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DEPARTMENT OF
WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 63-7539

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Sarah Jane Smith

Address: 7511 Warren Spur Road

Melba, ID 83641

Daytime Phone: 208-495-2340

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

601 W. Bannock

Boise, ID 83702

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

Name: Sarah Jane Smith

Address: 7511 Warren Spur Road

Melba, ID 83641

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: shape file needs to include area identified on attachment
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Place of use for stockwater
includes the area shown on the attachment

F. VERIFICATION (Must be Completed)

Sate of Idaho)
) ss.
County of Ada)

John M. Marshall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

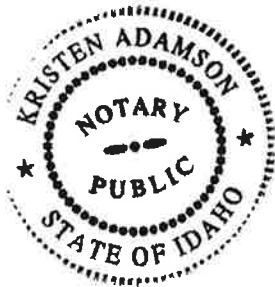
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007

Kristen Adamson
Notary Public for Idaho
Residing at: Middleton, ID
My Commission Expires: 6-15-2013



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 18, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

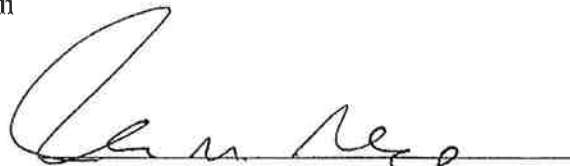
Name: Sarah Jane Smith
Address: 7511 Warren Spur Road
Melba, ID 83641

3. Copies to:

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

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

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


Signature of Objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

SRBA Recommendation:

63-7539

(Stockwater)

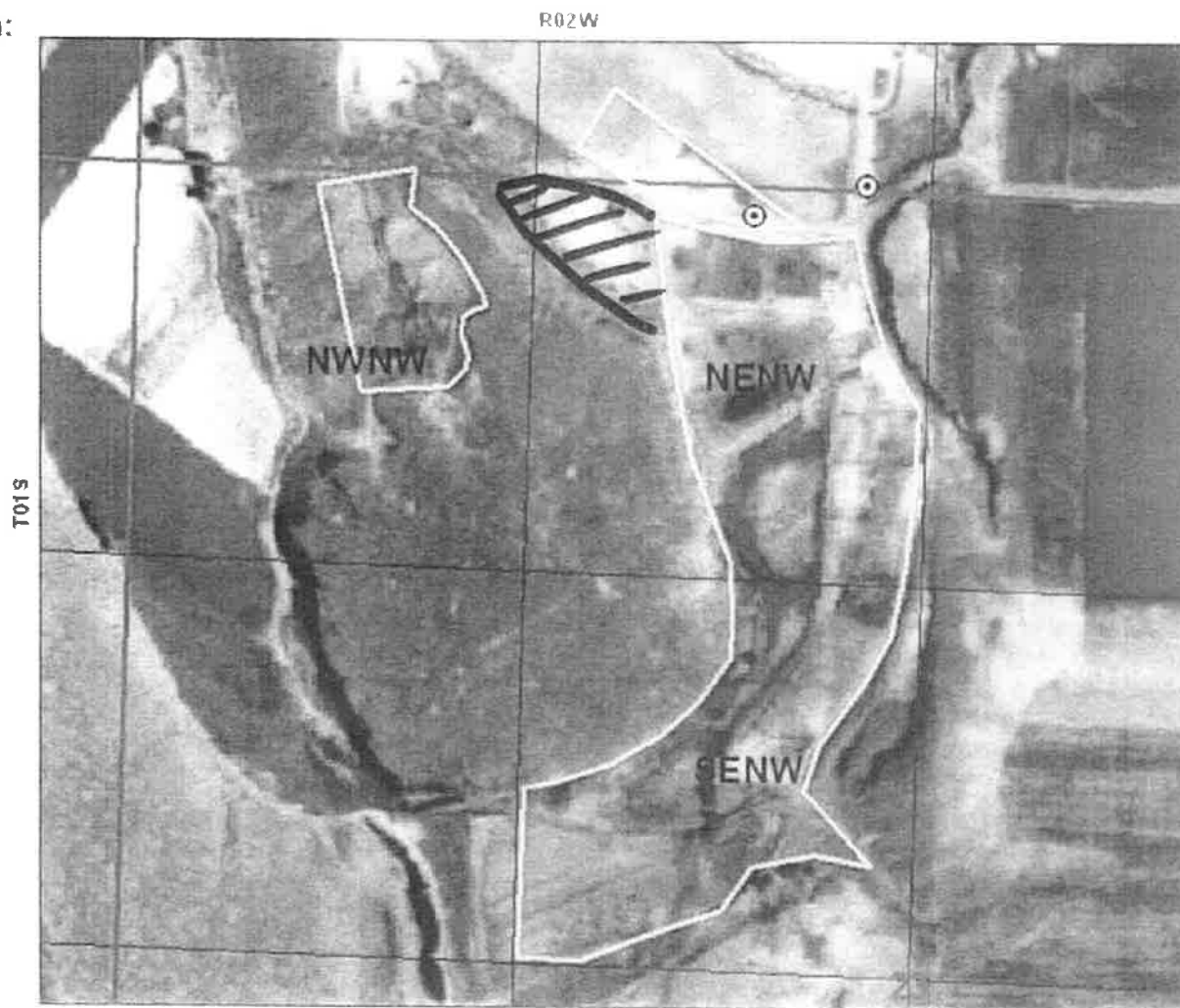
Legend

⊙ Point of Diversion
Place of Use

▭ Townships
▭ PLS Sections
▭ Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by M. Ciscell
On Tuesday, October 31, 2006
1987/88 Aerial Photography

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SEP 22 2008

DEPARTMENT OF
WATER RESOURCES

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SEP 18 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA

TWIN FALLS CO., IDAHO

FILED _____

2008 SEP 17 PM 10 11

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

In Re SRBA

Case No. 39576

) Subcase 63-07539
)
) ORDER ON MOTION TO STRIKE
)
) ORDER RE: ATTORNEY' S FEES AND
) COSTS
)
) ORDER DISMISSING OBJECTION
)
) ORDER VACATING HEARING ON
) MOTIONS FOR SUMMARY
) JUDGMENT
)
) ORDER REQUESTING STATEMENT
) FROM PARTIES

I. BRIEF PROCEDURAL HISTORY

On February 13, 2008, Craig Whitted, acting *pro se*, lodged a late objection to the *Director's Report* for the above-captioned water right claim, asserting that one of the points of diversion, a groundwater well, is located on land owned by Mr. Whitted, and that the claimant, Sarah Jane Smith, is not authorized to use Mr. Whitted's land. At the hearing on Mr. Whitted's motion to file late objection, Mr. Whitted asserted that the water right should not exist because it was initiated in trespass. The motion to file late objection was granted by *Order* dated February 13, 2008. A trial date was set, together with a pretrial conference to be held on July 1, 2008. At the July 1, 2008, pretrial hearing, the parties stipulated to certain facts, and the trial was vacated upon the representations of the parties that there were no genuine issues of material fact, and that the issue(s) are legal issues that can be resolved on summary judgment. A deadline for

ORDER ON MOTION TO STRIKE
ORDER RE: ATTORNEY' S FEES AND COSTS
ORDER DISMISSING OBJECTION
ORDER VACATING HEARING ON MOTIONS FOR SUMMARY JUDGMENT
ORDER REQUESTING STATEMENT FROM PARTIES
G:\BASIN FOLDERS\Orders\63ORDERS\7539.dismiss objection.doc

the filing of motions for summary judgment was set for July 31, 2008. The claimant, Sarah Jane Smith, through her attorney John Marshall, timely filed a *Motion for Summary Judgment*, together with supporting affidavits and briefing. A hearing on the claimant's *Motion for Summary Judgment* was set for September 24, 2008. Sarah Jane Smith's *Motion for Summary Judgment* was directed toward Mr. Whitted's trespass theory of the case; relied upon the stipulated facts; asserted that the water right should be decreed with a valid point of diversion located on Mr. Whitted's land; and asserted that an easement by prescription should be decreed in connection therewith.

Mr. Whitted, still acting *pro se*, timely filed a *Motion for Summary Judgment*, together with the *Affidavit of Carrie Cusic Moore*, again asserting that the water right should not exist because it was initiated in trespass.

On September 10, 2008, Mr. Whitted, now represented by an attorney, Kimbell Gourley, filed a *Cross-Motion for Summary Judgment*, together with supporting briefing and affidavits. The *Cross-Motion* was filed after the July 31, 2008, deadline for filing motions for summary judgment. The *Cross-Motion* and supporting documents were also untimely pursuant to I.R.C.P. 56(c), which requires a motion to be served at least twenty-eight (28) days before the time fixed for hearing. In the *Cross-Motion*, Mr. Whitted has abandoned his trespass theory and now asserts that the use of the subject groundwater well by the claimant and her predecessors-in-interest has been pursuant to permission given by Mr. Whitted and by Mr. Whitted's predecessors-in-interest.

Also on September 10, 2008, the claimant filed *Sarah Jane Smith's Motion to Strike Cross-Motion for Summary Judgment and All Supporting Documents*. The *Motion to Strike* was heard on September 16, 2008. In the *Motion to Strike*, the claimant asserts that because of the untimeliness of the *Cross-Motion*, and because of the change in legal theories of the case by the objector, the Court should either strike the *Cross-Motion* and allow the case to proceed upon the motions for summary judgment already filed regarding the trespass theory, or in the alternative, should the Court allow the filing, Sarah Jane Smith should be awarded her reasonable attorney's fees and costs associated with the filing of her *Motion for Summary Judgment*.

II. ANALYSIS

This subcase involves both issues regarding the validity of one of the points of diversion for the subject water right and issues regarding what rights, if any, does the claimant have regarding the use of the land in the area where the well is located. Mr. Whitted initially pursued a theory of trespass in his objection to the existence of a point of diversion on his land. The claimant has essentially argued that even if the use of the land was in trespass when the well was drilled, such use met the elements of a prescriptive easement upon continued use for a five-year period. At the February 12, 2008, hearing on Mr. Whitted's late-filed objection, counsel for the claimant stated that any related quiet title action regarding a prescriptive easement should probably be heard in the Fourth District Court in Canyon County, rather than in the SRBA. Nevertheless, in her *Motion for Summary Judgment*, Sarah Jane Smith asserted that the SRBA Court should adjudge and decree that she has established an easement by prescription on Mr. Whitted's land. Given the interrelated nature of the trespass objection to the water right and the assertion of a prescriptive easement, it is the opinion of this Special Master that both issues could properly be resolved in the same action in the SRBA.

When Mr. Whitted changed his legal theory to one of permissive use, the procedural difficulties of this interrelationship become much simpler. If the use of the subject groundwater well by Sarah Jane Smith and her predecessors-in-interest has been on a permissive basis, as is now asserted by Mr. Whitted, then Mr. Whitted no longer has a valid objection to the elements of the water right claim. In other words, as between the State of Idaho, and the owners of the water right, the historical use of water from the subject point of diversion has been valid. The only issue remaining, then, is whether the claimant has established an easement by prescription which would allow for the future use of water under the water right; or, whether no such prescriptive easement has been established because the use of the land has been by permission and, such permission having been revoked, the claimant is now prevented from using the point of diversion. If

the latter be the case, upon a period of five years non-use of the subject well, the result may be partial forfeiture of the water right with respect to use of the well.

III. ORDER

Based upon the foregoing analysis and upon the comments made on the record at the September 16, 2008 hearing, the following are hereby ordered:

1) The *Motion to Strike* is **denied**, meaning that the *Cross-Motion for Summary Judgment* and all supporting documents will remain part of the record. The hearing date of September 24, 2008, however, is **vacated**. Should Mr. Whitted want a hearing on his *Cross-Motion for Summary Judgment*, counsel should contact the Clerk of the Court to obtain a hearing date, time, and location.

2) The September 24, 2008, hearing on Sarah Jane Smith's *Motion for Summary Judgment* is **vacated**.

3) Sarah Jane Smith's request for costs and attorney's fees incurred in connection with prosecuting the case in response to Mr. Whitted's trespass theory is **granted**. It is clear that counsel for the claimant would not have filed for summary judgment regarding trespass if the objector had initially framed the case in terms of permissive use. The claimant is directed to file a memorandum of costs and fees in the same manner as is contemplated under I.R.C.P. 54. It is the opinion of this Special Master that the payment of the claimant's costs and attorney's fees is authorized under I.R.C.P. 15(a), which allows the Court to order the payment of costs in connection with an amendment to a pleading. It is further the opinion of this Special Master that Mr. Whitted's change in direction, from trespass to permission, constitutes an amendment to the pleadings for which leave of court must be granted. This Special Master will allow Mr. Whitted to proceed on his theory of permission and finds that a recommendation of an award of costs incurred by the claimant in response to the objector's original theory of the case is

proper. The claimant shall file such memorandum of costs within fourteen (14) days after the entry of this order. In the event that Mr. Whitted disagrees with the memorandum of costs, he may file a motion to disallow part or all of such costs within fourteen (14) days of service of the memorandum of costs. Failure to timely object to the items in the memorandum of costs shall constitute a waiver of all objections to the costs claimed. In connection with the filing of a motion to disallow costs, counsel for Mr. Whitted should contact the Clerk of the Court to obtain a hearing date and time. Any amount of costs and attorney's fees ultimately found to be proper by this Special Master will be set forth in a *Special Master's Report and Recommendation* that the SRBA Presiding Judge issue an order and judgment for such costs and attorney's fees.

4) The objection previously filed by Mr. Whitted is dismissed. It is the intent of this Special Master to issue a *Special Master's Report and Recommendation* that the SRBA Presiding Judge issue a partial decree for water right 63-07539 with the elements as set forth in the *Standard Form 5* which was filed on January 10, 2008. Such *Special Master's Report and Recommendation* will not be filed until all the other issues in this subcase have been resolved – i.e. the costs and attorney's fees have been determined, and the matter of the quiet title action is resolved. Although the objection filed by Mr. Whitted is dismissed, Mr. Whitted shall remain a party to the subcase.

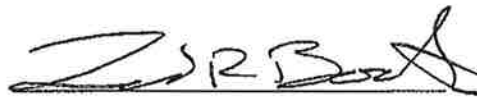
5) The attorneys for the parties are ordered to confer for the purpose of determining how to proceed on the quiet title (prescriptive easement) action. As stated at the hearing, this Special Master is willing to hear the quiet title cause of action and make a recommendation to the SRBA Presiding Judge. This Special Master concludes that jurisdiction over the quiet title cause of action is overlapping with the Canyon County District Court. In the alternative, this Special Master is also willing to recommend that the SRBA Presiding Judge dismiss the quiet title action without prejudice so that either party may re-file the action in Canyon County. In the event that the parties disagree as to how to proceed, a hearing on the matter will be scheduled. After conferring, the

attorneys for the parties are ordered to file a joint statement as to how they wish to proceed. If the parties cannot agree, each party may file a separate statement. If the parties, or either of them, desire to have the quiet title action heard in the SRBA, such party should also file a proposed trial scheduling order, which may include proposed hearing dates for dispositive motions, including Mr. Whitted's pending *Cross-Motion for Summary Judgment*. **The statement(s) shall be filed by October 3, 2008.**

IT IS SO ORDERED

Dated

Sept. 17, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER was mailed on September 17, 2008, with sufficient first-class postage to the following:

SARA JANE SMITH

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CRAIG WHITTED

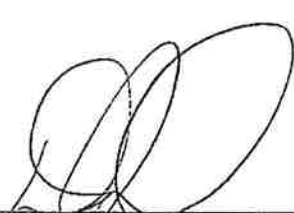
Represented by:
KIMBELL D. GOURLEY
PO BOX 1368
BOISE, ID 83701
Phone: 208-344-3585

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

ORDER

Page 1 9/16/08

FILE COPY FOR 01972


Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

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JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

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

JUL - 2 2008

By

Clerk
Deputy Clerk

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

In Re SRBA

) Subcase 63-07539

Case No. 39576

) ORDER VACATING TRIAL AND
) SETTING DEADLINE FOR FILING OF
) DISPOSITIVE MOTIONS

On July 1, 2008, a pretrial conference was held pursuant to I.R.C.P. 16(c), at which the participants discussed the factual issues, if any, to be resolved at trial. Based upon the comments of the participants at the pretrial conference, and upon the stipulation of facts made by the parties on the record at the pretrial conference, it appears that the issues involved in this subcase are legal issues that may be might well be decided on summary judgment, as opposed to factual issues to be decided at trial. Accordingly, for the purpose of avoiding a potentially unnecessary trial, and to provide the parties with an opportunity to file motions for summary judgment, the previously scheduled trial is vacated.

The deadline for filing motions for summary is July 31, 2008. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c). In connection with the filing of a motion for summary judgment, the movant should contact the Clerk of the Court to obtain a hearing date, time, and location.

Dated

July 2, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING TRIAL AND SETTING DEADLINE FOR FILING OF DISPOSITIVE MOTIONS was mailed on July 02, 2008, with sufficient first-class postage to the following:

SARA JANE SMITH
SARAH JANE SMITH

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

CRAIG WHITTED
7144 WARREN SPUR RD
MELBA, ID 83641-5228
Phone: 208-867-1485

ORDER

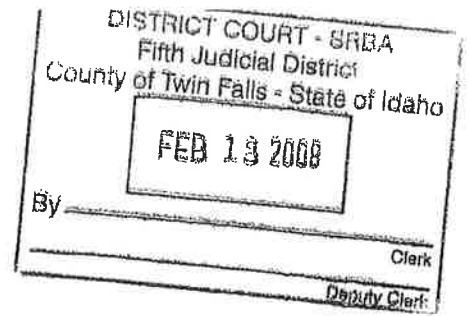
Page 1 7/02/08

FILE COPY FOR 01972

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

July 18 2
Tried
Well to find date
July 031 - motion
for summary
judgment
✓ 62-20952



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

In Re SRBA) Subcase 63-07539
Case No. 39576)
ORDER GRANTING MOTION TO FILE
LATE OBJECTION
TRIAL SCHEDULING ORDER

On January 2, 2008, Craig Whitted submitted to the SRBA District Court a *Standard Form 1 Objection* in the above-captioned subcase. The objection was lodged rather than filed for the reason that it was submitted to the Court after the expiration of the deadline for filing objections. Although no written motion to file late objection was filed therewith, the Court treated the matter as such and set a hearing on the motion to file late objection for February 12, 2008.

In the SRBA, a motion to file a late objection is reviewed under the criteria of I.R.C.P. 55(c). *Order on Motion to Set Aside Partial Decrees and File Late Objections; Order of Reference to Special Master Cushman (A.L. Cattle), subcases 65-07267 et al. January 31, 2001.* In the context of reviewing a motion to file late objection, the I.R.C.P. 55(c) standard takes into account: (1) whether the untimeliness was willful; (2) whether allowing the late objection would prejudice the opponent; and (3) whether a meritorious position has been presented. *Id.*, citing *McFarland v. Curtis*, 123 Idaho 931, 936, 854 P.2d 274, 279 (Ct. App. 1993).

Based upon the comments of the participants at the hearing, it is the understanding of this Special Master that the nature of Mr. Whitted's objection is that one of the points of diversion (i.e. the location of groundwater well) for the above-captioned water right is now claimed to be located on Mr. Whitted's property, and that the claimant of the water right, Sara Jane Smith, is not authorized to occupy Mr. Whitted's property

for this purpose. It is Mr. Whitted's stated contention that the subject well does not belong to the claimed 1972 water right.

As to the cause of the untimely filing of Mr. Whitted's objection, the *Director's Report* for this water right listed the subject point of diversion as not being on Mr. Whitted's property. The *Director's Report* was based upon the license issued for the claimed water right, which apparently was issued with an error as to the location of the subject point of diversion. During the process of conducting further investigation regarding an objection filed by the claimant, Sara Jane Smith, IDWR recently came to the realization that the subject point of diversion was described incorrectly in both the license and the *Director's Report*.

Based upon the comments of the participants at the February 12, 2008, hearing on the matter, this Special Master finds that Mr. Whitted has demonstrated good cause for his untimeliness, that there is little likelihood for prejudice to other parties in allowing the late objection, and that Mr. Whitted has shown a meritorious position.¹ Accordingly, the motion to file late objection is **granted**. The Clerk of the Court is instructed to file the previously lodged objection.

At the conclusion of the hearing on the late objection the parties engaged in a trial scheduling conference. The following dates shall govern the conduct of this subcase through trial. All times set forth herein are **Mountain Time**.

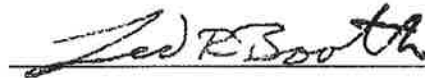
May 16, 2008	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted
---------------------	----------------	--

¹ As to the requirement of demonstrating a meritorious position, this Special Master notes that a fairly common objection in the SRBA is the contention that a point of diversion or apparatus for the conveyance of water is located on the property of another without authorization. The United States acting through the Forest Service or the Bureau of Land Management has made numerous objections of this type. This Special Master is unaware of any written decisions by the SRBA presiding Judge or Special Masters discussing or deciding an objection of this nature. Should the facts in this subcase at trial show that Sara Jane Smith does have a valid water right with a point of diversion on Mr. Whitted's property, Mr. Whitted should be allowed to pursue his objection if for no other reason than to be allowed participation in a subcase that will likely be relevant to any determination of the scope and extent of the claimant's use of Mr. Whitted's property. This Special Master notes that the scope of rights-of-way for the conveyance of surface waters are at least partially defined by statute in Idaho Code § 42-1102. However, with respect to a right-of-way for a groundwater well and accompanying pipeline, this Special Master is unaware of any such declaration by the legislature.

by the Special Master in the interests of justice.
I.R.C.P. 16(e)(6)(J).

June 18, 2008	5:00 PM	Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.
July 1, 2008	10:00 AM	Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3 rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.
July 18, 2008	9:00 AM	Trial. The trial will be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated Feb. 13, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION; TRIAL SCHEDULING ORDER was mailed on February 13, 2008, with sufficient first-class postage to the following:

SARA JANE SMITH
SARAH JANE SMITH
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

CRAIG WHITTED
7144 WARREN SPUR RD
MELBA, ID 83641-5228
Phone: 208-867-1485

ORDER

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FILE COPY FOR 01972


Deputy Clerk

SEP 05 2006

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

John M. Marshall
DIRECT DIAL: 208 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael A. Lawrence
Franklin S. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

August 31, 2006

VIA REGULAR MAIL

Michael Ciscell
Senior GIS Analyst
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Change of Ownership for WR# 63-6539
GP File No. 7383-1

Dear Michael:

Enclosed please find the Change of Ownership form for Water Right 63-6539. I have also enclosed the map depicting the place of use and points of diversion. I have noted the current location for the two wells and some additional areas for the place of use. If an amended claim is required, please let me know.

If you have any comments or questions regarding this change, please call me.

Sincerely,


John M. Marshall

JMM:amm

cc: Sarah Jane Smith

Enclosure

S:\CLIENTS\7383\1\LTR to Ciscell with Notice of Change of Ownership.DOC

SCANNED

SEP 05 2006

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

RECEIVED
SEP 05 2006
 DEPARTMENT OF
 WATER RESOURCES

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-7539					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) David Vastine
105 Florida Ave., Piedmont, CA 94611
4. New Owner/Claimant(s) Sara Jane Smith
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 7511 Warren Spur Road
 City, State and ZIP Code Melba, Idaho, 83641-5231
 New Telephone Number (208) 495-2340
5. Date you acquired the property June 29, 1999

SCANNED

SEP 05 2006

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Sarah Jane Smith
(include title if applicable) Sarah Jane Smith

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

SEP 05 2006

①

200429614

PIN 79964

WARRANTY DEED

FOR VALUE RECEIVED DAVID JOSEPH DONALDSON REVOCABLE TRUST
dated June 29, 1999

the Grantor, does hereby grant, bargain, sell and convey unto SARAH JANE SMITH, an unmarried woman

the Grantee, whose address is 7511 WARREN SPUR ROAD, MELBA, ID 83641-5231

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS
REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2004 and
subsequent years, covenants, conditions, restrictions and easements of record; and that it will warrant and defend the same from
all lawful claims whatsoever.

DATED: May 27, 2004

DAVID JOSEPH DONALDSON REVOCABLE TRUST

BY: David Joseph Donaldson
TRUSTEE

STATE OF ARIZONA
COUNTY OF MARICOPA

On this 1st day of June, 2004, before me,
a notary public, personally appeared DAVID JOSEPH
DONALDSON, known to me to be the person(s) whose name(s)
is/are subscribed to the within instrument as TRUSTEE of THE
DAVID JOSEPH DONALDSON REVOCABLE TRUST and
acknowledged to me that they executed the same as such TRUSTEE.

Rebecca M. Earp

Notary Public

Residing at Nampa, Idaho

My commission expires 4/17/2009

Residing at Avondale, AZ

My commission expires 03/31/08

2004 JUN 2 PM 4 46
NOEL HALE'S
CANYON COUNTY RECORDER
BY John Hale
REQUEST PIONEER-NAMPA
TYPE OF FEE 602

RECORDED

200429614



REBECCA M. EARP
Notary Public - Arizona
Maricopa County
Expires 03/31/08

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

SCANNED

SEP 05 2006

PN79864

A tract of land situated in a part of the Southwest Quarter, Section 14, and Northwest Quarter and Southwest Quarter, Section 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the Quarter Section Corner common to Sections 14 and 23, said corner monumented with a 3 inch diameter brass disk; thence

North 90° 00' 00" West, a distance of 300.00 feet along the boundary common to said Sections 14 and 23 to a point on the centerline of an abandoned railroad tracks, said point monumented with a 1/2 inch diameter iron pin; thence

South 0° 00' 00" West, a distance of 115.00 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" West, a distance of 125.00 feet to a 1/2 inch diameter iron pin; thence

North 55° 07' 18" West, a distance of 800.00 feet to a 1/2 inch diameter iron pin; thence

South 29° 43' 50" West, a distance of 267.11 feet to a point on the Northerly shoulder of Warren Spur Road, said point monumented with a 2 inch PK nail and brass washer; thence

North 50° 07' 00" West, a distance of 506.52 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and brass washer; thence

North 59° 18' 25" West, a distance of 661.48 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and washer; thence

South 0° 54' 57" West, a distance of 723.43 feet to a point on the centerline of an existing powerline, said point monumented with a 1/2 inch diameter iron pin; thence

North 87° 34' 58" West, a distance of 165.42 feet along the centerline of said powerline to a 1/2 inch diameter iron pin; thence

South 13° 57' 40" East, a distance of 956.02 feet to a point at the base of a Butte, said point monumented with a 1/2 inch diameter iron pin; thence along the base of said Butte as follows:

South 28° 20' 34" West, a distance of 139.54 feet;

South 12° 38' 18" West, a distance of 226.30 feet;

South 19° 06' 43" East, a distance of 242.21 feet;

South 10° 45' 12" West, a distance of 160.19 feet;

South 25° 47' 38" East, a distance of 211.79 feet;

South 43° 14' 29" East, a distance of 447.97 feet;

North 84° 29' 44" East, a distance of 230.87 feet; thence leaving the base of said

Butte

South 6° 18' 03" East, a distance of 712.84 feet to a 1/2 inch diameter iron pin; thence

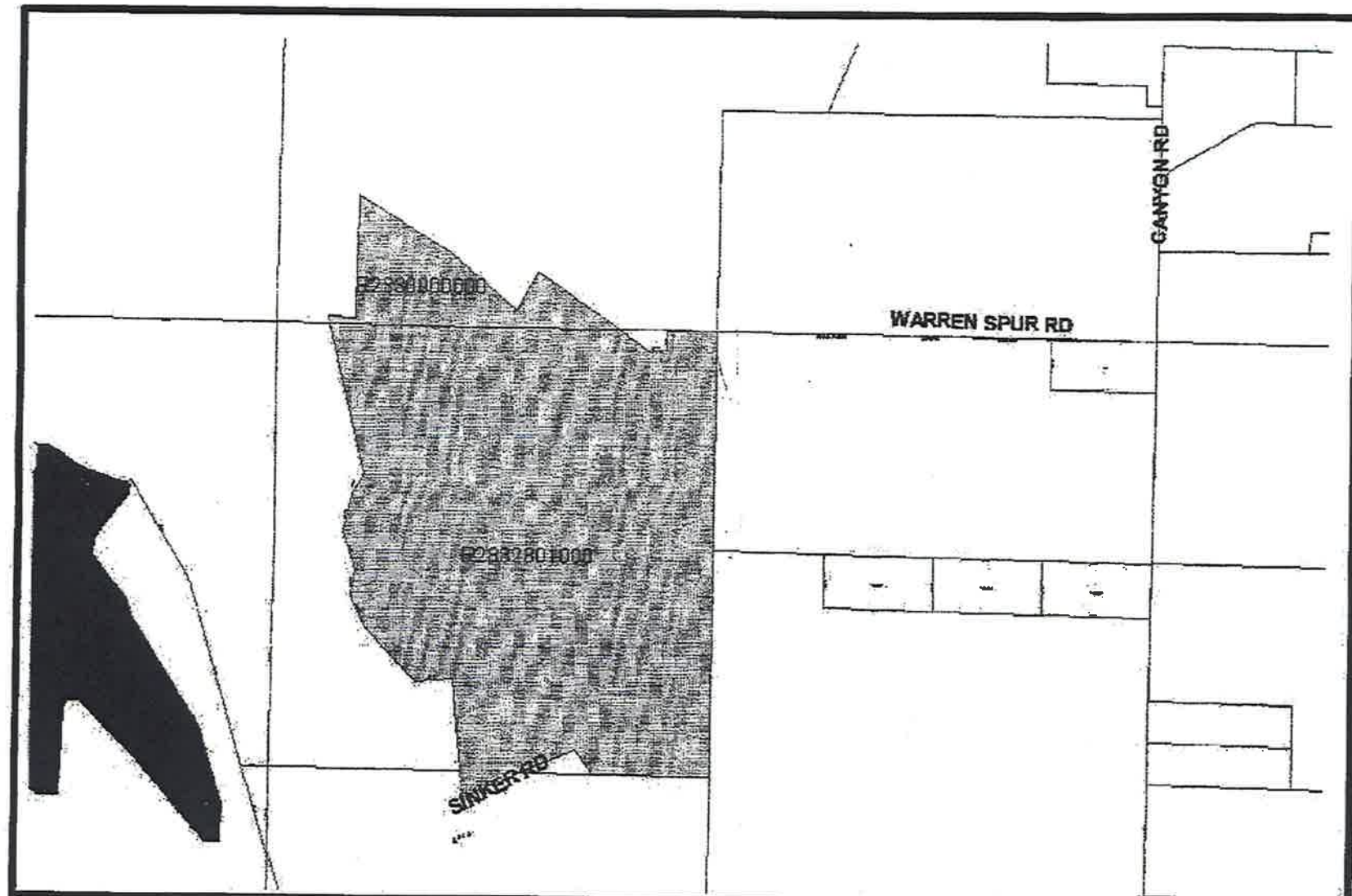
North 65° 43' 06" East, a distance of 721.60 feet to a 1/2 inch diameter iron pin; thence

South 37° 24' 48" East, a distance of 185.07 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" East, a distance of 701.68 feet to a point on the mid-section line of said Section 23, said point monumented with a 1/2 inch diameter iron pin; thence

North 0° 00' 00" East, a distance of 2,856.35 feet along said mid-section line to the POINT OF BEGINNING.

SCANNED
SEP 05 2006



PTC Pioneer Title Co.
SINCE 1892



Map Created: Jan 05-2005

This Map and data displayed is a geographic representation based on the Oregon County Geographic Information System (GIS) data. It was designed and intended for use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to use with for information. Oregon County and Portland Geographic Systems, Inc. are not liable for errors or omissions made by them for use of the product for any purpose.

SPS
Survey & Planning, Inc.
www.spsinc.com

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200516592

RECORDED

2005 MAR 30 PM 2:00

CANYON COUNTY RECORDER
C. NOEL HALE

David W. Vastine
P. *Marcia J. Vastine*

When recorded return to:

Judson B. Montgomery
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, ID 83702

QUITCLAIM DEED

FOR VALUE RECEIVED, David W. Vastine, Marcia J. Vastine and the 1998 David W. Vastine and Marcia J. Vastine Family Trust, dated November 4, 1998, the GRANTORS, hereby quitclaim unto Canyon Cattle Company, Inc., whose current address is 7702 Warren Spur Road, Melba, Idaho 83641, the GRANTEE, that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 19 day of February, 2005.

GRANTORS:

DAVID W. VASTINE

MARCIA J. VASTINE

By: *David W. Vastine*
David W. Vastine

By: *Marcia J. Vastine*
Marcia J. Vastine

THE 1998 DAVID W. VASTINE and MARCIA J. VASTINE FAMILY TRUST, dated November 4, 1998

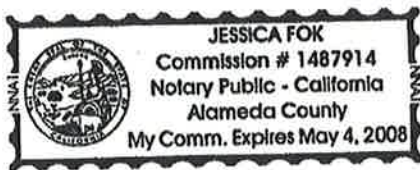
By: *David W. Vastine*
David W. Vastine, Trustee

By: *Marcia J. Vastine*
Marcia J. Vastine, Trustee

State of California)
County of Alameda) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

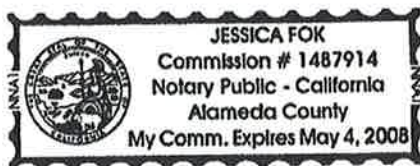


Jessica Fok
Signature of Notary Public

State of California)
County of Alameda) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities as Trustees of the 1998 David W. Vastine and Marcia J. Vastine Family Trust, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Jessica Fok
Signature of Notary Public

EXHIBIT A

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.

200516593

RECORDED

2005 MAR 30 PM 2:09

G. NOEL HALE

CANYON COUNTY RECORDER

BY

Judson B. Montgomery
Givens Pursley

When recorded return to:

Judson B. Montgomery
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, ID 83702

QUITCLAIM DEED

FOR VALUE RECEIVED, Canyon Cattle Co., Inc., an Idaho corporation, also known as Canyon Cattle Company, Inc. ("GRANTOR"), hereby quitclaims unto Sarah Jane Smith, dba Canyon Cattle Feeders, whose current address is 7511 Warren Spur Road, Melba, Idaho 83641 ("GRANTEE"), that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 2nd day of March, 2005.

GRANTOR:

CANYON CATTLE CO., INC., an Idaho corporation

By:

Pearl Peavey
Pearl Peavey, President

State of Idaho)
County of Canyon) ss.

On this 2nd day of March, 2005, before me, a Notary Public in and for said State, personally appeared Pearl Peavey, known or identified to me to be the President of Canyon Cattle Co., Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Beth Wannerberg
Notary Public for Idaho
Residing at Caldwell Id
My Commission expires 10-4-06

EXHIBIT A

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.

Trout ♦ Jones ♦ Gledhill ♦ Fuhrman, P.A.

The 9th & Idaho Center
225 North 9th Street, Suite 820
P.O. Box 1097
Boise, Idaho 83701
208-331-1170
208-331-1529 (fax)

TELECOMMUNICATION COVER PAGE

5 pages including cover page

TO: Clerk of the Court -- Snake River Basin Adjudication
FAX: 208-736-2121

FROM: Reid W. Hay
DATE: April 14, 2009

RE: SRBA Case No. 39576; Subcase 63-7539

DOCUMENTS SENT: **Stipulation**
Order (proposed)

NOTES: Please file the attached stipulation with the court. Thereafter, please present the proposed order to the Special Master for his consideration. In addition, please cancel tomorrow's hearing at 3:00 p.m. in relation to the above matter. Thank you.

CONFIDENTIALITY NOTICE: This facsimile transmission, and/or the documents accompanying it, may contain confidential information belonging to the sender which is protected by the attorney/client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

☒ Original will not follow
☐ Original will follow
☐ By U.S. mail
☐ By overnight mail: ☐ Federal Express ☐ U.P.S.
☐ By _____

NOTE: If you do not receive the total number of pages indicated, please contact Sherry at 331-1170.

cc: John Marshall - Givens Pursley - 388-1300
Nicholas Spencer - IDWR - 287-6700

11/25/2009 16:20 FAX

002/003

Kimbell D. Gourley/ISB #3578
Reid W. Hay/ISB #7550
TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.
The 9th & Idaho Center
225 North 9th Street, Suite 820
P.O. Box 1097
Boise, ID 83701
Telephone: (208) 331-1170
Facsimile: (208) 331-1529
Email: kgourley@idalaw.com

Attorneys for Craig Whitted

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

In re: SRBA

Case No. 39576

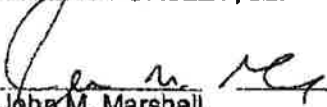
Subcase No.: 63-7539

STIPULATION

COMES NOW Sara Jane Smith ("Ms. Smith"), by and through her counsel of record, Givens Pursley, LLP, and Craig Whitted ("Mr. Whitted"), by and through his counsel of record, Trout ♦ Jones ♦ Gledhill ♦ Fuhrman, P.A., and hereby stipulate and agree that judgment may be entered in favor of Ms. Smith and against Mr. Whitted for attorneys fees and costs in the total sum of \$8,500 as full and complete resolution of the evidentiary hearing scheduled to occur on December 1, 2009, at 3:00 p.m.

DATED this 25th day of November, 2009.

GIVENS PURSLEY, LLP

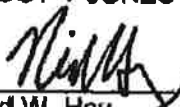

John M. Marshall,
Attorneys for Sarah Jane Smith

11/25/2009 16:20 FAX

003/003

DATED this 25 day of November, 2009.

TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.



Reid W. Hay
Attorneys for Craig WhittedCERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2009, a true and correct copy of the foregoing document was served as follows:

John M. Marshall GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720 Idaho Department of Water Resources, c/o Nicholas B. Spencer 322 E. Front Street Boise, Idaho 83720	☒ First Class Mail
	☐ Hand Delivery
	☐ Facsimile
	☐ Overnight Delivery
	☒ First Class Mail
	☐ Hand Delivery
	☐ Facsimile
	☐ Overnight Delivery



Reid W. Hay

Kimbell D. Gourley/ISB #3578
TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A.
The 9th & Idaho Center
225 North 9th Street, Suite 820
P.O. Box 1097
Boise, ID 83701
Telephone: (208) 331-1170
Facsimile: (208) 331-1529
Email: kgourley@idalaw.com

Attorney for Craig Whitted

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

In re: SRBA

Case No. 39576

)
) Subcase No.: 63-7539

)
) **ORDER**
)
)

THIS MATTER having come on before the court upon the stipulation
between the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, and this does
order, adjudge, and decree that judgment is entered in favor of Sara Jane Smith
and against Craig Whitted for attorneys' fees and costs in the total sum of
\$8,500.00 as full and complete resolution of this matter.

DATED this ____ day of November, 2009.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of November, 2008, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
Kimbell D. Gourley Reid W. Hay TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, P.A. PO Box 1097 Boise, ID 83701	☐ First Class Mail ☐ Hand Delivery ☐ Facsimile ☐ Overnight Delivery

Deputy Clerk



Idaho Department of Water Resources

SRBA Recommendation:

63-7539

(Stockwater)

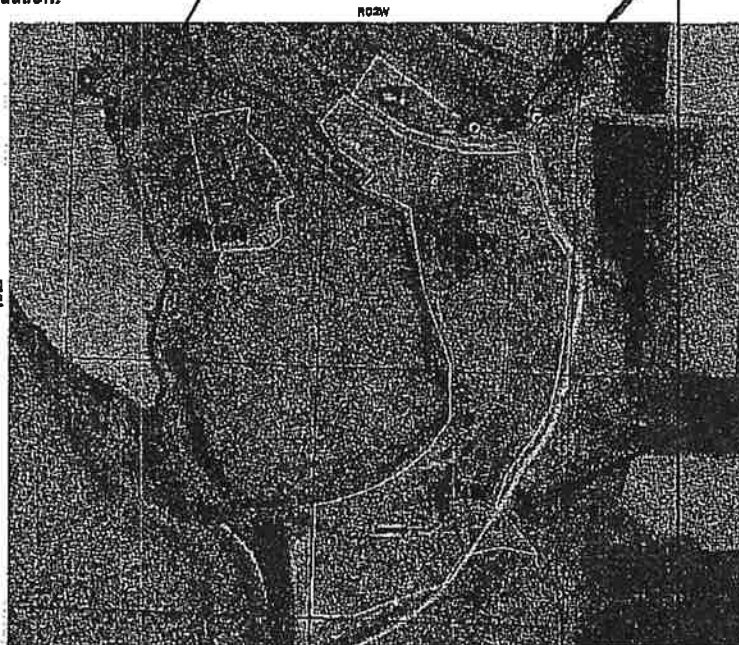
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 03

Prepared by M. Ciscell
On Wednesday, October 17, 2007
2004 Aerial Photography



0 0.2 0.4 Miles

**State of Idaho****DEPARTMENT OF WATER RESOURCES****1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098****Phone: (208) 327-7900 FAX: (208) 327-7866**

October 30, 1998

**PHILIP E. BATT
GOVERNOR****KARL J. DREHER
DIRECTOR**

63-28281
DAVID VASTINE
105 FLORADA AVE
PIEDMONT CA 94610

RE: Domestic and/or Stockwater Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 63 (the drainage area of the Boise River). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 63 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Boise, Caldwell, Payette, Emmett, Idaho City, Fairfield, or Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period next year. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJS855NP

9891

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: October 30, 1998

PAGE: 1

RIGHT NUMBER: 61-28281

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT CA 94610

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 02/01/1955

POINT OF DIVERSION T01S R02W S23 NENW Within CANYON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CANYON County

T01S R02W S23 NENW

DOMESTIC Within CANYON County

T01S R02W S23 NENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PARCEL NO. 4R28328-000

STOCKWATER, 3000 RANGE CATTLE

Sherl L. Chapman

Consultant

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone 344-6690

August 21, 1992

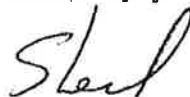
Dr. David Vastine
105 Florada Avenue
Piedmont, California 94610

Dear David:

Enclosed you will find a copy of the amended claim you signed several days ago with regard to the old stockyard well. After reviewing your comments, I did go ahead and include both domestic and stock uses on the claim even though we had not on the original. According to my notes, the apparent reason for not including it earlier was that we could not document the use of the water for stock purposes at that time and the adjudication claim for water right 63-07539 included water for 3,000 head of stock at the stockyards. However, since we are amending the claim, we might as well include it with the hope that at least part of our stock water supply will have the 1955 priority. Additionally, during my research on this claim I found that we need to also amend claim 63-07539. I've made the corrections to the point of diversion so as to accurately show the location of the old well in order to make sure the claim is accurate. If you could sign the amended claim, have your signature notarized and return it to me, I'll get it submitted along with the earlier claim to the Department of Water Resources.

If you have any questions, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman
President

SLC:kje
enclosures



Idaho Department of Water Resources

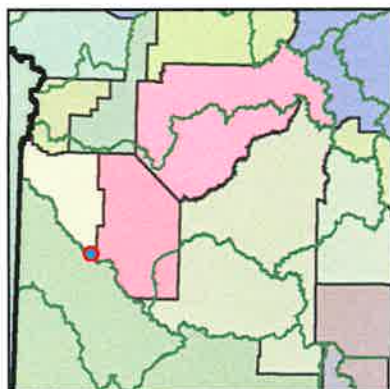
SRBA Recommendation:

63-7539

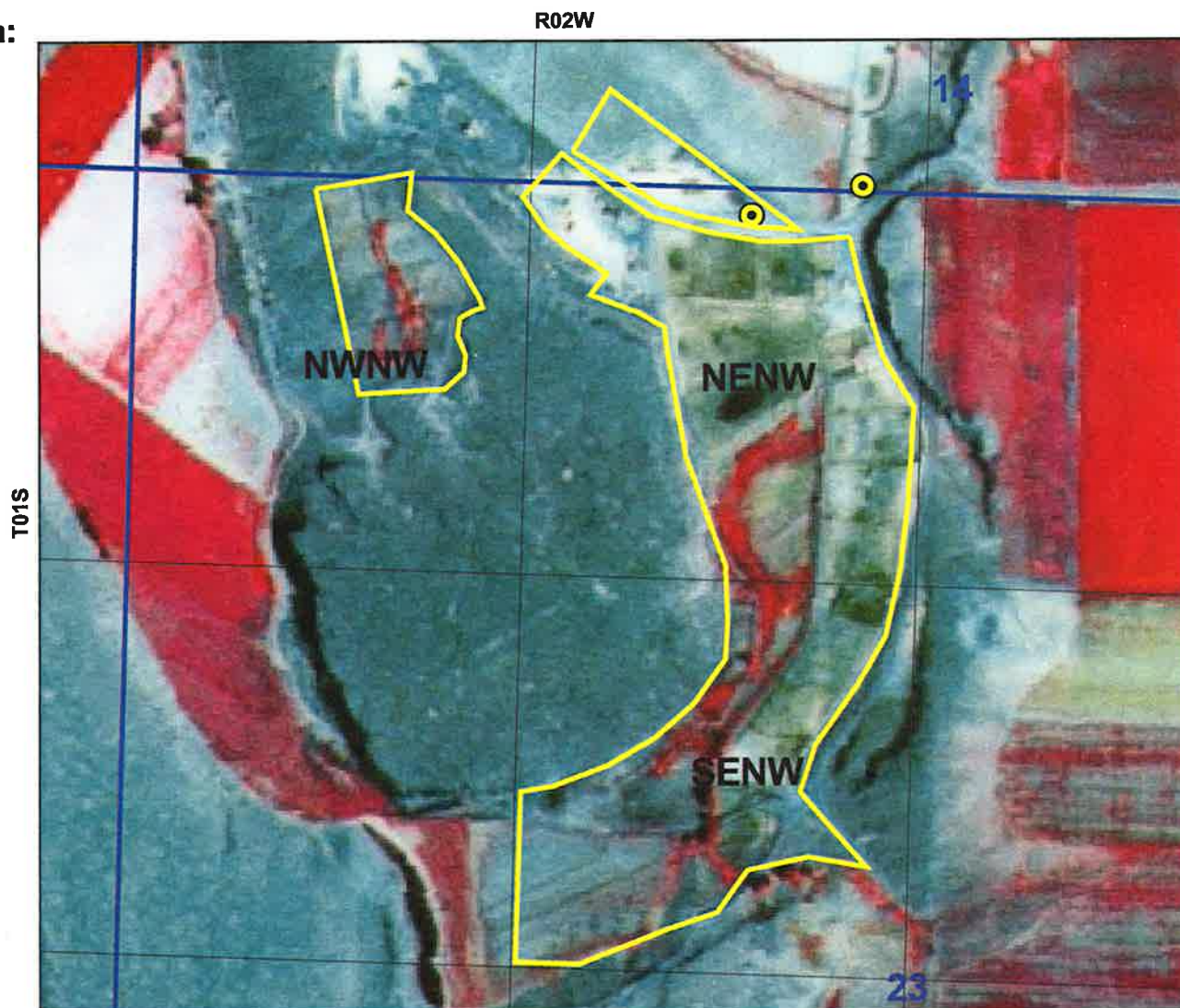
(Stockwater)

Legend

-  Place of Use
-  Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Friday, July 13, 2007
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

63-7539

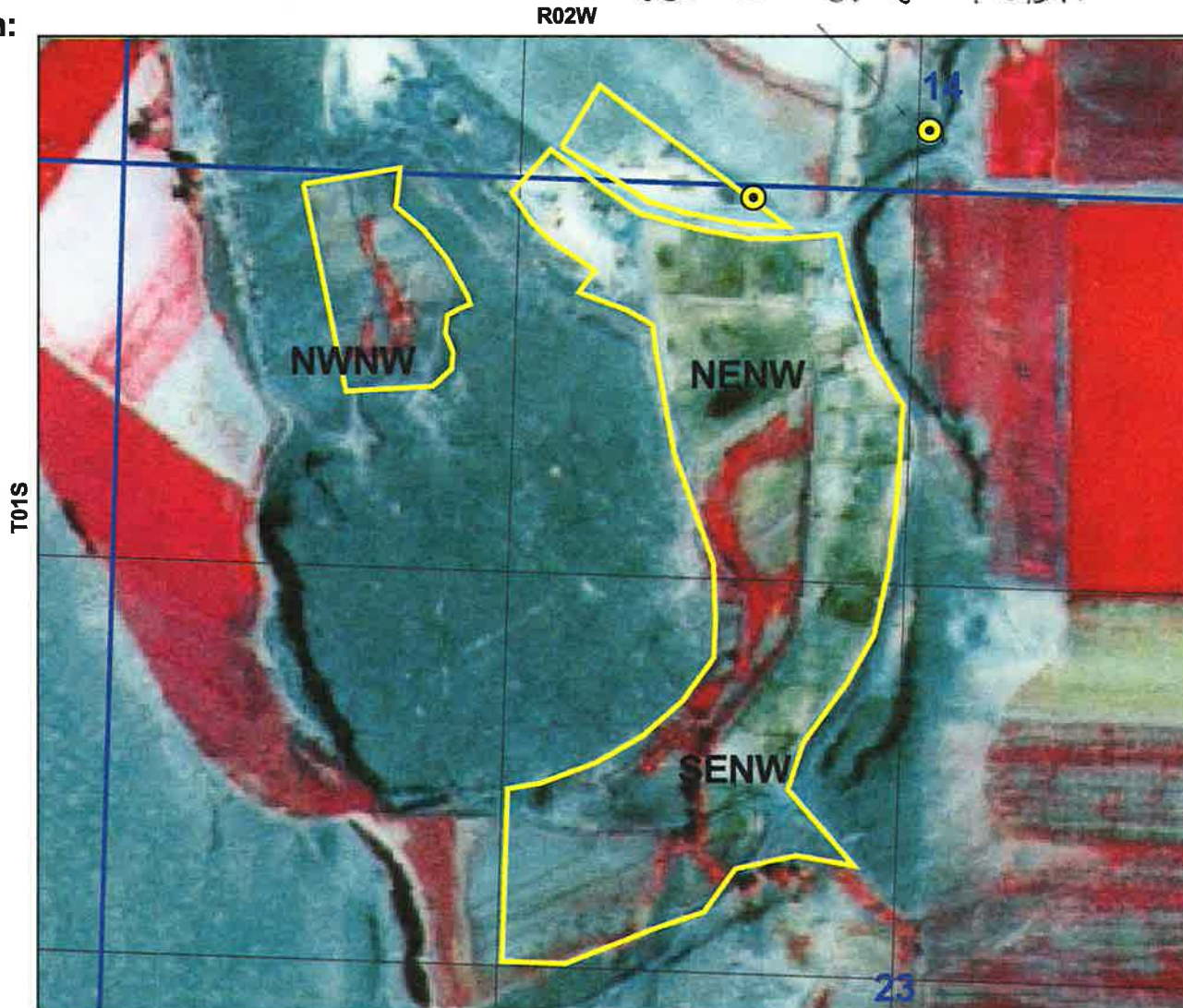
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by M. Ciscell
On Wednesday, November 14, 2007
1987/88 Aerial Photography



Idaho Department of Water Resources

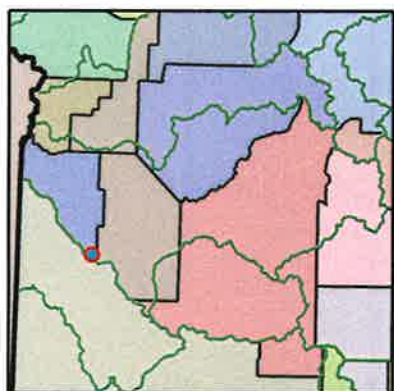
SRBA Recommendation:

63-7539

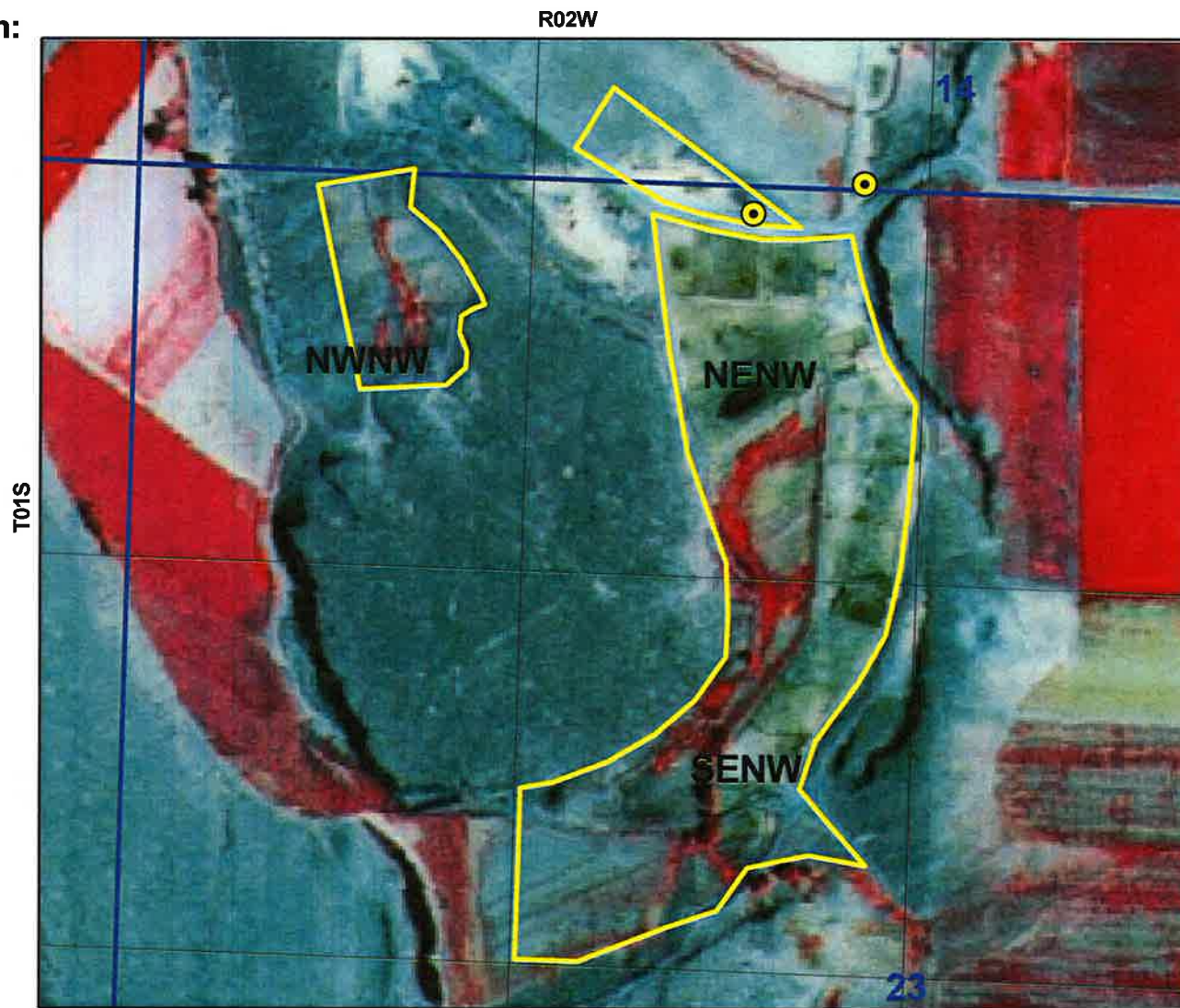
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Tuesday, October 31, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

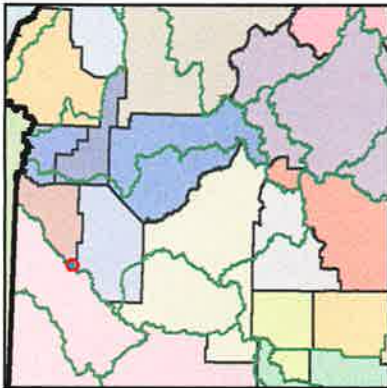
SRBA Recommendation:

63-7539

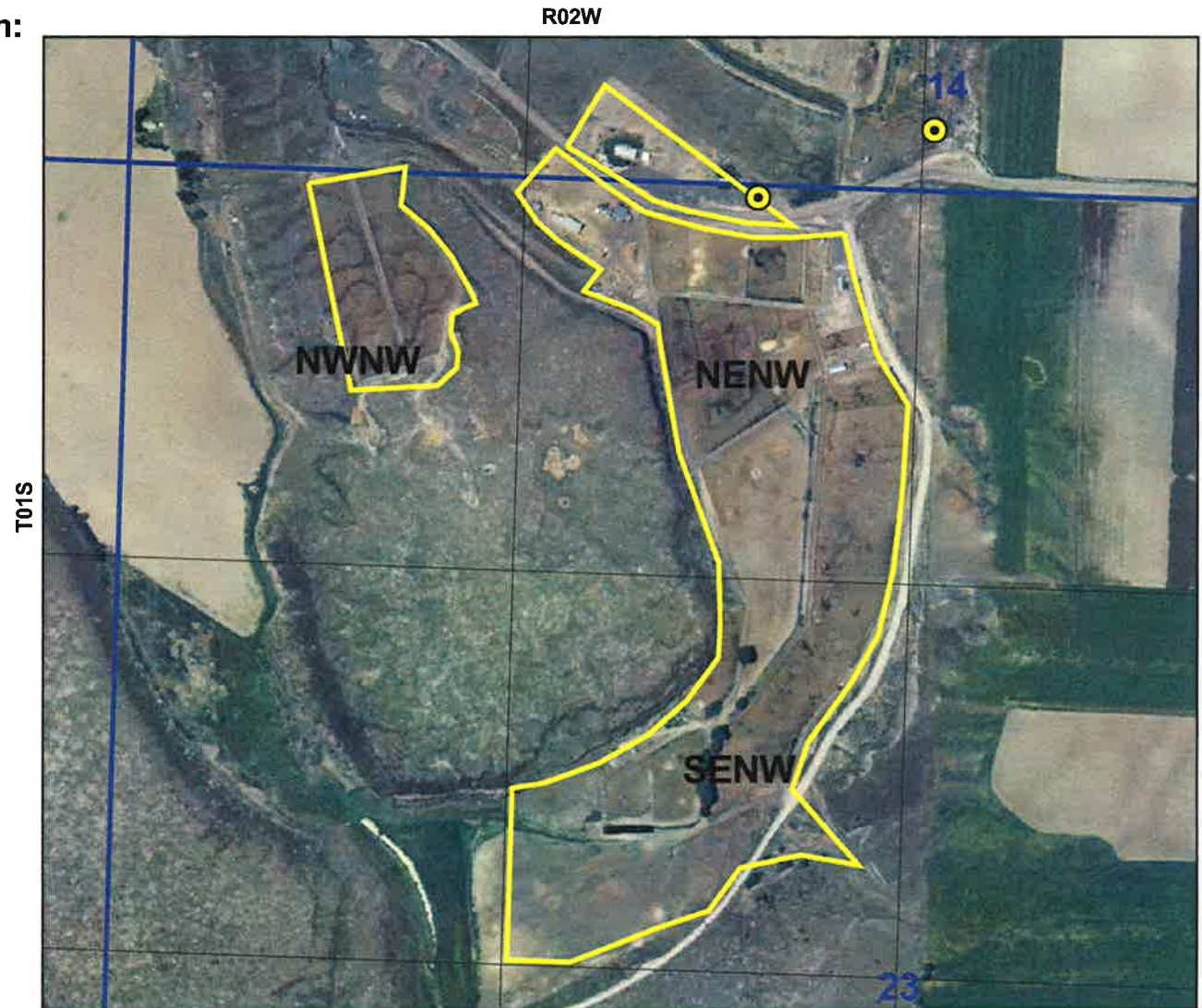
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Tuesday, February 12, 2008
2004 Aerial Photography



Idaho Department of Water Resources

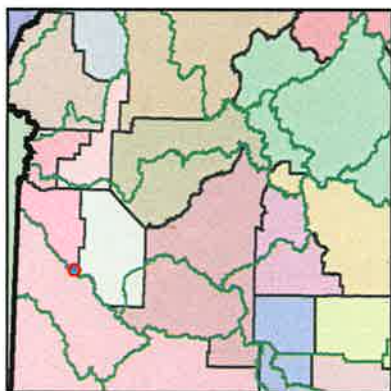
SRBA Recommendation:

63-7539

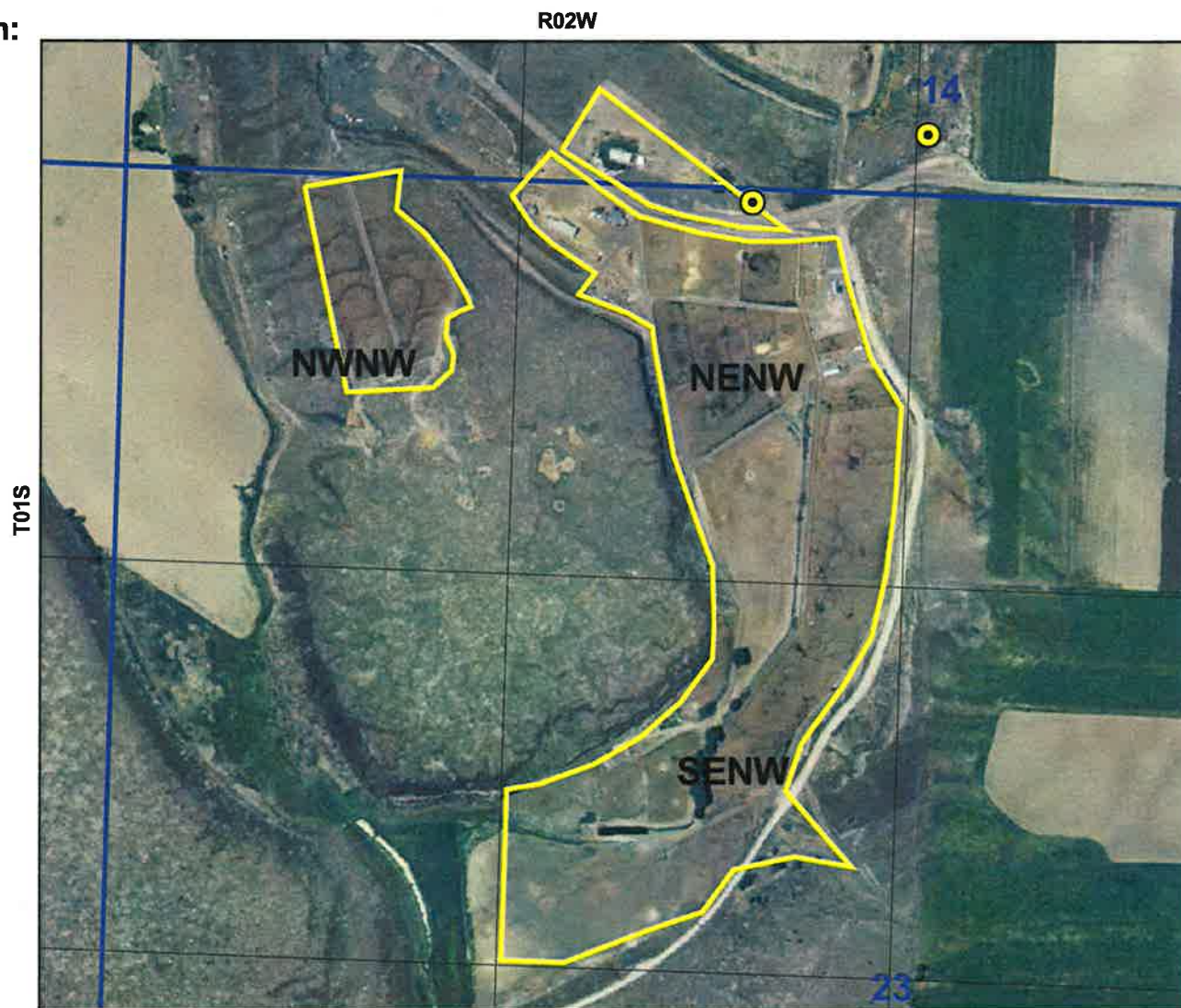
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Wednesday, December 12, 2007
2004 Aerial Photography

Form No. 42-1409 (2) b 6/89

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

Identification No. _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT

AMENDED CLAIM

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344 6690

Please type or print clearly

1. Name of Claimant(s) David Vastine Phone (415) 444-0603

105 Florida Avenue
Mailing Address 227 St. James Drive, Piedmont, CA Zip 94611 94610

2. Date of Priority (Only one per claim) May 1, 1955 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) N/A Name or kind of source

4. Location of point of diversion is: Township 1S Range 2W
Section 14 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.,
County of Canyon

Additional points of diversion if any: T1S, R2W, Sec. 23, NWW, NENW

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Drilled wells, submersible turbine pumps, associated piping.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .02 (cfs)
(Both dates are inclusive)
For Stock purposes from 1/1 to 12/31 amount .02

7. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type
and Number of livestock) Stock yard office and water supply for resident employees. Water for
stock yard cattle, maximum content 3,000 head of beef.

10. Place of use is: Township: 1S Range 2W
 Section 23, NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

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.
 () None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments 0

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

Signature of Claimant (s) David W. Vester Date 7/29/92
 _____ Date _____

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

of _____ Title _____ that I have signed the foregoing
 document in the space below as _____ Organization _____ of _____
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____

County of _____

ss.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 29 day of July 19 92

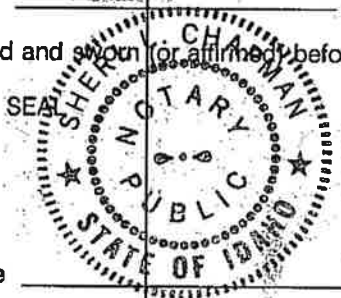
Notary Public Sherry L. Chapman

Residing at Meridian, Idaho

My Commission Expires 6/14/94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant



Form No. 42-1409 (2) a 1/88

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

Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWAMENDED CLAIM

Please type or print clearly

1. Name of Claimant (s) David Vastine Phone (415) 444-0603Mailing Address 105 Florada Avenue, Piedmont, CA Zip 946102. Date of Priority (Only one (1) per claim) 2/27/723. Source of water supply (a) Groundwater
which is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 1S Range 2W Section 14,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of CanyonAdditional points of diversion if any: T1S, R2W, Sec. 23, NWNW, NENW

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. Three drilled wells, pumps and pipelines.

6. Water is claimed for the following purposes:

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

For Stock purposes from 1/1 to 12/31 amount .4 or 40

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .4 (cfs) and/or (b) 40 (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.) Stock water for 3,000 range cattle

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	
1S	2W	23					S			S									

Total number of acres irrigated -0-

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 (XX)

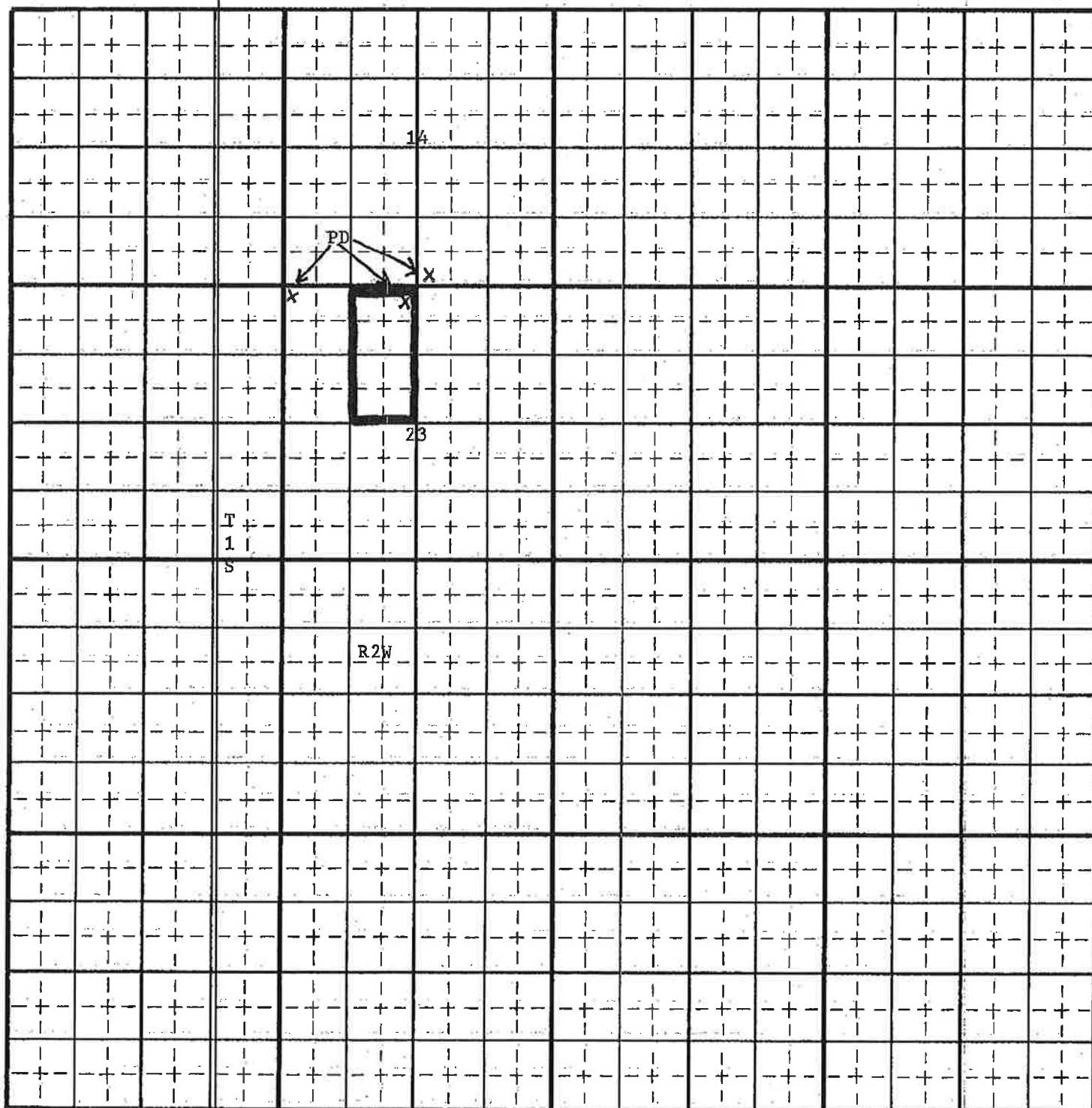
14. Remarks:

Last Name Vastine Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Vastine Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number 63-7539
 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 -0-

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 _____ 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 _____)
 County of _____) 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 Vastine Ident. Number _____

Copies White-State, Yellow-Claimant

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-07539

March 16, 2005

Craig Whitted (cell #867-1485) called regarding his conviction that the point of diversion located in the SESW, S14 and licensed under #63-7539 is actually located in the SWSE, S14. According to Mr. Whitted, this well is actually located on his property and was incorrectly licensed in the SESW, S14. In addition, he stated that he is using this well. I suggested to Mr. Whitted that he express these concerns in a letter and send it to the Western Region so that we can place it in the file for future reference; more specifically, when Part 3 of Basin 63 is being reviewed within the next few months. When I asked if Mr. Whitted had our address, he said that he would bring the letter to our office.

After our conversation, I investigated Mr. Whitted's assertions and looked up his water rights in T01S, R02W, S14 (#63-20951, #63-20952, & #63-20953) and the documents associated with #63-7539. After reviewing this information, I found that there is no evidence in the files that substantiates that the POD located in the SESW, S14 under #63-7539 was licensed incorrectly.

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-7539

WATER RIGHT NUMBER: 63-7539

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REX S JENSEN RT 1 MELBA, ID 83641

Priority Date: 02/27/1972

Basis: License

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>
STOCKWATER	1/01 to 12/31	0.400 CFS	40.00 AF
	<u>Total Diversion:</u>	0.400 CFS	40.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 23, Twp 01S, Rge 02W, B.M.
CANYON County		
GROUND WATER	SE1/4SW1/4	Sec. 14, Twp 01S, Rge 02W, B.M.
CANYON County		

Place of Use
STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	02W	23					X			X									

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20951

WATER RIGHT NUMBER: 63-20951

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHEILLA WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820
Current Owner	CRAIG WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820

Priority Date: 04/01/1952

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.080 CFS	
STOCKWATER	1/01 to 12/31	0.070 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of DiversionGROUND WATER
CANYON County

SW1/4SE1/4SE1/4

Sec. 14, Twp 01S, Rge 02W, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	14																	X

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	14																	X

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20951

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 100 DAIRY CATTLE & HORSES PARCEL NO. 1R28299-000-0

Comments:

1. CORR2 2/20/1997 COPIED FROM REMARKS
Comment: OTHER CLAIMS ARE WASTEWATER & WELL IN SWSWSE S.14.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20952

WATER RIGHT NUMBER: 63-20952

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820
Current Owner	SHEILLA WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820

Priority Date: 12/13/1967

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.090 CFS

Annual VolumeTotal Diversion:

0.090 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SW1/4SW1/4SE1/4

Sec. 14, Twp 01S, Rge 02W, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	02W	14															X		

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-20952

1. Explanatory STOCKWATER, 400 RANGE CATTLE & HORSES PARCEL NO. 1R28299-000-0

Comments:

1. CORR2 2/20/1997 COPIED FROM REMARKS

Comment: OTHER CLAIMS ARE WASTEWATER & WELL IN SWSESE. SEE A63-20953 FOR MAPS FOR A63-20951, 20952, 20953.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-20953

WATER RIGHT NUMBER: 63-20953

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHEILLA WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820
Current Owner	CRAIG WHITTED 7144 WARREN SPUR RD MELBA, ID 83641 (208)495-2820

Priority Date: 04/15/1944
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SE1/4	Sec. 14, Twp 01S, Rge 02W, B.M.
CANYON County		
WASTE WATER	SE1/4SE1/4SE1/4	Sec. 14, Twp 01S, Rge 02W, 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	
01S	02W	14															15.0	10.0	25.0

Total Acres: 25

Conditions of Approval:

Remarks:

- General OTHER CLAIMS ARE 2 WELLS, OTHER USES. USE MAPS IN THIS CLAIM FOR A63-20951 & 20952. WASTE WATER USE MAY DATE TO EARLIEST DATE THAT IRRIGATION WATER WAS DELIVERED TO THE AREA, 1920'S OR EARLIER.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7539 Priority Feb. 27, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that REX S. JENSEN

of Melba, Idaho, has complied with the terms and conditions of Permit No. 63-7539 issued pursuant to Application for Permit dated January 7, 1972 and has submitted proof to the Department of Water Resources on May 22, 1973 (late proof) that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.40 cfs of water from a ground water source tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.40</u> cfs and	<u>40</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 40 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 -and- NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 1 S, Rge. 2 W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 S	2 W	23				X			X										

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of January, 19 75.

MICROFILMED

Director

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 63-7539
Examination for b/u

- Max Rate of Diversion .4 cubic feet per second and annual volume _____ AF/Annum.

- Township 1S N/S, Range 2W E/W, B.M., Section 14, Subdivision SE 1/4 SW 1/4, Canyon
County
- Township _____ N/S, Range _____ E/W, B.M., Section 23, Subdivision NW 1/4 NW 1/4, _____
County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions:

Description of diverting works: Two drilled wells equipped with pumps and various size pipe-
lines to place of use. One well is a 10" well, 64' deep and the other well is a 10"
well 278' deep.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**MICROFILMED****TOTAL ACREAGE**

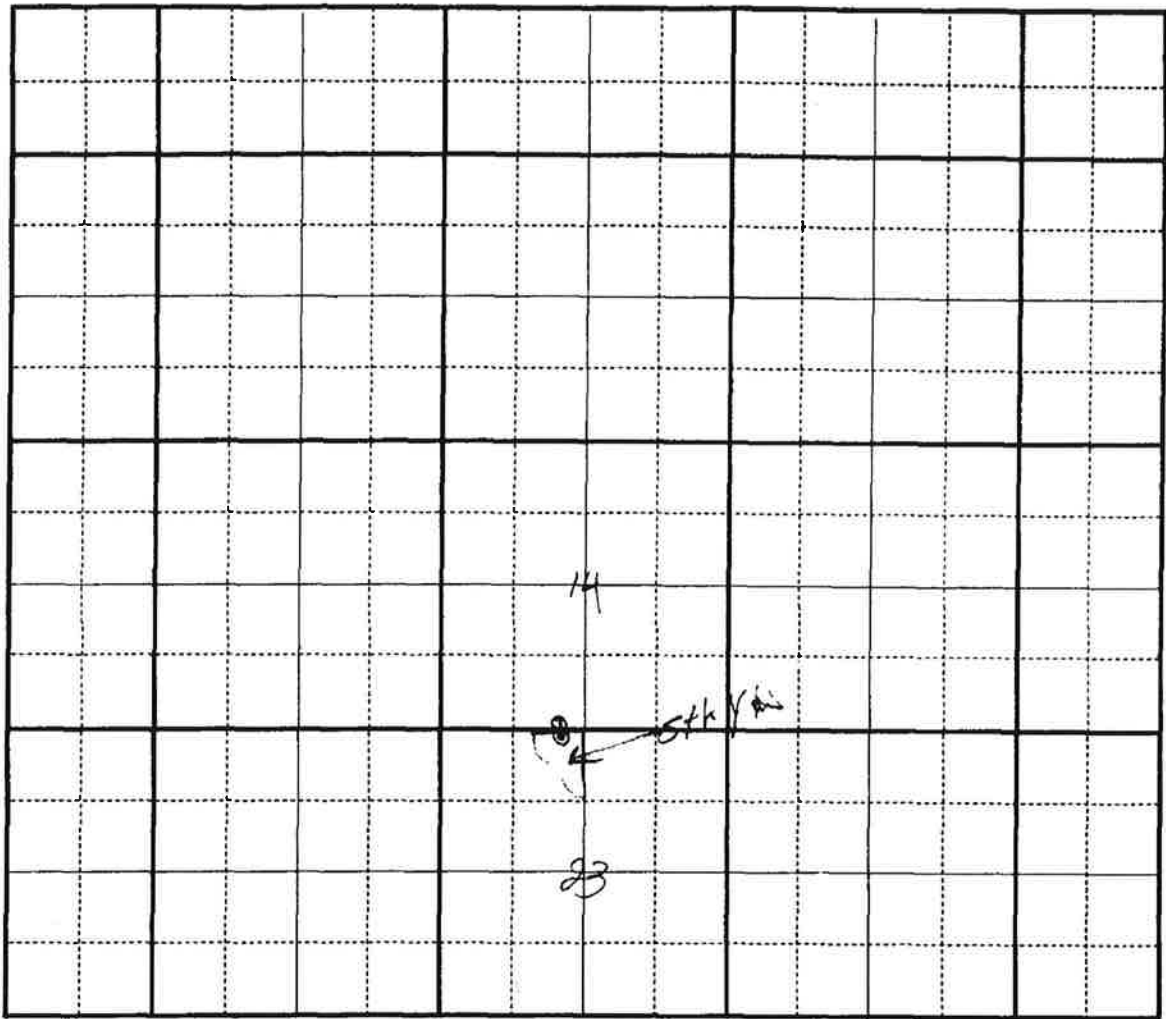
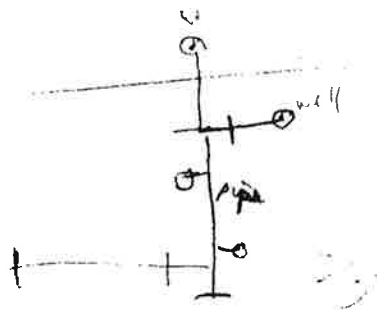


Diagram of System



DATE OF EXAM 17 July 74

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= 4 c.f.s. V= 30 AF/Ann. from 1-1 to 12-31

Is water co-mingled? yes X no _____

Name source: Ground water from 2 wells
Twp. 15 N/S, Rge 2 E/W, B.M., Sec 23, Sub E 1/2 NW 1/4 Canyon County

Exchange? yes _____ no _____

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Point of injection:
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Point of exchange:
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____ County

Total Q measured 4 cfs Method of measurement calculated

Total Q recommended 4 cfs Meter No. _____ Type N/A Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:
meter well sec 14 is "
let 1 pumped sec 23 35"
may not be "
no way to measure operating
independently but net yield
indicate 4 cfs cap is attained
8 foot system pump run as water used - no excess
SYSTEM DESCRIPTION:
2 wells sec 14 - 10" x 64' deep into one main to
23 - 10" x 22' deep - 2' each
well is 5' x 1' to mainly used for back up when
well in 23 cannot supply water needed
in 20 ft pulled out 5' x 6 2 1/2' H.D.

REMARKS:
no record 2000 was watered one time
14 in alt measurement 15" } obtained by Mr. John
23 Test measured 35' } and Mr. Frank
Melba, 1974

Examiner's Signature Erwin Ballan Date 17 July 74

Checked by _____ Date _____

Approved by _____ Date _____

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 63-7539)
IN THE NAME OF REX S. JENSEN)

ORDER

WHEREAS, on January 7, 1972, Rex S. Jensen applied to the Department of Water Administration for a permit to appropriate .4 cubic feet per second of water from a groundwater source within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 1S, Rge. 2W, B.M., Canyon County, to be used for livestock purposes; and,

WHEREAS, on March 1, 1972, the Department approved said application and issued Permit No. 63-7539 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before April 1, 1973, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 13, 1973, the Department received a request for the removal of the measuring device requirement from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 63-7539.

Dated this 5 day of February, 1974.


R. KEITH HIGGINSON
Director

BDF:JC

63 7539

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE
STATE OF IDAHO

IN THE MATTER OF Permit No. 63-7539)
in the name of REX S. JENSEN)

ORDER OF REINSTATEMENT

WHEREAS, on January 7, 1972, Rex S. Jensen filed with the Department of Water Administration an application for permit to appropriate .4 cfs of water from a ground water source within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23; Twp. 1S, Rge. 2W, B.M., Canyon County, to be used for livestock purposes; and,

WHEREAS, on March 1, 1972, the Department approved said application and issued Permit No. 63-7539 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before April 1, 1973; and,

WHEREAS, on January 31, 1973, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on April 3, 1973, the Department notified the permit holder that Permit No. 63-7539 had lapsed for failure to submit proof of beneficial use of water; and,

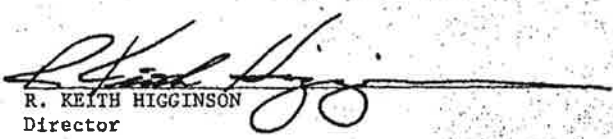
WHEREAS, on May 22, 1973, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7539 be REINSTATED and the priority advanced to February 27, 1972.

Dated this 18 day of June, 1973.


R. KEITH HIGGINSON
Director

DDR:je

63-7539

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAY 22 1973

Department of Water Administration

1. a) Name of Permit Holder REX S. JENSEN
b) Post Office Address Rt. 1 Melba, Idaho
2. Permit Number 63-7539
3. Date of Priority that you are prepared to establish January 7, 1972
4. a) Source from which water was appropriated Underground
b) Location of the point of diversion: SE 1/4 SW 1/4, Section 14
Township 1 S, Range 2 W Boise Meridian, Other points of diversion: NW 1/4 NW 1/4 Sec 23, T15S R2W
5. a) The amount of water and use to which the water has been applied:
amount .4 cfs for Livestock purposes from January 1 to December 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .4 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By pump specification and pump co. personnel
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N. A.
b) Describe the agreement or understanding by which you take water from the works: N. A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Two drilled wells equipped with pumps and various size pipelines to place of use. One well is a 10" well 64 feet deep and the other well is a 10" well 278 feet deep.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Measuring devices will be soon installed. They will be inline totalizing flow meter.
c) Give well drillers name and address and date the well was completed The well in sec. 14 was drilled by Holloway Drilling Co. of Ontario Oregon and it was completed 12-23-67. The well in Sec. 23 was also drilled by Holloway and was completed 12-2-67.

Exam typed 6/19/73 by ja

63 7539

63 7520

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stock water in a field lot of up to 5,000 head of cattle

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: N. A.

TWP.	RANGE	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	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 3 1973
(Date)

Per: [Signature]
(Signature)

State of Idaho)
County of Ada) ss.

On this 3rd day of May, 19 73, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.

[Signature]
Notary Public residing at Boise, Idaho

My commission expires 1-21-74

Identification No. 63-7539
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

LICENSE ISSUED FOR .4C SEC. FT.
LICENSE PAGE NO. _____

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Rex S. Jensen
post office address Route 1, Melba, Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 1S
Range 2W B.M. Canyon County; additional points of diversion if any: _____
NW1/4NW1/4, Sec. 23; Twp. 1S, Rge. 2W, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .4 cfs for Livestock purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled wells (2) Electric pumps

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 17,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: E1/2 $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 1S
Range 2W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 1,000 - 5,000 head of cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

63 7539

62 75: 0

[illegible]

Total number of acres to be irrigated. _____

c. Describe any other water rights used for the same purposes as described above. None

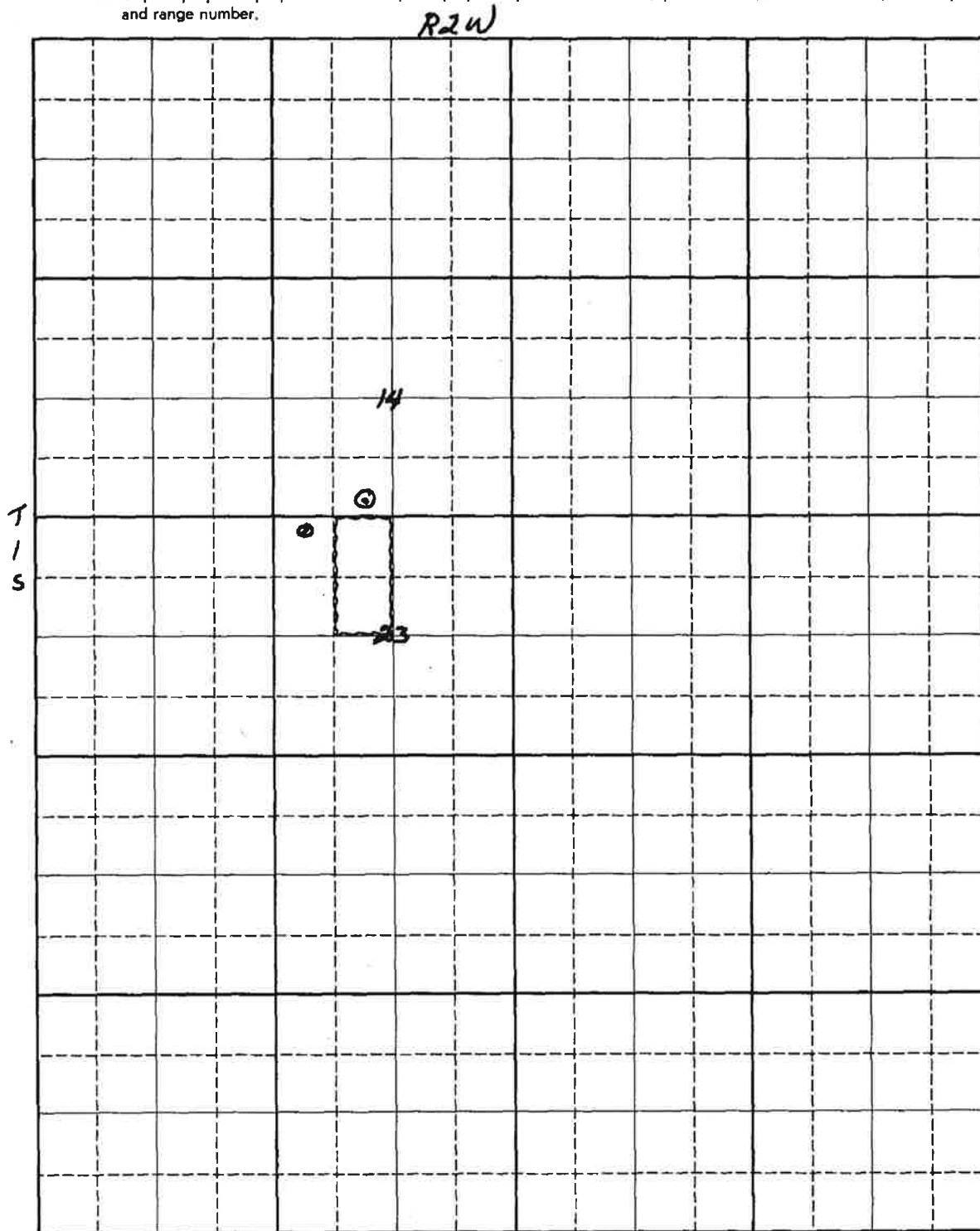
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Per S Jansen
(Applicant)

63 7539

Received by bb Date 7 Jan 72 Time 5:00
 Preliminary check by bb Fee \$25.00
 Receipted by bb Date 1-7-72 rich #8664
 Publication prepared by bb Date 1-20-72
 Published in Idaho Free Press
 Publication dates 1-27-72 & 2-3-72
 Publication approved bb Date 2-8-72
 Priority reduced to 1-7-72 Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by R. D. Duff

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7539, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1973.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 1 day of March, 1972.


 Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 63-7539 Name Rex S. Jensen

Source Groundwater

Point of Diversion SE 1/4, Sec. 14, T. 1S, R. 2W, B.M., Canyon County

Quantity 4 Use Livestock Period Jan. 1 - Dec. 31

Quantity Use Period

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use 1,000 - 5,000 head of cattle

Date Forwarded 1-21-72 Date Returned 2-22-72 Received by R.S.

COMMENTS: Water levels show minor fluctuations, but no net declines.

RECOMMENDED:

Applied: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial:

INVESTIGATION By Paul M. Casteln Title W.R.I. - I

Date Feb. 22, 1972

63 7539

AJ0749NP
No. R63-07539

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/28/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID VASTINE 297 ST JAMES DR PIEDMONT CA 94611 (415) 444-0603	02/27/1972	STOCKWATER	01-01 12-31	0.40 CFS	40.00 AFA
TOTAL DIVERSION:					0.40 CFS	40.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S14
S23

SESW
NWNW

CANYON County
CANYON County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	02W	23	:																			:
			:																			:

POU County: CANYON

Non-Irrigation Uses: STOCKWATER; 3,000 CATTLE

Remarks: TWO POINTS OF DIVERSION LOCATED IN SESW, S14, T01S, R02W.

Dates: Exam Made Date: 11/28/1995 Verified Date:

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

Comments: Date: 11/28/1995 User-ID: MMINICUC Subject: ADD'L POD
A WELL WAS ADDED TO THIS SYSTEM, APPARENTLY IN 1980. THIS
CONCLUSION WAS ARRIVED AT AFTER FINDING A WELL LOG FOR THE
PREVIOUS OWNER, MR. EVANS, FOR A WELL LOCATED IN THE SESW S. 14.
THE HAND DRAWN MAP SUBMITTED BY THE CLAIMANT ALSO SHOWS TWO WELLS
IN THE SESW S. 14, AND ONE WELL IN NWNW S. 23. NO WELL LOG FOUND
IN NENW S. 23. POD ADDED IN SESW, S. 14, NOT IN NENW, S. 23.

Audit: 11/28/95 MMINICUC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:35:43
11/28/95
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A63-07539

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID VASTINE	02/27/1972	STOCKWATER	01-01 12-31	0.40 CFS	40.00 AFA
					TOTAL DIVERSION:	0.40 CFS 40.00 AFA
Water Source: GROUNDWATER		Tributary to:		Stage: LICENSE		
Point(s) of Diversion:		T01S R02W S14 S23		CANYON County		
Place of use Legal Description for: STOCKWATER		CANYON County				
NE NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : NW 01S 02W 23 : : S : S : SW SE						

POU County: CANYON

Non-Irrigation Uses: STOCKWATER, 3,000 RANGE CATTLE

Dates: Exam Made Date: 10/28/1985 Verified Date:

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

F02:
FOD 2 POU's located in S.1/4, SESW
* Accomplished xFER *

discrepancy
w/claim
map +
well log

SESW
NENW
NWNW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:33:58
11/28/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-07539

LAST: JENSEN
ADDRESS: RT 1
CITY: MELBA
PHONE NUMBER: 208-000-0000

FIRST: REX S
STATE: ID ZIP: 83641

OWNER CODE: 0

LAST: VASTINE
ADDRESS: 297 ST JAMES DR
CITY: PIEDMONT
PHONE NUMBER: 415-444-0603

FIRST: DAVID
STATE: CA ZIP: 94611

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER
TJN

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

11/28/1995: IN-office verification. TJN

A. AJ CLAIM: # A63-07539 PRIORITY DATE: 02-27-1972 STAGE: L

B. WR RECORD: # 63-07539 PRIORITY DATE: 02-27-1972 STAGE: L

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

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

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

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

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

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

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

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

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

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

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

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

NOTES: 11/28/1995: On Proof of Beneficial Use submitted for licensing, owner indicates
that both wells were drilled in 1967. (after Rand. permit statutes). 777

RECOMMENDED PRIORITY DATE:

02-27-1972

REVIEWED BY SEHincucce

DATE 11/28/1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-07539	01S	02W	14		SE	SW			CANYON		
A63-07539	01S	02W	23		~~NE~~	~~NW~~			CANYON		
A63-07539	01S	02W	23		NW	NW			CANYON		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A63-28281 R63-28281

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-07539	01S	02W	14		SE	SW			CANYON		
63-07539	01S	02W	23		NW	NW			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A63-28281 NONE

SOURCE: GROUNDWATER

TRIB:

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

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

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

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

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

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

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

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

Well log for 3rd Well.

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 07/14/1974)

Y(X) N()

AJ FIELD EXAM (DATE OF FIELD EXAM 11/28/1995 NAME OF EXAMINER TITLIN, CECIL)

Y(X) N()

In-office

OTHER (DESCRIBE IN NOTES BELOW)

11/28/1995:

NOTES: A63-28281 : Dom/stock & GW filed by same claimant. ~~Test~~ Well claimed
in NENW of S. 23 but well log locates well in SESW of S. ~~23~~ 14 as does
hand drawn map submitted by claimant. 2 wells located in SESW of
S. ~~23~~ 14 (as per licensing exam + 1980 well log + map) and one well in
NW NW S. ~~23~~ 14 (as per licensing exam). TTT

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
01S	02W	14		SE	SW			CANYON		
~~01S~~	~~02W~~	~~23~~		~~NE~~	~~NW~~			~~CANYON~~		
01S	02W	23		NW	NW			CANYON		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: T. Henson

DATE: 11/28/1995

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

11/28/1995: Add'l well added in SESW of S. ~~23~~ 14 in 1980. See attached well log. TTT

A. ROOT WATER RIGHT NUMBERS: A63-07539

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01S	02W	23	NE	NW		VASTINE, DAVID	A63-07539 /	63-07539 /	12.0		
			NE	NW		VASTINE, DAVID	R63-28281 /	- /			
			NE	NW		VASTINE, DAVID	A63-28281 /	- /			
01S	02W	23	SE	NW		VASTINE, DAVID	A63-07539 /	63-07539 /	25.0		

ADDITIONAL POU FOUND

TOTAL ACRES A63-07539

37.00

POU COUNTY: CANYON

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

Y() N(☒)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A63-07539	STOCKWATER	VASTINE, DAVID	FROM 01-01 TO 12-31	0.400 CFS	40.00 AF/A
R63-28281	DOMESTIC	VASTINE, DAVID	FROM 01-01 TO 12-31	0.020 CFS	
R63-28281	STOCKWATER	VASTINE, DAVID	FROM 01-01 TO 12-31	0.020 CFS	
A63-28281	DOMESTIC	VASTINE, DAVID	FROM 01-01 TO 12-31	0.020 CFS	
A63-28281	STOCKWATER	VASTINE, DAVID	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

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

N/A() Y(X) N()

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

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

N/A() Y(X) N()

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

Y() N(X)

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

Y() N(X)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(X) NAPP, IDWR NO. Y56 NE; () ASCS PHOTO; (X) OTHER Well logs

NOTES: 11/28/1995: Well logs located for all 3 wells (Jensen in 1967 (2) & Evans in 1980). See IDWR microfiche Records. Stockyard area visible of NAPP. 77M

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A (X)

REVIEWED BY: [Signature]

DATE: 11/28/1995

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-07539 STOCKWATER	FROM 01-01 TO 12-31	0.400 CFS	40.00 AF/A
TOTAL DIVERSION RATE/VOLUME		0.400 CFS	40.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-07539 STOCKWATER	FROM 01-01 TO 12-31	0.400 CFS	40.00 AF/A
TOTAL DIVERSION RATE/VOLUME		0.400 CFS	40.00 AF/A

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES: 11/28/1995: Claimed as licensed. 727

AJ CLAIM TOTAL DIVERSION RATE: 0.400 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.400 CFS

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

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

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

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

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

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

E. FLOW MEASUREMENT

MEASUREMENT METHOD NONE, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 40.00 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

1b. CALCULATIONS

11/28/1995: See beneficial
use field exam conducted
for licensing. P. 17

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
STOCKWATER	01-01	12-31	DATABASE 0.400	EXAMINER	DATABASE 40.00	EXAMINER	DATABASE 0.0	EXAMINER
TOTAL FOR THIS RIGHT			0.400		40.00		0.0	

NON-IRRIGATION USES CLAIMED: STOCKWATER, 3,000 RANGE CATTLE

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

REVIEWED BY: PHH

DATE: 11/28/1995

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE):

2 PODS IN S. 14 SESW.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-07539

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A63-07539	0.400	-		63-07539	0.400
TOTAL CFS		0.400				0.400

DIVERSION RATE REVIEW

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

DATABASE

(Y)

FIELD
EXAMINER

- Y() N()

NOTES:

11/28/1995: No Splits of This Water Right. $\pi\pi$

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

11/20/1995

NAME OF FIELD EXAMINER:

DARIA TINICUCCI

TITLE:

SR WATER AGENT

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
(X) NAPP	DATE OF PHOTO <u>STONE 08/02/1987</u> IDWR ID NO. <u>4560E</u>	Y() N(X)
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
(X) WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>01/30/1975</u>	<u>1</u>	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
(X) OTHER <u>WELL LOG</u>	DATE <u>08/14/1980</u> <u>08/14/1985</u>	<u>1</u>	<u>Drilled for IRR? + stock. No H₂O</u>
() OTHER _____	DATE _____	_____	<u>Rights for IRR</u>
			<u>from this Q.</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:33:58
11/28/95

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A63-07539

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N		In-office TTT	N		TTT 11/28/1995	TTT 11/28/1995	
POINT OF DIV	Y		11/28/1995	Y				
SOURCE	N			N				
PLACE OF USE	NO Y?			N				
DIV. AMOUNT CFS/VOLUME	N			N				
CONSUMPTIVE USE	N			N				
PURPOSES OF USE	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	N			N				
REMARKS								

BARCODE UPDATED
WHOM/DATE

TTT 11/28/1995

WATER RIGHT LICENSE

THIS IS TO CERTIFY, THAT

40 NW1/4 NW1/4, Sec. 23, Twp. 1 S, Rge. 2 W, B.M. in the County of Canyon

[illegible]

Total number of acres irrigated _____

January 19 75

Director

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

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: A63-07539
Date Received: 4/13/1990
Receipt No: W011963
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DAVID VASTINE
Address: 297 ST JAMES DR
PIEDMONT CA

94611

415-444-0603
RECEIVED
FEB 5 1993

2. Date of Priority: FEB 27, 1972

3. Source: GROUNDWATER

Trib. to:

(Department of Water Resources
Western Regional Office)

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	14		SE	SW		CANYON
		23		NE	NW		CANYON
				NW	NW		CANYON

5. Description of diverting works:
THREE DRILLED WELLS, PUMPS AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.400		40.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 40.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 3,000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	23	NE	NW		STOCK	
			SE	NW		STOCK	

A63-07539

Page 1

Date: 02/03/93

MICROFILMED

JUL 25 1994

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:

14. Remarks:

15. Basis of Claim: LICENSE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7539 V1

WATER RIGHT NUMBER: 63-7539 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID VASTINE 105 FLORADA AVE PIEDMONT, CA 94611 (510) 847-8944
Original Owner	REX S JENSEN RT 1 MELBA, ID 83641

Priority Date: 02/27/1972

Basis: License

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>
STOCKWATER	1/01 to 12/31	0.400 CFS	40.00 AF
	<u>Total Diversion:</u>	0.400 CFS	40.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 23, Twp 01S, Rge 02W, B.M.
CANYON County		
GROUND WATER	SE1/4SW1/4	Sec. 14, Twp 01S, Rge 02W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 02W 23					X			X									

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. TWO POINTS OF DIVERSION LOCATED IN SESW, S14, T01S, R02W.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7539 V1

Comments:

1. MMINICUC 11/28/1995 ADD'L POD

Comment: A WELL WAS ADDED TO THIS SYSTEM, APPARENTLY IN 1980. THIS CONCLUSION WAS ARRIVED AT AFTER FINDING A WELL LOG FOR THE PREVIOUS OWNER, MR. EVANS, FOR A WELL LOCATED IN THE SESW S. 14. THE HAND DRAWN MAP SUBMITTED BY THE CLAIMANT ALSO SHOWS TWO WELLS IN THE SESW S. 14, AND ONE WELL IN NWNW S. 23. NO WELL LOG FOUND IN NENW S. 23. POD ADDED IN SESW, S. 14, NOT IN NENW, S. 23.

Water Supply Bank:



Idaho Department of Water Resources

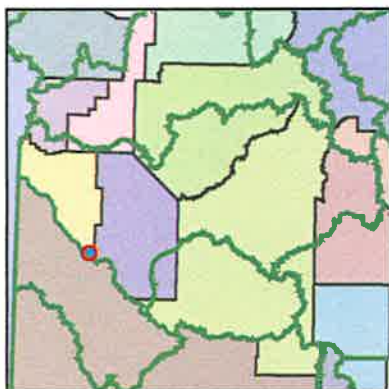
SRBA Recommendation:

63-7539

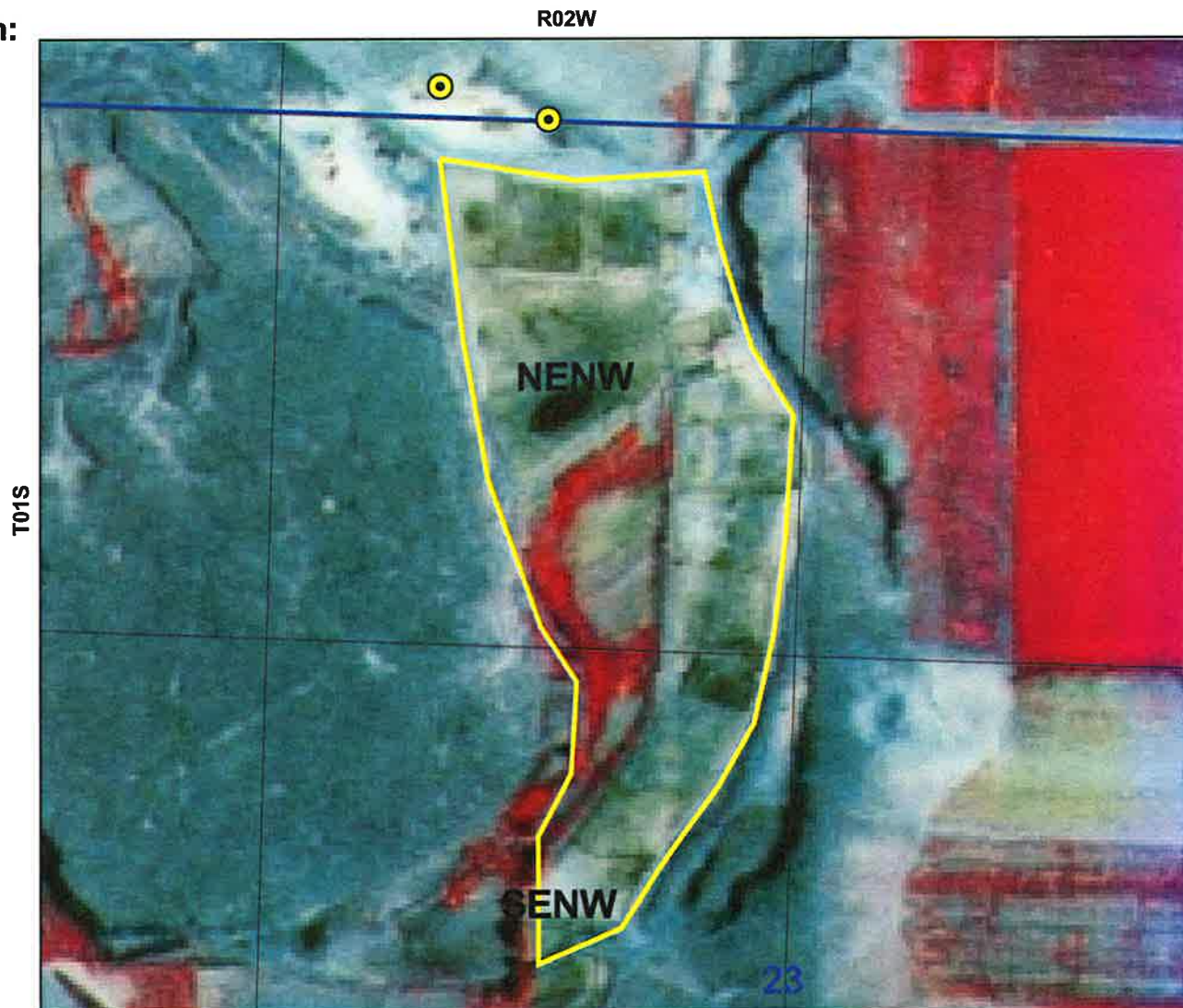
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Thursday, July 27, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

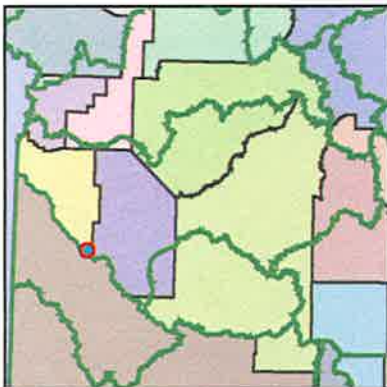
SRBA Recommendation:

63-7539

(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles



Prepared by M. Ciscell
On Thursday, July 27, 2006
2004 Aerial Photography

Conversation Memorandum

Craig Whitted

Office Visit-Western Region

From: J. Westra, Western Reg.

Date 5/3/05

RE: SRBA Claim 63-07539—Objection

See Conversation Memorandum—3/16/05 K. Brown

Mr. Whitted stopped at the Western Regional Office to discuss claim #63-07539 and the P/D location. I stated, the Adjudication section would be starting to process claims in Canyon County in June. The recommendations would start being submitted to the court in the fall.

He could submit letter regarding his concerns to be placed in the file now, or file an objection later on the claim with the court. He was not sure what he wanted to do.

He inquired, if the Department was going to initiate any drought assistance programs. I indicated, that Canyon County had been declared a drought emergency, and irrigators could request temporary transfers for parcels that were short on water. However, the Department would not issue drilling permits for new wells under the temp. transfers. I did not believe Ada County had yet been declared, so he would be limited to Canyon County.

Mr. Whitted requested Don Shaff's phone number, which was given to him.

10/31/2006

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

RIGHT NUMBER: 63-7539

NAME AND ADDRESS: SARA JANE SMITH
7511 WARREN SPUR RD
MELBA ID 83641-5231

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
40.00 AFY

PRIORITY DATE: 02/27/1972

POINT OF DIVERSION:
T01S R02W S14 SESW Within CANYON County
T01S R02W S23 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	1/01 12/31	0.400 CFS 40.00 AFY
PLACE OF USE:	<u>STOCKWATER Within CANYON County</u>		
	T01S R02W S14 SESW	T01S R02W S23	NENW
	T01S R02W S23 NWNW	T01S R02W S23	SENW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Stockwater use is for 3000 stock.

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

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. AG 3-07539

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>	<u>In-office</u>		<u>N</u>	<u>N</u>	<u>TRT/11/28/1995</u>	
PT. OF DIV.	<u>Y</u>	<u>11/28/1995</u>	<u>License</u>	<u>Y</u>			
SOURCE	<u>Y</u>			<u>N</u>			
PL. OF USE	<u>N</u>		<u>4</u>	<u>N</u>			
DIV. AMOUNT CFS/AF	<u>Y</u>		<u>License</u>	<u>N</u>			
CONSUMPTIVE USE	<u>N</u>			<u>N</u>			
NATURE OF USE	<u>N</u>			<u>N</u>			
PERIOD OF USE	<u>N</u>			<u>N</u>			
BASIS OF CLAIM	<u>N</u>			<u>N</u>			
REMARKS							

DATA ENTRY COMPLETED
BY TRT DATE 11/28/1995

FINAL RECOMMENDATION
BY _____ DATE _____

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____ N/A

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

COMMENTS: Well has been added. CC for date & evidence. Points of diversion listed may be
inaccurate - see map submitted by claimant.

11/28/1995: well log located for stat well drilled for E.T. Evans. Evans named as previous owner on Request
for Ext. of Time to file SRBA claim. Assume that these two Evans are the same person/family -
well drilled in 1980. Accomplished XFER. TRT

VERIFICATION CODES

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

POOR ORIGINAL

Date Received

RECEIVED

APR 13 1990

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources
Western Regional Office

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

David Vastine
Name of Claimant

(415) 444 0603
Phone Number

297 St James Drive
Mailing Address

Bredmont Ca 94611
City State Zip

Canyon
County(s) where place of use is located

March 1 1990
Date claim originally due

All lands owned by Mr Vastine in T15 R2W (Three Ranches)
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The property has recently been purchased by Mr Vastine. The previous owner, Mr Evans has most of the actual water right data and use information. Mr Evans is out of state and will not return until after March 9, 1990.

Claimant requests an extension to April 15, 19 90

Sheila Chapman
Signature

2/13/90, 19 90
Date of request

Agent
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to April 16, 19 90

Signed this 11 day of March, 19 90

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED

JUL 25 1994

MAR 13 1990

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 A63-07539
Date Received _____
Receipt Number WD11963

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 13 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) David Vastine Phone (415) 444-0603

Mailing Address 297 St. James Drive, Piedmont, CA Zip 94611

2. Date of Priority (Only one (1) per claim) 2/27/72

3. Source of water supply (a) Groundwater
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 1S Range 2W Section 14,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: T1S, R2W, Sec. 23, NWNW, NENW

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

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. Three drilled wells, pumps and pipelines.

MICROFILMED

JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stock purposes from 1/1 to 12/31 amount .4 or 40

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .4 (cfs) and/or (b) 40 (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.) Stock water for 3,000 range cattle

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	
1S	2W	23					S			S									

Total number of acres irrigated 0

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:

MICROFILMED

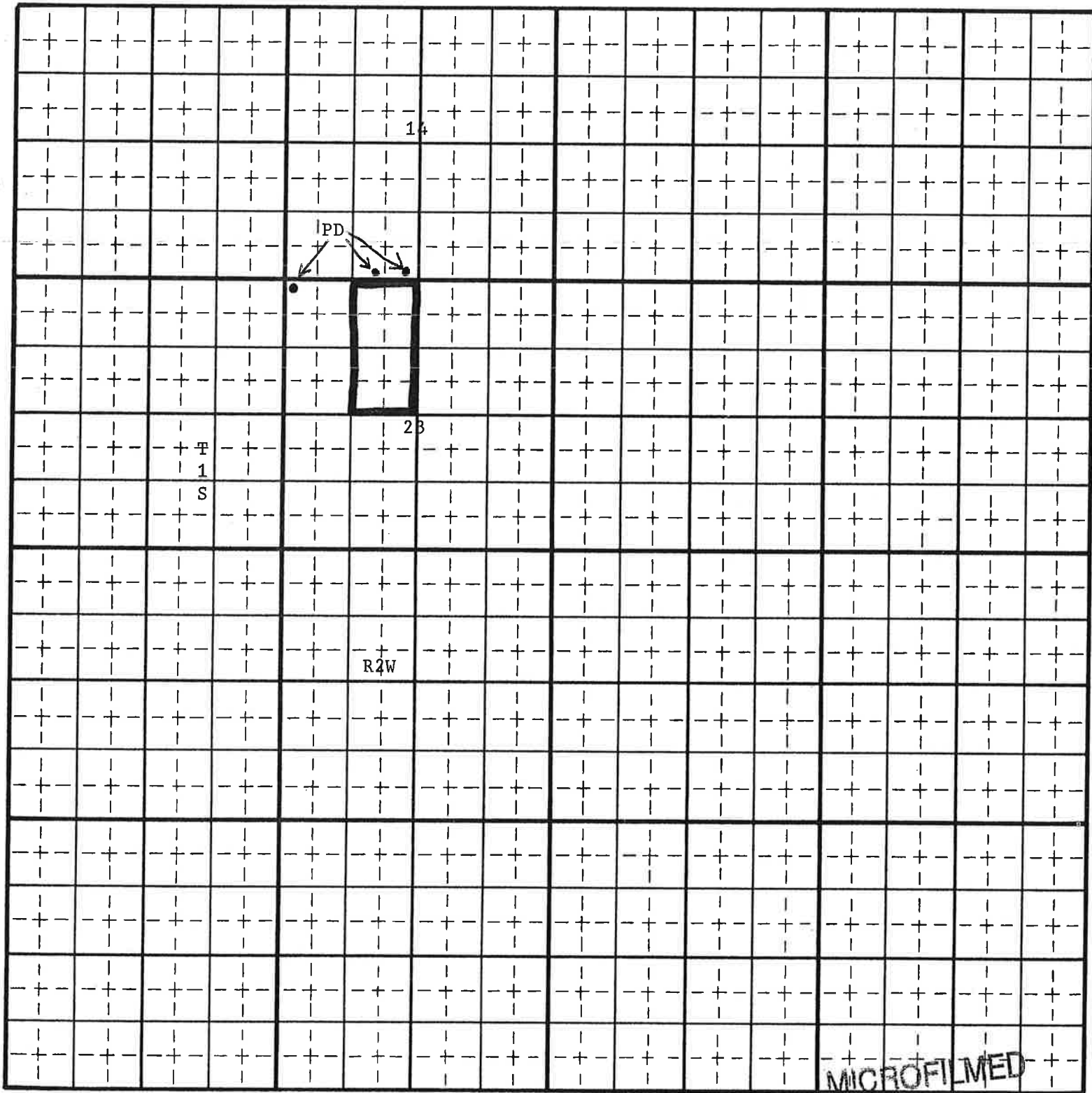
JUL 25 1994

Last Name Vastine Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



JUL 25 1994

Last Name Vastine Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 63-7539
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 0

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

Signature of Claimant (s) David W. Vastine Date 4/12/90

Date _____

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

of _____ 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 ADA) SS.

Subscribed and sworn (or affirmed) before me this 12 day of April 19 90

Notary Public Sheryl L. Chapman

Residing at 2889 Cobble Way, Meridian, ID 83642

My Commission Expires 6/14/94

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

JUL 25 1994

Last Name Vastine Ident. Number _____

Copies White-State, Yellow-Claimant

