c.f.s. - -
Does not agree with original amount set forth.

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

DATE: 10-25-06

SIGNATURE:

Geraldine L. Shetler Cain

Please print your name:

GERALDINE L. SHETLER CAIN

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

no change - claimed
in excess of 12 cfs/ac.

09/29/2006

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

RIGHT NUMBER: 63-5344

NAME AND ADDRESS: GERALDINE L SHETLER CAIN
27495 SAND RD
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.600 CFS
135.000 AFY

PRIORITY DATE: 12/31/1957

POINT OF DIVERSION:

T05N R05W S16 NWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.600 CFS
135.00 AFY

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R05W S16 NWSE 30.00

30 ACRES TOTAL

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

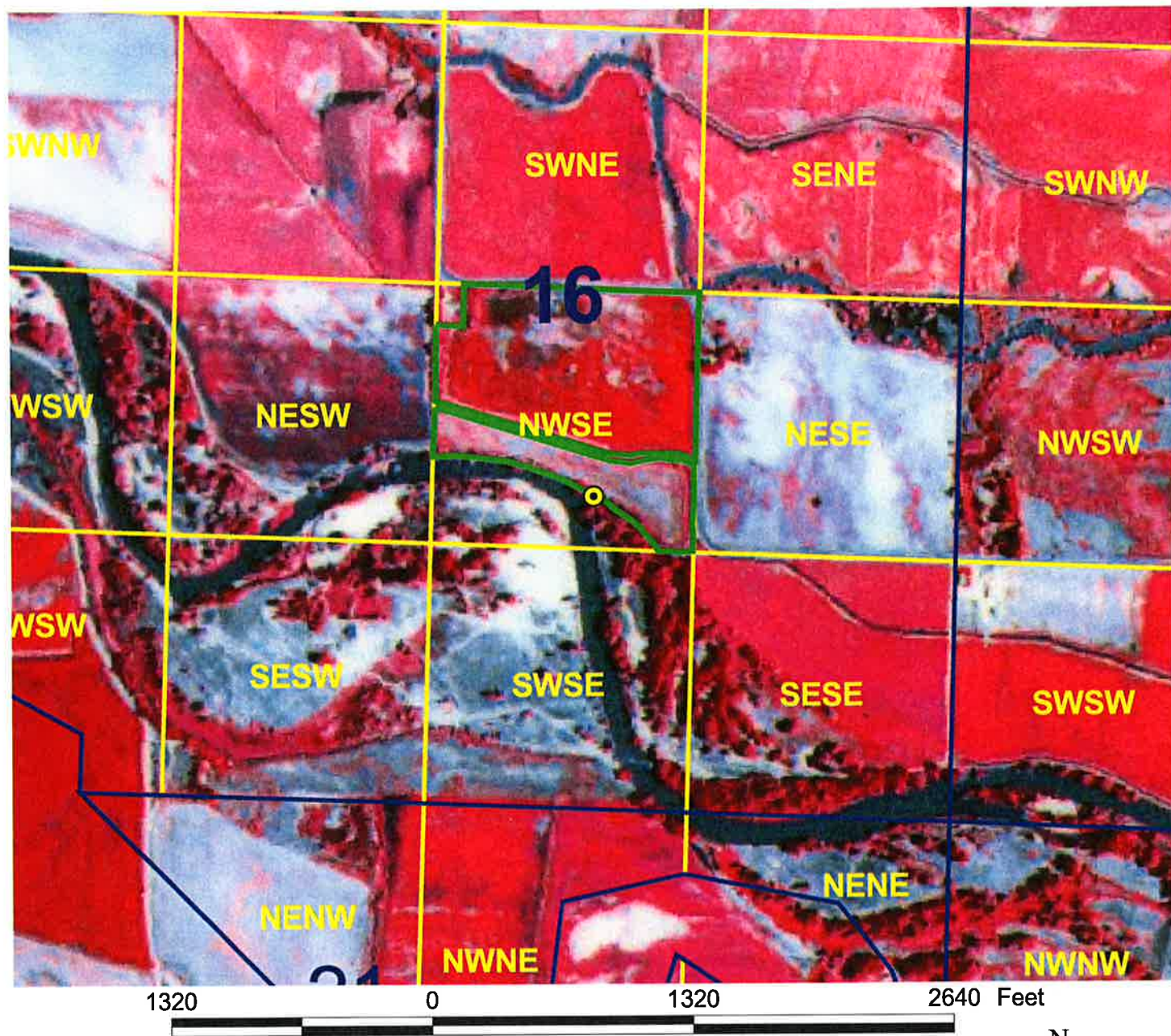
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho
Idaho Department of Water Resources
Western Region

5N R5W SECTION 16
Water Right: 63-5344



TOTAL IRRIGATED ACRES = 30



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: September 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5344 V1

WATER RIGHT NUMBER: 63-5344 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALDINE L SHETLER CAIN 27495 SAND RD PARMA, ID 83660 (208)722-7114
Original Owner	PHILIP R BRESHEARS 29516 LANCE LN PARMA, ID 83660 (208)722-5780

Priority Date: 12/31/1957

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	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	0.600 CFS	135.00 AF
	<u>Total Diversion:</u>	0.600 CFS	135.00 AF

<u>Location of Point(s) of Diversion</u>		
BOISE RIVER	NW1/4SE1/4	Sec. 16, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R05W S16 NWSE 30.0

Total Acres: 30

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5344 V1

Comments:

1. vmusic 8/16/2006 ACRES

Comment: CLAIMED 35 IRRIGATED BUT PER AERIALS FROM 1987 TO 2004, 35 ACRES HAVE NEVER BEEN IRRIGATED. THE PORTION OF THE CLAIMED POU SOUTH OF THE RIVER HAS NEVER BEEN IRRIGATED AND INCLUDING THE BOISE RIVER THIS IS ABOUT 8.5 ACRES. I RECOMMENDED 30 BUT ONLY ABOUT 27.5 ACRES IS CURRENTLY IRRIGATED DUE TO A SECOND HOUSE, BARN, ETC HAVING BEEN BUILT.

2. vmusic 8/16/2006 SURFACE RTS

Comment: NOT MENTIONED IN CLAIM OR FIELD EXAM

3. vmusic 8/16/2006 EVIDENCE OF PRIORITY

Comment: AFFIDAVIT FILED WITH STATUTORY CLAIM. ALSO 1939 AERIAL SHOWS SOME IRRIGATION BUT NOT 27 ACRES.

4. vmusic 8/16/2006 OVERLAPS

Comment: NONE

5. vmusic 8/16/2006 FIELD EXAM

Comment: FIELD EXAM CONDUCTED MAY 2006 TO VERIFY ELEMENTS OF CLAIM

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			04/18/2006	scurtis	Active
Contacts	8/16/2006 10:13:51 AM	vmusic			Active
Priority Date	8/16/2006 10:14:22 AM	vmusic			Active
POD	8/16/2006 10:15:08 AM	vmusic			Active
Source	8/16/2006 10:27:01 AM	vmusic			Active
POU	8/16/2006 10:27:41 AM	vmusic			Active
Use	8/16/2006 10:29:10 AM	vmusic			Active
Season	8/16/2006 10:29:46 AM	vmusic			Active
Quantity	8/16/2006 10:30:59 AM	vmusic			Active
Summary			08/16/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/16/2006 10:13:49 AM	vmusic	(No) 1. Do you want to schedule an appointment?
			Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5344 V1

POD	8/16/2006 10:15:06 AM	vmusic	(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	8/16/2006 10:14:20 AM	vmusic	(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 STATUTORY CLAIM FILE
POD	8/16/2006 10:15:32 AM	vmusic	Updated shape
POD	8/16/2006 10:26:34 AM	vmusic	Updated shape
Source	8/16/2006 10:26:59 AM	vmusic	(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 MAY 2006
POU	8/16/2006 10:27:40 AM	vmusic	(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 - AERIALS, FIELD EXAM 2006
POU	8/16/2006 10:28:10 AM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5344 V1

Use	8/16/2006 10:29:08 AM	vmusic	(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 - AERIALS, FIELD EXAM MAY 2006
Season	8/16/2006 10:29:45 AM	vmusic	(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	8/16/2006 10:30:58 AM	vmusic	(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? Description for Question 7 - SEE MAY 2006 FIELD EXAM FOR THEORETICAL
Summary	8/16/2006 10:32:17 AM	vmusic	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5344 V1

Summary	4/18/2006 5:34:25 AM	scurtis	(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:



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 21, 1994

Re: Notice of Claim to a Water Right No. A63-05344

Geraldine L. Shetler Cain
27495 Sand Rd.
Parma, ID 83660

Ms. Cain:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

cc: Philip Breshears

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OCT 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 16, 1992

Philip Breshears
29516 Lance Lane
Parma, ID 83660

RE: Snake River Basin Adjudication
Notice of Claim to a Water Right, Canyon County

Dear Mr. Breshears:

We are returning two Notices of Claim to a Water Right filed for your property in Canyon County. We are also enclosing Receipt No. W011481 in the amount of \$127.00 for your filing fees. We have noted some problems with these claims which require clarification.

Regarding the claim for irrigation of 27 acres, we have identified a previously recorded claim in your name for the irrigation of 35 acres. Enclosed is a Profile Report describing the information on 63-05344. If you wish to identify this previously recorded claim, you may do so by writing the identification number 63-05344 in Item 15.

If you choose to claim this previously recorded claim, please clarify the discrepancy between the originally claimed 35 acres and the 27 acres you currently claim. Have you sold a portion of the land, or are you no longer irrigating the additional 8 acres? Also, please complete Item 2 with a month, day, and year.

Regarding the claim for domestic use, please complete Item 2, Date of Priority.

Please return these documents to my attention by July 16, 1992, or late fees will apply. If we do not receive the documents by that date, we will assume you do not wish to continue the filing process and will begin the refund process of your filing fees. Do not hesitate to contact this office if you have any questions.

Sincerely,

Helen Harrington-Thornton
Helen Harrington-Thornton
Senior Water Resource Agent
Adjudication Bureau

HHT:sf:state:tf

Enclosures:

(2) Notices of Claim
Receipt #W011481

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AUG 21 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[Philip R. Breshears]
29516 Lance Lane
Parma ID 83660
[]

Dear Claimant(s):

We have received your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and Receipt No. _____ are enclosed. Only the item(s) shown below with a checkmark have been either changed or added to your claim(s).

X Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.

_____ Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.

_____ Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.

_____ Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.

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- _____ Item #7 - The total quantity claimed was not completed. The use(s) claimed have been added together and this amount added to your claim.
- _____ Item #9 - The number of homes was not listed on your claim. It appears to be filed for one domestic home and this information has been added to your claim.
- _____ Item #10- The place of use appears to be incorrectly described, or not described at all. Based on other information submitted we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, we have enclosed a copy of the subdivision map from which we computed the quarter-quarter legal description. Or, if you have listed a quarter-quarter legal description under Item No. 4, we have listed this same quarter-quarter, section township and range on this item.
- _____ Item #12- The ownership of the place of use has not been marked. We have assumed you own the place of use and this information has been added to your claim.
- X Item #15- Basis of Claim was not completed. ~~no~~ previously recorded water rights were found, therefore, we have marked beneficial use of the water as the basis for filing this claim. and identified 63-05344.
- _____ Other _____

If you have any problems or questions concerning these additions and/or changes, please contact this office within 30 days from the date of this letter. If we do not hear from you within this time, we will assume you agree with these changes, and your claim will remain on file as shown on the enclosed data entered copy. My phone number is 327-7935 if you have any questions.

Sincerely,

Helen Harrington-Thornton

Helen Harrington-Thornton
Sr. Water Resource Agent

Enclosures

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AUG 21 1992

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3- CLAIMANT'S NAME Brecknairs CLAIM IDENT. NO. AV03

DATE RECEIVED	RECEIPT #	AMOUNT \$	YES	NO	Requires Info?
<u>3/20/90</u>	<u>W011481</u>	<u>127-3 claims</u> <u>77 applied</u> <u>Parma</u>			
1. Is the name and address complete with zip code?			☒	☐	*
2. Is a priority date entered?			☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?			☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.			☒	☐	
3. (a) Is a source entered?			☒	☐	*
(b) Is a tributary to entered? (if required)		<u>N/A</u>	☒	☐	
4. Is the legal description of the p.d. sufficient?			☒	☐	*
5. Is there a description of the diverting works?			☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.			☒	☐	*
Is the period of use included?			☒	☐	
Is a quantity claimed for each use?			☒	☐	*
7. Is a total quantity claimed entered?			☒	☐	
8. If required is a consumptive use entered?		<u>N/A</u>	☐	☒	
Is the consumptive use correct?		<u>N/A</u>	☐	☒	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4		<u>N/A</u>	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?			☒	☐	*
11. Is (are) the county(ies) entered?			☒	☐	
12. Is the ownership of p.u. checked?			☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)			☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)		<u>N/A</u>	☒	☐	
15. Is the basis of the claim indicated?			☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)		<u>N/A</u>	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.		<u>N/A</u>	☒	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		<u>N/A</u>	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?			☒	☐	*
21. Was this claim filed on time, or was an extension granted?			☒	☐	*
22. Is the fee enclosed correct?		<u>Exempt</u>	☒	☐	*

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Water Right Number - 63-05344 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
BRESHEARS PHILIP R. 1 - RT. 3 BOX 3056
2 -
3 -
City- PARMA State- ID Zip- 836600000
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/15/1957 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
05N 05W 16 NW SE (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.800

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
05N 05W 16 NW SE 35.0 01 IRRIGATION (27) CANYON
Total Acres: 35.0

+ - - Diversion Means - PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - 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

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Prefix Translation: WATER RIGHT

+ - - Audit Fields - 02/12/86 05/01/88 CONVERT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Tested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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AUG 21 1992

Desk top review / VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-5344

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see field exam of ^{may} June 2006

OVERLAP REVIEW

Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

☒ No change

☐ Different Uses

Use irv From 3/1 To 11/15 Amount .6 CFS 135 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

$(30 \text{ ac})(.02) = .6 \text{ CFS}$
TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount .6 CFS 135 AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

30 acres irrigated in 1987.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: none

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see field exam of may 2006

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: see field exam of may 2006

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(no remarks)

- ① Quantity of .8 cfs claimed. recommended .6 cfs based on acres irrigated historically per adivals, field exam.
- ② acres: claimed 35, but ≈ 29.5 irrigated in 1981 adival. The ≈ 8.5 acres in the SW/4, including the Base R, has never been historically irrigated per the adivals from 1981-2004. The ≈ 3.5 acres on the east portion is (in the 20 1984-2004) developed with house, barn, etc. so ≈ 27.5 ac is currently irrigated.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 8-16-06

FIELD EXAMINER: Wally Little

- ③ 2 homes now on poa each have domestic well

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5344

WATER RIGHT NUMBER: 63-5344

Owner Type Name and Address
 Current Owner GERALDINE L SHETLER CAIN
 27495 SAND RD
 PARMA, ID 83660
 (208)722-7114
 Original Owner PHILIP R BRESHEARS
 29516 LANCE LN
 PARMA, ID 83660
 (208)722-5780

Priority Date: 12/31/1957 - *ccp provided*

Basis: Beneficial Use

Status: Active

Source Tributary
 BOISE RIVER SNAKE RIVER
3/1-11/15 *aggressive rate claimed*

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/15 to 10/15 1.500 CFS 151.5
 7 *1.500 CFS*

Location of Point(s) of Diversion

BOISE RIVER NE 1/4 NW 1/4 SE 1/4 Sec. 16, Twp 05N, Rge 05W, B.M.
 CANYON County

Place of Use

IRRIGATION
 Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals
 05N 05W 16 | | | | | | | | | | | | | | | | | 35.0 30 30

Total Acres: 35

ONLY ~ 29.5 ac. irr - recommended 30

Conditions of Approval:

1. OWNERSHIP CHANGED BY LH 10/21/94.

Dates and Other Information:

Claim Received Date: 3/21/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

surface r/s - none

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5344

08/16/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5344	Claim	05N	05W	16	NW	SE		IRRIGATION	35/35	GERALDINE L SHETLER CAIN
5344	Water Right	05N	05W	16	NW	SE		IRRIGATION	35/35	PHILIP R BRESHEARS
27073	Water Right	05N	05W	16	NW	SE		DOMESTIC		GERALDINE L SHETLER CAIN

16

SW

NWSE

NE

63-5344-- 2000 aerial. CLAIMED 35 ACRES IRRIGATION BUT PER AERIAL REVIEW, THE ENTIRE 35 ACRES HAVE NEVER BEEN IRRIGATED. THE ACRES SOUTH OF THE RIVER HAVE NEVER BEEN IRRIGATED PER AERIALS FROM 1987 - 2004

16

SW

NWSE

NE

63-5344-- 2000 aerial. CLAIMED 35 ACRES IRRIGATION BUT PER AERIAL REVIEW, THE ENTIRE 35 ACRES HAVE NEVER BEEN IRRIGATED. THE ACRES SOUTH OF THE RIVER HAVE NEVER BEEN IRRIGATED PER AERIALS FROM 1987 - 2004

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5344

08/16/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-273	Claim	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	KENNETH H MC NALL
63-5344	Claim	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	GERALDINE L SHETLER CAIN
63-27073	Claim	05N	05W	16	NW	SE		GROUND WATER	GERALDINE L SHETLER CAIN
63-271A	Water Right	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	BERT L TREDWAY
63-5344	Water Right	05N	05W	16	NW	SE		BOISE RIVER SNAKE RIVER	PHILIP R BRESHEARS
63-27073	Water Right	05N	05W	16	NW	SE		GROUND WATER	GERALDINE L SHETLER CAIN

PWS has never been irrigated
per officials

FIELD EXAM MEMO

DATE: 5/10/2006

TO: Sandy Hemenway

FR: Lori Graves

RE: A63-5344

Claim is in Geraldine Shelter Cain's name, however, tax records show the property owned by Dennis Cain (same address).

Claim references p/d as #4 waterlifter pump with 5 hp motor diverting from the Boise River back-water slough.

Please verify:

- P/D location
- System capacity
- Acres irrigated
- System diagram

Attached are a claim proof report and 2004 photo.

Proof of priority is n/a because an affidavit for priority date was submitted with the original statutory claim.

Thanks Sandy.

FIELD EXAM MEMO

DATE: 5/10/2006

TO: Sandy Hemenway

FR: Lori Graves

RE: A63-5344

Claim is in Geraldine Shelter Cain's name, however, tax records show the property owned by Dennis Cain (same address).

Claim references p/d as #4 waterlifter pump with 5 hp motor diverting from the Boise River back-water slough.

Please verify:

- P/D location
- System capacity
- Acres irrigated
- System diagram

Attached are a claim proof report and 2004 photo.

Proof of priority is n/a because an affidavit for priority date was submitted with the original statutory claim.

Thanks Sandy.

Graves, Lori

To: shemenway@cableone.net
Subject: Psi/Season of Use

Hey Sandy, friction loss is all that needs accounted for in theoreticals for open discharge pump systems. For surface water, 10 psi is used to cover friction and for ground water, 5 psi is used. For example, the theoretical for the great exam that I just received from you would calculate as follows: $5\text{hp} \times 8.8 \times .7 / 12' \text{ lift} \times (10 \text{ psi} \times 2.31) = .88 \text{ cfs}$

Also, when calculating required volume -vs- potential volume, the standard season of use for Canyon County is 3/1 to 11/15 or 260 days and standard field headgate volume/acre is 4.5 af.

Thanks again Sandy and have a great day.

lg

Field Exam Date 5/25/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED
JUN 12 2006
WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-05344 (shown on yellow copy attached)
A 63-5344 (shown on IDWR Adjudication claim w/o a zero)

Owner: Dennis A Cain or
Geraldine L. Shetler Cain Phone No. (208) 722-7114 cell: (208) 860-0526

Current Address: 27495 Sand Rd, Parma, Id 83660

- ☒ No change NAME IS THE SAME ✓
- ☐ NEW OWNER Dennis A Cain's name was left off (see attached yellow application form)
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? purchased in 1990 + got married in 1991

Accompanied by: Dennis A. Cain

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 12/31/1957

(If priority date, based on your exam, seems questionable, explain below.)

Source: Boise River Tributary to Snake River

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☒ POD found is different than claimed: SE 1/4 NW 1/4 SE 1/4
- ☐ If different, when did POD change? That is where it always has been located.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
AD002125	—	SE	NW	SE	16	5N	5W	Lincoln	N43° 46.063 W116.56.336

Description of diverting works

3' culvert utilized as a collection basin with a 5Hp Wigg Motor Pump after single phase, 8" galvanized steel discharge that can be diverted to ~~ea~~ either the concrete ditch to the east of north to 8" gated pipe (estimated at 40 psc since no gauge + utilized for irrigation)

OVERLAP REVIEW Other water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: —

WATER USES

☒ No change (no change in use, but in amounts) reduction due to capacity of pump + system

☐ Different Uses

Use Irrigation From 4/15 To 10/15 Amount 0.30 CFS AFA

Use From 3/1 To 11 Amount .88 CFS AFA

Use From To Amount CFS AFA

TOTAL VOLUME – Groundwater only

N/A

- ☐ Incomplete on claim, the total is, Amount CFS AFA
- ☐ Changes found, the new total is, Amount CFS AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
- ☐ Changes Exam found: Domestic # of homes Stock #
- Types Additional comments:

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
No Change																			

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: ^{Wigg Motor w/Parma lifter} 5 HP pumps from 3' culvert utilized as collection basin through 8" galvanized steel discharge that can split going to the concrete ditch to the east (gravity flow going east to west taken from ditch with 3/4" - 2" siphon tubes) or diverted to 8" gated pipe running north (gravity flow east to west) then going further north to a 3' control box, solid 5" PVC crossing the canal to a 50 gallon control box. This diverter east + west to 8" gated pipe (gravity flow runs south to north). The 3' control box + (2) 50 gallon control boxes enable water to be restricted only to the designated area to be irrigated.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002125	Wigg Motor	5	00518ESIVFD 184T	Parma Lifter pump	8" galvanized steel

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Dennis stated that they own a total of 40 acres, but 4 acres goes under water when the Boise River floods during high run-off in the spring. Part of their property is on the other side of the Boise River when it is at normal level, but no irrigation is needed there due to seepage from the Boise River.

Dennis + Geraldine purchased the property in 1990 & got married in 1991.

Directions: I84, Exit 26 Notus/Parma, before Parma turn right & go south on Hwy 95 over the over-pass, immediately turn right on Sand Rd (bottom of over-pass); 1/8 mile curves left, follow till 27495 Sand Rd.

POD is located 1.4 mile from Hwy 95/Sand Rd intersection, go west on Sand Rd, at curve go through gate & follow the bank about 350'

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

6-6-06

FIELD EXAMINER: _____

Jandy Hemmaway

Claim No. and Name: A63-5344 Cain

Inspection Date: 5/25/2006

Field Inspector: Sandy Hemenway

Measurements/Calculations:

Irrigation:

Confirmed acres irrigated: 35 acres x 0.02cfs = **0.70 cfs**

Season ~~4/15 - 10/15 = 184 days~~ **3/1 - 11/15 = 260 days**

Required V.i.r = allowable acres under permit x requirement IDWR chart (figure 2)=

35 acres x ~~3.5 = 122.5 afa~~ **35 x 4.5 = 157.5**

Potential V.d.r. = max. allowable cfs x permit season x 1.9835 =

0.70 x ~~184~~ x 1.9835 = ~~255.47 afa~~ **260 x 1.9835 = 515.71 afa**

Horsepower Equation:

lift = 12'

psi = 40-60psi (no gauge, information given by owner) standard = 40 irrigation, 60 for large irrigation

Hp = 5

$Q = (8.8) (Hp) (.70 \text{ effec.}) / (2.31 \times \text{psi}) + (\text{lift})$

$Q = (8.8) (5) (.70) / (2.31 \times 40) + 12 = 30.8/104.4 = 0.2950 = 0.30 \text{ cfs}$

$Q = (8.8) (5) (.70) / (2.31 \times 60) + 12 = 30.8/150.6 = 0.2045$

***Recommend going with 40psi which coordinates with the Pumpback Computation Spreadsheet

(surface water
open discharge
system)

$30.8 / (10 \text{ psi} \times 2.31) + 12' = .88 \text{ cfs}$

to account for friction

Pipe Capacity:

8" galvanized steel pipe discharge to 8" PVC gated pipe = **1.74 cfs capacity**

Background Information:

In order for Dennis Cain to irrigate his property, he has to divert the water to the smaller sections of the fields ie irrigating the concrete ditch area, then later diverting the water from the pump to the 3' control box in order to supply enough water to irrigate through the gated pipe. The water is then controlled by the 50 gallon control boxes on the north side of the canal and irrigated in sections in order to have adequate water supply.

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway

Project: Flow Computation for A63-5344 Cain

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 \cdot (100/\text{roughness})^{1.85} \cdot ((\text{cfs} \cdot 448.8)^{1.852} / \text{ID}^{4.8655} \cdot \text{Length} / 100)$$

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift: 12.00 feet

Pressure Req'd: 40.00 psi

Required Head: 104.40 feet

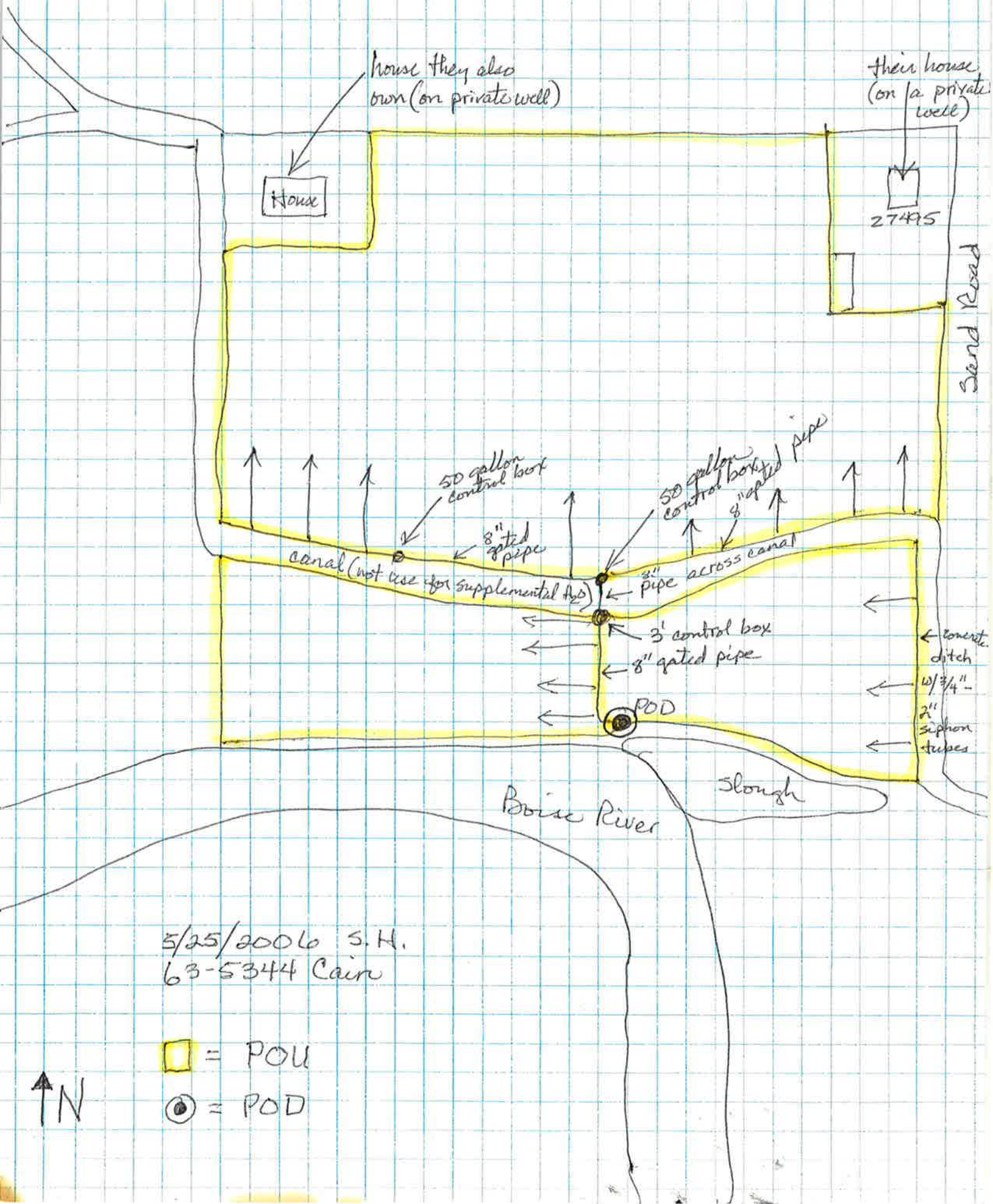
Pump Horsepower: 5.00 horsepower

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Friction	Head Loss per 100 ft
7.50	350.00	0.17		0.05
1.50	0.00	0.00		#DIV/0!
1.00	0.00	0.00		#DIV/0!
			0.17	

Initial Estimate of Rate of Flow: 0.299 CFS

Computation of Rate of Flow: 0.29



Boise River covering
entire 4 acres to the south
(during spring run-off + flooding)

← normally the
slough area

POD:

5 Hp
Leigg Motor
Parma Lifter Pump
single phase
SN# 00518ES/VFD
184T

12' lift from
bottom of culvert
- estimate 40-60
psi

to 3'
control
box
(to the
south)

8" gal. st.

← to
concrete
ditch
east

25/05/2006

5/25/2006 Cain 63-5344
S.H



POU:
pasture
directly
east of POD

5/25/2006 Concrete ditch running north & south on the east side of the property



POU →
pasture
directly
west of POD

livestock:
10 horses,
2 steers,
drink from
year-round
ditch crossing
through property
+ not this
water right

5/25/2006 S.H.
63-5344 Cain

3'
control
box



POU
pasture
north of
3' control
50 gallon
control box
gated
pipe

25/05/2006

5/25/2006

3'
control
box



8" gated pipe
POU
8" gated pipe

ditch
that runs
through
property
(not used
for
supplemental
water, although
livestock
drinks from
ditch)

25/05/2006

5/25/2006 S.H.
63-5344 Cain



ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

* Yellow attached form includes both names

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
A0002125	Wigg Motor	5	00518ES	Payma Litter	8" galvanized steel
			1VFD184T	pump	

N43°46.063

W116.56.336

2.) Static water and/or pump level 12' lift

3.) How were above level(s) determined (well log, measurement, owner)? depth in culvert to pump

4.) Operating pressure (this is checked using the owner's psi gauge, your gauge, or

an estimate by owner) 40 psi - 60 psi
no gauge is standard for irrigation = 40 psi / 60 psi for large systems

5.) Was a measurement made? No If no can a measurement be made at a latter time? Yes

6.) What type of measurement device was used? None

7.) Is there a pump curve available for pump? No

8.) Please fill out the following: N/A

Number of sprinklers —

Sprinkler nozzle size —

Number of Pivots (include gpm rating for each pivot) —

9.) Please outline all acres irrigated on attached aerial photo. ✓ DONE

10.) Please clearly mark all points of diversion on map and GPS. ✓ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

✓ DONE

12.) Pictures taken of place of use and point of diversion. ✓ DONE

OTHER INFORMATION NEEDED:

No supplemental water used for irrigation. The 10 horses + 2 Steers drink some water ~~off~~ from the ditch (year-round ditch), but mainly drink water while irrigating or at barn water from private well.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.) 8"

Boise River → lifter pump → gated pipe + concrete ditch (gravity flow) ^{east to west}

3' control box → ^{8" pipe} piped across canal to 50 gallon control box → 8" gated pipe running east + west (gravity flow south to north)

DATE EXAM CONDUCTED

5/25/2006

FIELD EXAMINER

Judy Hemminger

Please Return To: Lori Graves

A 63 - 05344

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DENNIS A. CAIN & GERRI L. CAIN Phone 208) 722-7114

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) MARCH 15, 19573. Source of water supply (a) BOISE RIVER
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 5N Range 5W Section 16,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of CANYONAdditional points of diversion if any: NONE

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.

15 h.p. Water Lifter pump lifts from River
into concrete ditch to irrigate 1 field, then into gated pipe to irrigate
Large field.

(both dates are inclusive) (cfs) (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (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.)

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.

[illegible]

Total number of acres irrigated

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 X 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 (X)

14. Remarks:

Last Name Cain Ident No. _____

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 _____
 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) _____ Date _____
 _____ Date _____

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

of _____ Title _____
 Organization _____, that I have signed the foregoing

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 _____)
 County of CANYON) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

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 _____ Ident. Number _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

NW 1/4 Sec 16, T5N R5W BM
 *SEE ATTACHED AERIAL
 BOISE RIVER
 PLACE OF USE IS FIELDS A & B ON ATTACHED MAPS

Last Name

CAIN

Ident No.

Copies: White-State, Yellow-Claimant

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 Philip R. Breshears
(Name of Claimant)
Rt. 3 Box 3056 Parma, ID 83660 Telephone No. 722-5780
(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) 1957

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)
Boise River 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>.80 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) .80 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 16 Twp. 5N Rge. 5W 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.
5 HP pump & pipeline into concrete gravity ditch

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	5W	16													35				35

No. of acres 35

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

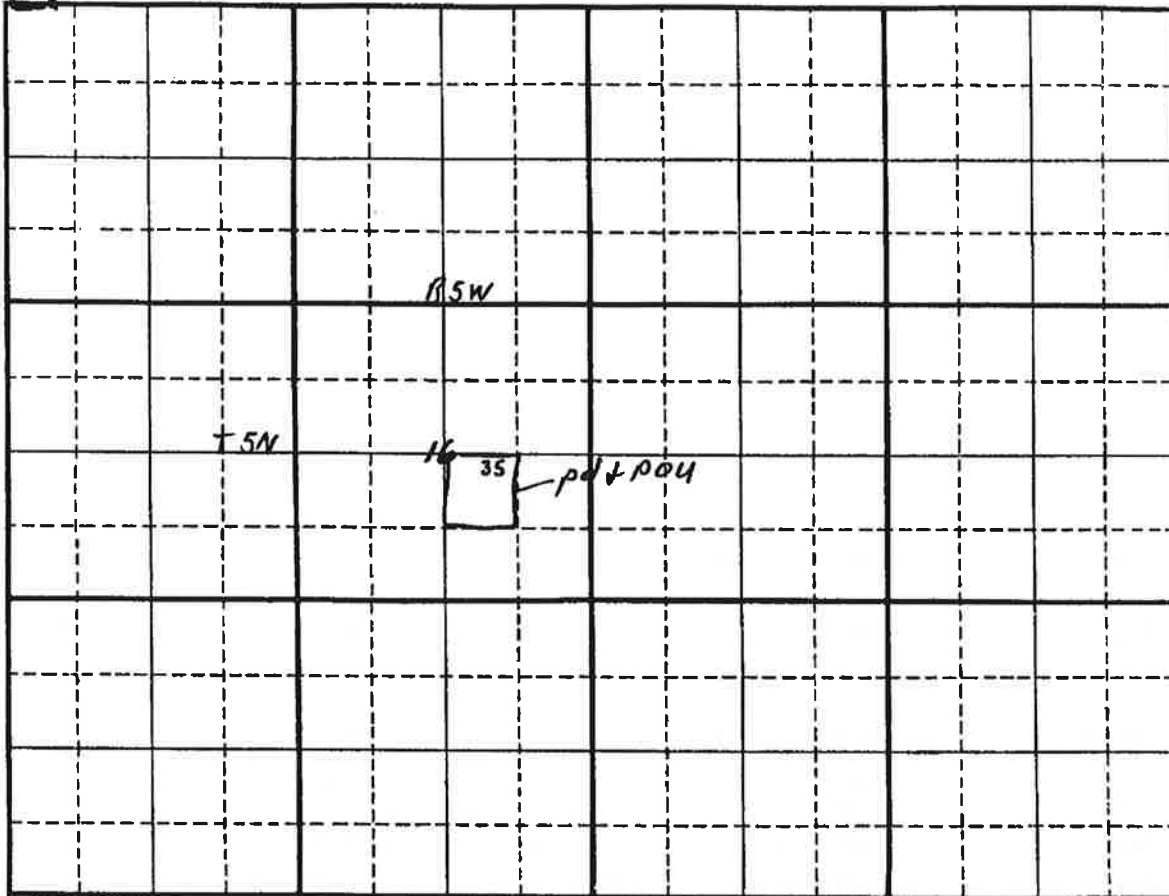
NOTE: Include here the type and number of stock watered: _____

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

CLERK OF DISTRICT COURT

100

(B) 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 April

1984.

x Philip R. Breakers
(Claimant)

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by GLS Date 9/16/84 Exception filed by: _____ Date _____
Prelim. check by JP Date 7/17/84 claimant by: _____
\$20.00 fee received by JP Date 4/11/84 # 22600
Published in Boise Tribune
Dates 3/31 & 4-1/84

The Northwest Quarter of the Southeast Quarter of Section 16, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, EXCEPTING mineral rights reserved by the State of Idaho in State Deed

ALSO EXCEPTING the area therefrom reserved for roads, ditches and the Boise River. Said premises also includes approximately 5 acres of land South of the Boise River.

The above property had water rights to it back years ago. I, Philip R. Breshears, farmed it in 1957, 1958 and 1959 and it had water rights at that time.

Donald E. Pitkin purchased the above property in 1964 with water rights secure. When it was sold to Alton L. Vogt and Miles R. Gillespie they did not keep up the water rights. Gillespie sold it to Philip R. Breshears in January of 1974 without properly securing the water right as he assured he would in the Bill of Sale.

John Hurley who farms property close to the above named property tells me there was water on the place prior to the 1957 date.

Signed-----April 14, 1984-----

Philip R. Breshears
Philip R. Breshears

Donald E. Pitkin
Donald E. Pitkin

John H. Hurley
John Hurley