

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: A63-04224A
Date Received: 2/09/1990
Receipt No: 1005819
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNA WARD
Address: 13498 PURPLE SAGE RD. 208-585-2713
CALDWELL, ID 83605
OR
Name: DUEANE SPENCER
Address: ROYAL CITY, WA 00000
OR
Name: ✓ BERNETTA HASTINGS 208-888-3874
Address: 2910 E. VICTORY RD. *Passed*
MERIDIAN, ID *Hwy* 83642
OR
Name: LA VAR SPENCER
Address: *Paye #e Id.*
~~KAYSVILLE, UT~~ 00000
2. Date of Priority: JUN 01, 1965
3. Source: EAST HARTLEY DRAIN Trib. to: BOISE RIVER
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
05N 03W 25 NW SW SW CANYON
5. Description of diverting works:
PUMP IN DRAIN DITCH
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 03/15 11/15 2,000
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

A63-04224A

Page 1

Date: 02/09/90

SCANNED
APR 08 2008

MICROFILMED

AUG 20 1992

8. Total consumptive use is 109.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	25	NW	SW		IRR	4.0
			SW	SW		IRR	31.2
						Section Acres	35.2
						Total Acres	35.2

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

BLACK CANYON IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: -1-

For Individuals:

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

Signature of Claimant(s): Donna Ward Date: 2-9-90

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this

of February 19 90

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

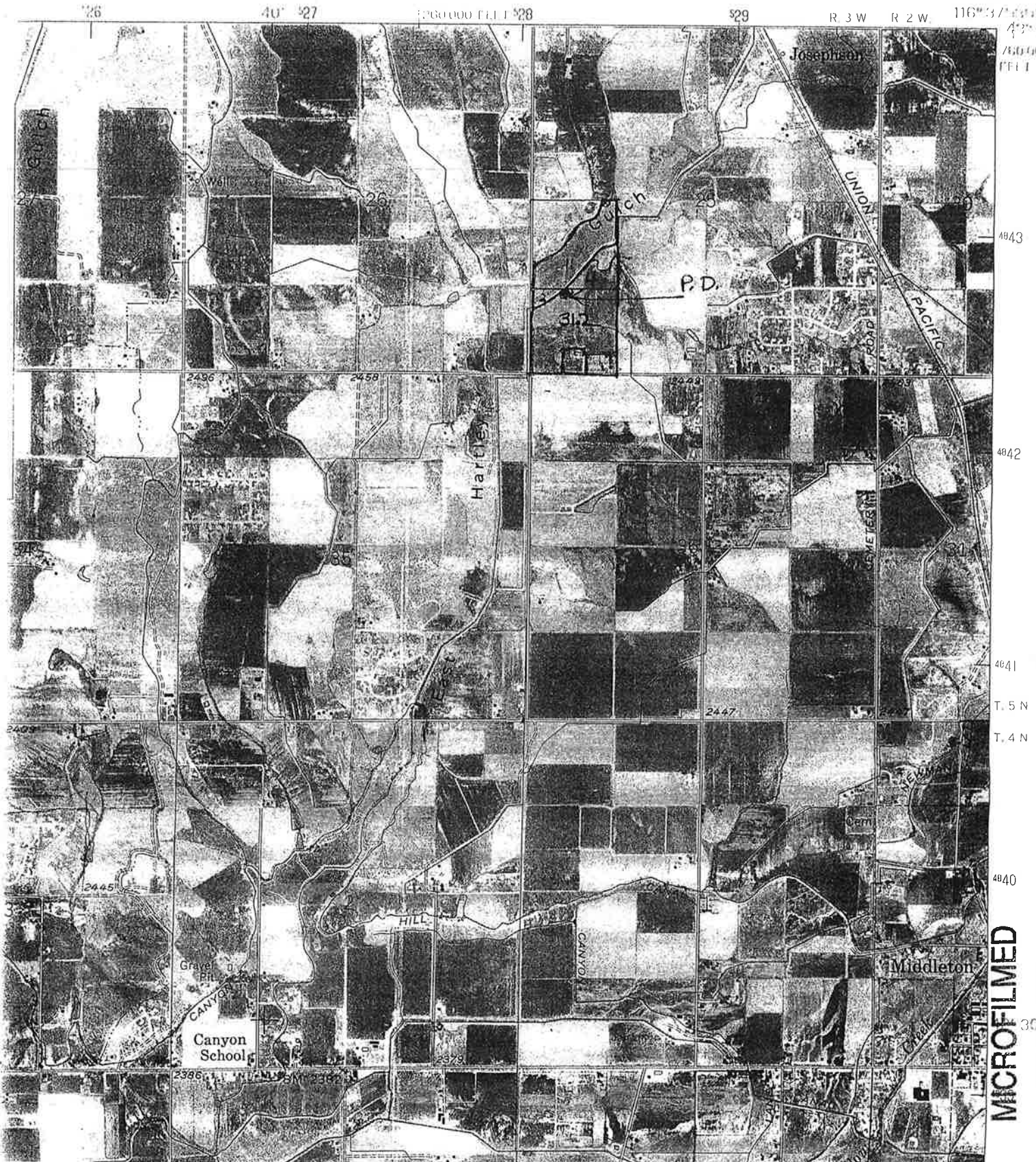
A63-04224A

R3W R.2W

T5N R3W

CALDWELL QUADRANGLE
IDAHO

7.5-MINUTE SERIES (ORTHOPHOTOQUAD)



MICROFILMED

AUG 20 1992

Receipt Details for ID M005819

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/9/1990 12:45:59 PM	2/9/1990	Mobile	\$173.00	Check
Payer		SPENCER, (DONNA WARD)		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1001			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$173.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4224	A	\$85.00	Claim
63	20807		\$63.00	Claim
63	20808		\$25.00	Claim

Print Report

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

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-04224A

APR 22 2009

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: CHRIS SPENCER
NEAL SPENCER
12776 PURPLE SAGE RD
MIDDLETON, ID 83644

SOURCE: EAST HARTLEY GULCH DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.70 CFS

PRIORITY DATE: 06/01/1963

POINT OF DIVERSION: T05N R03W S25 NWSW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.70 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T05N R03W S25 35.0 Acres Total	NWSW 5.0 SWSW 30.0

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

APR 22 2009

John M. Melanson
SPECIAL MASTER

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

RIGHT NUMBER: 63-4224A

NAME AND ADDRESS: NEAL SPENCER
12776 PURPLE SAGE
MIDDLETON ID 83644

CHRIS SPENCER
12776 PURPLE SAGE RD
MIDDLETON ID 83644

DUEANE SPENCER
ROYAL CITY WA

BERNETTA HASTINGS
2910 E VICTORY
MERIDIAN ID 83642

DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605

LA VAR SPENCER
KAYSVILLE UT

SOURCE: EAST HARTLEY GULCH DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T05N R03W S25 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.700 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R03W S25	NWSW	5.00	T05N R03W S25	SWSW	30.00
---------------	------	------	---------------	------	-------

35 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

**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

)
)
)
)
)

Water Rights: 63-4224A, 63-20807

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

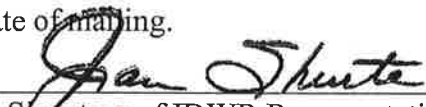
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 4, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 4, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

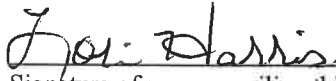
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Neal Spencer
Chris Spencer
12776 Purple Sage Rd.
Middleton ID 83644

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 4, 2009

NEAL SPENCER
CHRIS SPENCER
12776 PURPLE SAGE RD
MIDDLETON ID 83644

Re: Water Right Nos. 63-4224A, 63-20807

Dear Mr. & Mrs. Spencer:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the printed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

OK / *rvh*

RECEIVED
FEB 04 2009
WATER RESOURCES
WESTERN REGION

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-4224A	63-4224A				
63-20807	63-20807				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *No fee required. Still in adjudication process. jmh*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Donna Ward
13498 Purple Sage Rd
Caldwell Id 83607

4. New Owner/Claimant(s)

NEAL & Cheri SPENCER
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

12776 Purple Sage Rd

City, State and ZIP Code

Middleton Idaho 83644

New Telephone Number

(208) 585-2736 Email: *cell 989-3035*

5. Date you acquired the property

25-1992

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>63-4224A</u>		
Irrigation <u>3/15 to 11/15</u>	<u>2,000 CFS</u>	<u>35.2 T. Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>63-20807</u>		
Irrigation <u>3/15 to 11/15</u>	<u>2,000 CFS</u>	<u>13 T. Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Neal Spencer
Chris Spencer

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by [Signature] AJ

Date Feb. 4.09
 Date 3-2-09
 Date 3-2-09

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

WARRANTY DEED

GRANTOR, DEUANE SPENCER, Box 461, Royal City, Washington, 99357; dealing with his sole and separate property, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto NEAL SPENCER and CHRISTINE SPENCER, husband and wife, whose current address is 12726 Purple Sage, Middleton, County of Canyon, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of his interest in the following described real estate located in Canyon County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water rights including waste water rights and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 18th day of MARCH, 1992.

Deuane Spencer
DEUANE SPENCER

STATE OF ~~IDAHO~~ Washington
County of GRANT) ss.

On this 18th day of MARCH, 1992, before me, the undersigned, a Notary Public for said State, personally appeared DEUANE SPENCER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Karen I Pratt
Notary Public for Idaho
Residing at Royal City
My Commission Expires 6-1-95



EXHIBIT "A"

The West Half of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT OF THIS DESCRIPTION; thence

North 89° 56' 30" East 1,145 feet along the North line of the said Northwest Quarter of the Southwest Quarter; thence
 South 30° 08' 30" West 318.93 feet; thence
 South 68° 14' 30" West 387.25 feet; thence
 South 33° 53' 30" West 408.47 feet; thence
 South 52° 39' West 449.62 feet; thence
 North 90° 00' West 40 feet to a point on the West line of the said Northwest Quarter of the Southwest Quarter; thence
 North 0° 00' East 1,030 feet along the said West line to the INITIAL POINT OF THIS DESCRIPTION.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter to the POINT OF BEGINNING; thence continuing

South 89° 56' 11" West 350 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence

North 0° 03' 49" West 522.83 feet; thence

North 89° 56' 11" East 350 feet; thence

South 0° 03' 49" East 522.83 feet to the POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence

North 0° 03' 49" West 522.83 feet; thence

North 89° 56' 11" East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence

South 0° 03' 49" East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

REQUEST
 TYPE *Alfred* PIONEER - CALDWELL
 FEB 9 1992

BY *C. Kerr*
 CANYON CNTY RECORDER
 NED J. KERR

92 MAR 20 PM 4 31

RECORDED

9206061

PC04474
INSTRUMENT NO. 9206062

WARRANTY DEED

GRANTOR, LaVAR SPENCER, 831 Shannon, Kaysville, Utah, 84037; dealing with his sole and separate property, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto NEAL SPENCER and CHRISTINE SPENCER, husband and wife, whose current address is 12726 Purple Sage, Middleton, County of Canyon, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of his interest in the following described real estate located in Canyon County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water rights including waste water rights and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 14th day of March, 1992.


LaVAR SPENCER

STATE OF Utah IDAHO)
County of DAVIS) ss.

On this 17th day of MARCH, 1992, before me, the undersigned, a Notary Public for said State, personally appeared LaVAR SPENCER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

James H. Brough
Notary Public for Idaho
Residing at Paysonville, Utah
My Commission Expires 1-2-95



EXHIBIT "A"

The West Half of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT OF THIS DESCRIPTION; thence

North 89° 56' 30" East 1,145 feet along the North line of the said Northwest Quarter of the Southwest Quarter; thence
 South 30° 08' 30" West 318.93 feet; thence
 South 68° 14' 30" West 387.25 feet; thence
 South 33° 53' 30" West 408.47 feet; thence
 South 52° 39' West 449.62 feet; thence
 North 90° 00' West 40 feet to a point on the West line of the said Northwest Quarter of the Southwest Quarter; thence
 North 0° 00' East 1,030 feet along the said West line to the INITIAL POINT OF THIS DESCRIPTION.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter to the POINT OF BEGINNING; thence continuing
 South 89° 56' 11" West 350 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
 North 0° 03' 49" West 522.83 feet; thence
 North 89° 56' 11" East 350 feet; thence
 South 0° 03' 49" East 522.83 feet to the POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
 North 0° 03' 49" West 522.83 feet; thence
 North 89° 56' 11" East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence
 South 0° 03' 49" East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

REQUEST
 TYPE *Deed*
 BY *PIONEER - CALDWELL*
 FEB 24

BY *C. J. Kerr*
 CANYON CNTY RECORDER
 NED J. KERR

92 MAR 20 PM 4 31

RECORDED

9206062

WARRANTY DEED

GRANTOR, VERNETTA HASTINGS 2910 E. Victory Road, Meridian, Idaho, 83642; dealing with her sole and separate property, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto NEAL SPENCER and CHRISTINE SPENCER, husband and wife, whose current address is 12726 Purple Sage, Middleton, County of Canyon, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of her interest in the following described real estate located in Canyon County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water rights including waste water rights and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 20th day of March, 1992.

Vernetta Hastings
VERNETTA HASTINGS

STATE OF IDAHO)
County of Canyon) SS.

On this 20th day of march, 1992, before me, the undersigned, a Notary Public for said State, personally appeared VERNETTA HASTINGS known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



Kimberly A. Compton
Notary Public for Idaho
Residing at Cardwell
My Commission Expires 1-27-93

EXHIBIT "A"

The West Half of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT OF THIS DESCRIPTION; thence

North 89° 56' 30" East 1,145 feet along the North line of the said Northwest Quarter of the Southwest Quarter; thence
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 South 68° 14' 30" West 387.25 feet; thence
 South 33° 53' 30" West 408.47 feet; thence
 South 52° 39' West 449.62 feet; thence
 North 90° 00' West 40 feet to a point on the West line of the said Northwest Quarter of the Southwest Quarter; thence
 North 0° 00' East 1,030 feet along the said West line to the INITIAL POINT OF THIS DESCRIPTION.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter to the POINT OF BEGINNING; thence continuing

South 89° 56' 11" West 350 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence

North 0° 03' 49" West 522.83 feet; thence

North 89° 56' 11" East 350 feet; thence

South 0° 03' 49" East 522.83 feet to the POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence

North 0° 03' 49" West 522.83 feet; thence

North 89° 56' 11" East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence

South 0° 03' 49" East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

REQUEST PIONEER - CALDWELL
 TYPE *Heed* FEE *9.00*

BY *C. Kerr*
 CANYON CNTY RECORDER
 NED J. KERR

92 MAR 20 PM 4 31

RECORDED

9206063

PC04474
8
INSTRUMENT NO. 9206064

WARRANTY DEED

GRANTOR, DONNA^{C.} WARD, 13498 Purple Sage, Caldwell, Idaho 83605; dealing with her sole and separate property, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto NEAL SPENCER and CHRISTINE SPENCER, husband and wife, whose current address is 12726 Purple Sage, Middleton, County of Canyon, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of her interest in the following described real estate located in Canyon County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water rights including waste water rights and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 20th day of March, 1992.

Donna S Ward
DONNA WARD
C.

)

)

SS.

20th

March

1992

undersigned, a Notary Public for said State, personally appeared DONNA WARD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

 Anthony A. Comp

Notary Public for Idaho

Residing at Calderdale

My Commission Expires 1-27-92

EXHIBIT "A"

The West Half of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT OF THIS DESCRIPTION; thence

North 89° 56' 30" East 1,145 feet along the North line of the said Northwest Quarter of the Southwest Quarter; thence
 South 30° 08' 30" West 318.93 feet; thence
 South 68° 14' 30" West 387.25 feet; thence
 South 33° 53' 30" West 408.47 feet; thence
 South 52° 39' West 449.62 feet; thence
 North 90° 00' West 40 feet to a point on the West line of the said Northwest Quarter of the Southwest Quarter; thence
 North 0° 00' East 1,030 feet along the said West line to the INITIAL POINT OF THIS DESCRIPTION.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter to the POINT OF BEGINNING; thence continuing

South 89° 56' 11" West 350 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
 North 0° 03' 49" West 522.83 feet; thence
 North 89° 56' 11" East 350 feet; thence
 South 0° 03' 49" East 522.83 feet to the POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY

COMMENCING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence

South 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
 North 0° 03' 49" West 522.83 feet; thence
 North 89° 56' 11" East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence
 South 0° 03' 49" East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

REQUEST PIONEER - CALDWELL
 TYPE *Hand* FEB 9

BY *C. J. Kerr*
 CANYON CNTY RECORDER

92 MAR 20 PM 4 31

RECORDED

9206064

DEED OF TRUST

THIS DEED OF TRUST, Made this 15th day of January, 1992 BETWEEN Neal W. Spencer and Christine Spencer, husband and wife herein called GRANTOR, whose address is 12776 Purple Sage Rd., Caldwell, ID-83605. *middletown Id 83644 C.S. 105*

PIONEER TITLE COMPANY OF CANYON COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 423 SOUTH KIMBALL AVENUE, Caldwell, Idaho 83605, and Donna C. Ward, a married woman as her sole and separate property; LaVar Spencer, a married man as his sole and separate property; Vernetta Hastings, an unmarried person and Deuane Spencer, a married man as his sole and separate property herein called BENEFICIARY, whose address is Caldwell.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Canyon State of Idaho, described as follows, and containing not more than twenty acres:

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

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of FIFTY TWO THOUSAND & NO/100 Dollars, (\$ 52,000.00) final payment due January 21, 2012 and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as a continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of paid property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note

to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust, of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of an indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters of facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the persons or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledges thereof. In this Deed whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

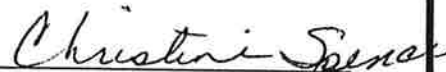
8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

DATED: January 15, 1992

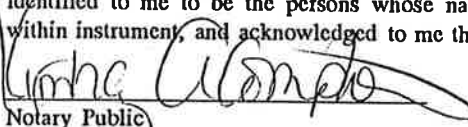

Neal W. Spencer


Christine Spencer

STATE OF IDAHO

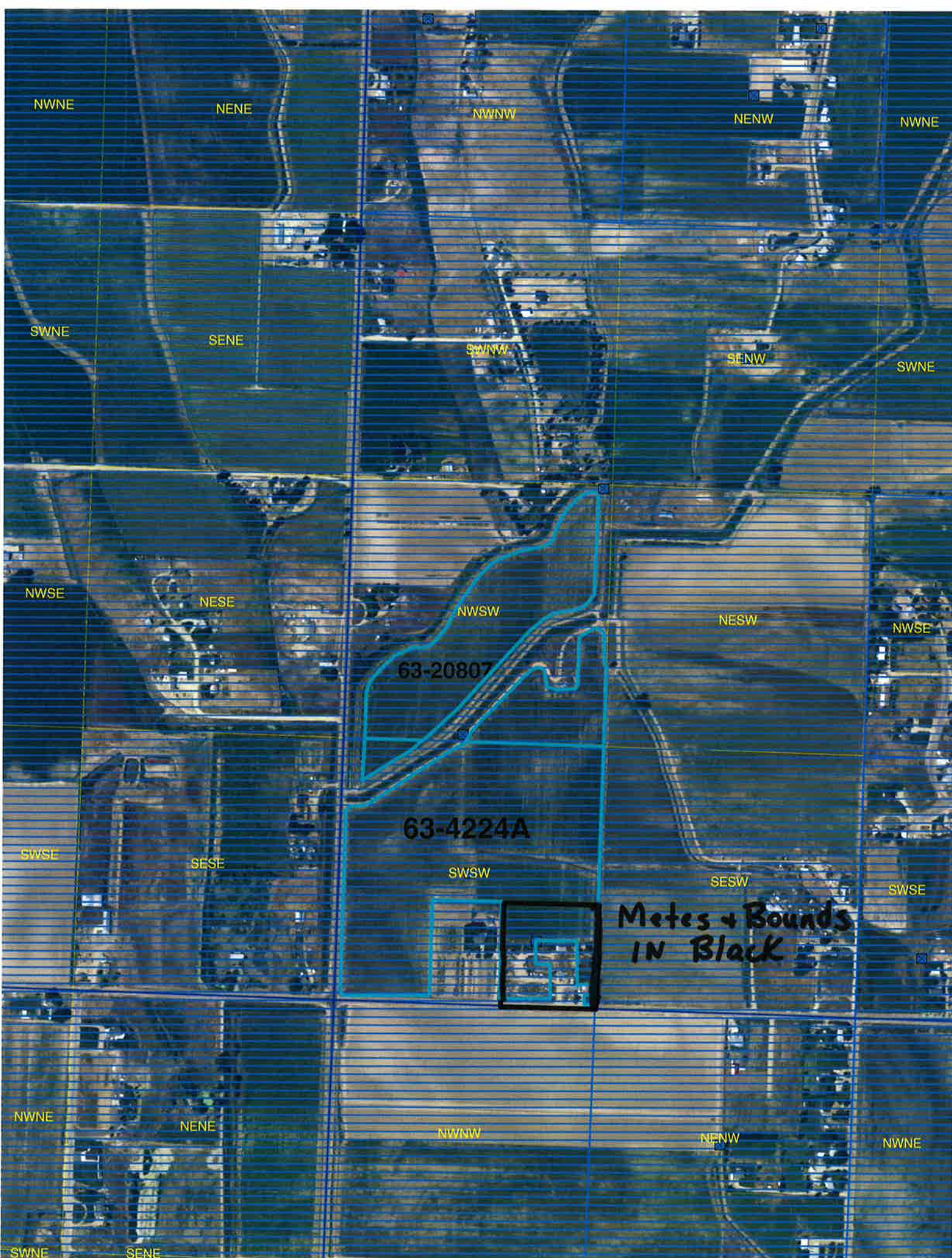
COUNTY OF CANYON

On this 21st day of January in the year 1992, before me, a Notary Public, personally appeared Neal W. Spencer and Christine Spencer known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public

Residing at Caldwell

My commission expires 1-27-93



63-20807

63-4224A

Metes & Bounds
IN Black



EXHIBIT "A"

A part of the Southwest Quarter of the Southwest Quarter, Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence
south $89^{\circ} 56' 11''$ West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
North $0^{\circ} 03' 49''$ West 522.83 feet; thence
North $89^{\circ} 56' 11''$ East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence
South $0^{\circ} 03' 49''$ East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

2286788.382

1396114.909

SWSW

5N

3W

Sec 25

116°

PC04473

9201429

WARRANTY DEED

FOR VALUE RECEIVED Donna C. Ward, a married woman as her sole and separate property

the Grantor, does hereby grant, bargain, sell and convey unto Neal W. Spencer and Christine Spencer, husband and wife

the Grantees, whose address is 12776 Purple Sage Rd., Caldwell, ID 83605

the following described premises, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she 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 1992 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

DATED: January 15, 1992

Donna C. Ward
Donna C. Ward

STATE OF IDAHO

COUNTY OF CANYON

On this 21st day of January in the year 1992, before me, a Notary Public, personally appeared Donna C. Ward known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Donna C. Ward
Notary Public
Residing at Caldwell
My commission expires 1-27-93

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 04473

EXHIBIT "A"

A part of the Southwest Quarter of the Southwest Quarter, Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said Southwest Quarter of the Southwest Quarter (West 1/16 corner); thence
south 89° 56' 11" West 485.48 feet along the South boundary of said Southwest Quarter of the Southwest Quarter; thence
North 0° 03' 49" West 522.83 feet; thence
North 89° 56' 11" East 485.48 feet to a point on the East boundary of said Southwest Quarter of the Southwest Quarter; thence
South 0° 03' 49" East 522.83 feet along said Easterly boundary to the POINT OF BEGINNING.

RECORDED

92 JUN 22 PM 3 54

NEW HERR
CANYON CNTY RECORDER
BY *U. Chas. J.*

PIONEER — CALDWELL

REQUEST

TYPE *Deed* fee *5.00*

92011429

16

ADDRESS SERVICE
REQUESTED

02 1A
0004310639
MAILED FROM ZIP CODE

RECEIVED
OCT 12 1966
WATER RESOURCES
WESTERN REGION

938412001 1A05 04 10/23/81
HASTING RETURN TO SENDER
HASTING MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

63-20807
4224A

2008 OCT 28 PM 12:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____		SUBCASE NOS:	63-03072A 63-03072B
		63-03081	63-03226 63-04224A
		63-04598	63-21846 63-30028

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

TUESDAY, NOVEMBER 25, 2008 at 02:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: OCTOBER 28, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

Page 1 10/28/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on OCTOBER 28, 2008, with sufficient first-class postage to the following:

KAREN A SALEEN
KAREN A. SALEEN
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

KAREN A SALEEN
KAREN A. SALEEN
Represented by:
CARL J WITHROE
950 W BANNOCK ST STE 520
BOISE, ID 83702
Phone: 208-331-1800

BLACK CANYON IRRIGATION DIST
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

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

LA VAR SPENCER
KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST
P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

JOHN MACDOWELL
MARSHA MACDOWELL
PO BOX 1270
CALDWELL, ID 83606
Phone: 208-722-7750

MAXINE YOUNG
PO BOX 252
MIDDLETON, ID 83644
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER
ROYAL CITY, WA 00000

GERALD J HENGgeler
RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

NEAL SPENCER
12776 PURPLE SAGE
MIDDLETON, ID 83644
DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BENJI YOUNG
KERRI YOUNG
24329 MIDDLETON RD
MIDDLETON, ID 83644
Phone: 208-585-6106

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

(Order Setting Status Conference)

(Certificate of mailing continued)

ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUL 02 PM 06:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
		SUBCASE NOS:	63-03081 ✓ 63-04224A ✓
		63-21846 ✓	63-30028 ✓

all vvm

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

TUESDAY, OCTOBER 28, 2008 at 10:00 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: JULY 02, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

Page 1 7/01/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JULY 02, 2008, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

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

LA VAR SPENCER

KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DUEANE SPENCER

ROYAL CITY, WA 00000

GERALD J HENGGELE

RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

NEAL SPENCER

12776 PURPLE SAGE
MIDDLETON, ID 83644

DONNA C WARD

13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN

SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS

2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS

4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGGELE

5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 02:38
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) NOTICE SETTING HEARING

)
)
) SUBCASE NOS: 63-03081 63-04224A
) 63-30028

Please be advised that Special Master THEODORE R BOOTH
has set for hearing the MOTION TO AMEND OPPOSITION TO WATER RIGHT.

THURSDAY, JUNE 19, 2008 at 04:45 PM (MT)

IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

Dated: MAY 23, 2008

/S/ DIANA R DELANEY

Deputy Clerk

Snake River Basin Adjudication

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

Page 1 5/22/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

USDI BUREAU OF RECLAMATION

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

LA VAR SPENCER
KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

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

DUEANE SPENCER
ROYAL CITY, WA 00000

DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 01:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-03081	63-04224A
		63-21846	63-30028

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

THURSDAY, JUNE 19, 2008 at 04:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008.

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

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

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

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

LA VAR SPENCER
KAYSVILLE, UT 00000

BLACK CANYON IRRIGATION DIST

P O BOX 226
NOTUS, ID 83653
Phone: 208-459-4141

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

DUEANE SPENCER
ROYAL CITY, WA 00000

GERALD J HENGGELE
RT 1 WHITLEY DR
FRUITLAND, ID 83619
Phone: 208-452-3374

DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-585-2713

BLAINE OVERMAN
SUZANNE OVERMAN
25454 FREEZE OUT RD
CALDWELL, ID 83605
Phone: 208-459-6016

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-3874

LARRY H LEMONS
4607 BERTS LN
FRUITLAND, ID 83619
Phone: 208-452-5037

ROBERT M HENGGELE
5144 ELMORE RD
FRUITLAND, ID 83619
Phone: 208-452-3201

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

In Re SRBA	)	A. Subcase <u>63-4224A</u>
	)	
Case No. 39576	)	MOTION TO AMEND OPPOSITION
	)	TO WATER RIGHT

Comes Now, Black Canyon Irrigation District ("BCID") by and through its attorneys of record McDevitt & Miller LLP, by Chas F. McDevitt, and moves to amend its opposition to Subcase No. 63-4224.

To amend Section 10 to read as follows:

"a remark should be added to the water right as follows"

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

Amend reasons supporting Objections as follows—deleting present "reasons" and add the following:

Remark will inform water users that water may not continue to be available.

Dated this 21 day of August, 2007.

McDevitt & Miller LLP


Chas F. McDevitt

CERTIFICATE OF MAILING

I certify that on August 21st, 2007, I mailed the original and copies of this Motion, 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:

Current Owner:

Current Owner:

Name: Donna C. Ward
Address: 13498 Purple Sage Road
Caldwell, ID 83605

Name: Bernetta Hastings
La Var Spencer
Dueane Spencer

Address: 2910 E. Victory Rd.
Meridian, ID 83642

Original Owner:

Name: Myrtle and Raymond Spencer
Address: Rt1
Caldwell, ID 83605

3. Copies to:

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

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

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

Heather Clark, Legal Asst.
McDEVITT & MILLER LLP

83-4066

August 22, 2007

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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED 

2007 AUG 21 AM 10 52

Please consider this letter as an official objection to the "Response of Objection" received at my address on August 20, 2007 (a copy is enclosed). Wilder Irrigation District has erroneously projected my claim on the basis of source. Section D box number 2 (Source) is checked and box number 10 the statement is made "This water should not exist." My claim to this water is based on the fact it is spring water much of it originating on my property which ultimately makes its way into the Fargo Wasteway. The Fargo Wasteway flows through the center of my farm. I am not making claim to wastewater. This spring water flows the year round and is not subject to the overflow of waste water which also utilizes the Fargo Wasteway during the irrigation season. I first made claim to this spring water in 1968-69 and have been using it ever since.

Thank you for your consideration.



Harold Duane Root
17481 Garnet Road
Wilder, Idaho 83676
(208) 337-4533

RECEIVED

JUN 07 2007

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)
) A. Subcase 63-4224A
)
Case No. 39576)
) STANDARD FORM 1
) OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: Black Canyon Irrigation District
Address: P.O. Box 226
Notus, ID 83656
Daytime Phone: 208-459-4141

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: Donna C. Ward

Address: 13498 Purple Sage Road
Caldwell, ID 83605

Name: Bernetta Hastings
La Var Spencer
Dueane Spencer

Address: 2910 E. Victory Rd.
Meridian, ID 83642

Original Owner:

Name: Myrtle and Raymond Spencer

Address: Rt1
Caldwell, ID 83605

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Black Canyon Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Black Canyon Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Black Canyon Irrigation District.

VERIFICATION

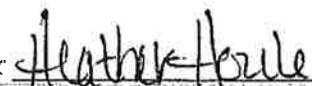
State of Idaho)
)ss
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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


Chas F. McDevitt
McDEVITT & MILLER LLP

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

Notary Public for 
Residing at: Boise, Idaho
My Commission Expires: 6/20/2012

CERTIFICATE OF MAILING

I certify that on June 10, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

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Current Owner:

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Address: 13498 Purple Sage Road
Caldwell, ID 83605

Name: Bernetta Hastings
La Var Spencer
Dueane Spencer

Address: 2910 E. Victory Rd.
Meridian, ID 83642

Original Owner:

Name: Myrtle and Raymond Spencer
Address: Rt1
Caldwell, ID 83605

3. Copies to:

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

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

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

Heather Herb, legal asst.
McDEVITT & MILLER LLP

09/19/2006

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

RIGHT NUMBER: 63-4224A

NAME AND ADDRESS: DUEANE SPENCER
ROYAL CITY WA

DONNA C WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605

BERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN ID 83642

LA VAR SPENCER
KAYSVILLE UT

SOURCE: EAST HARTLEY GULCH DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T05N R03W S25 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.700 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T05N R03W S25	NWSW	5.00	T05N R03W S25	SWSW	30.00
---------------	------	------	---------------	------	-------

35 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

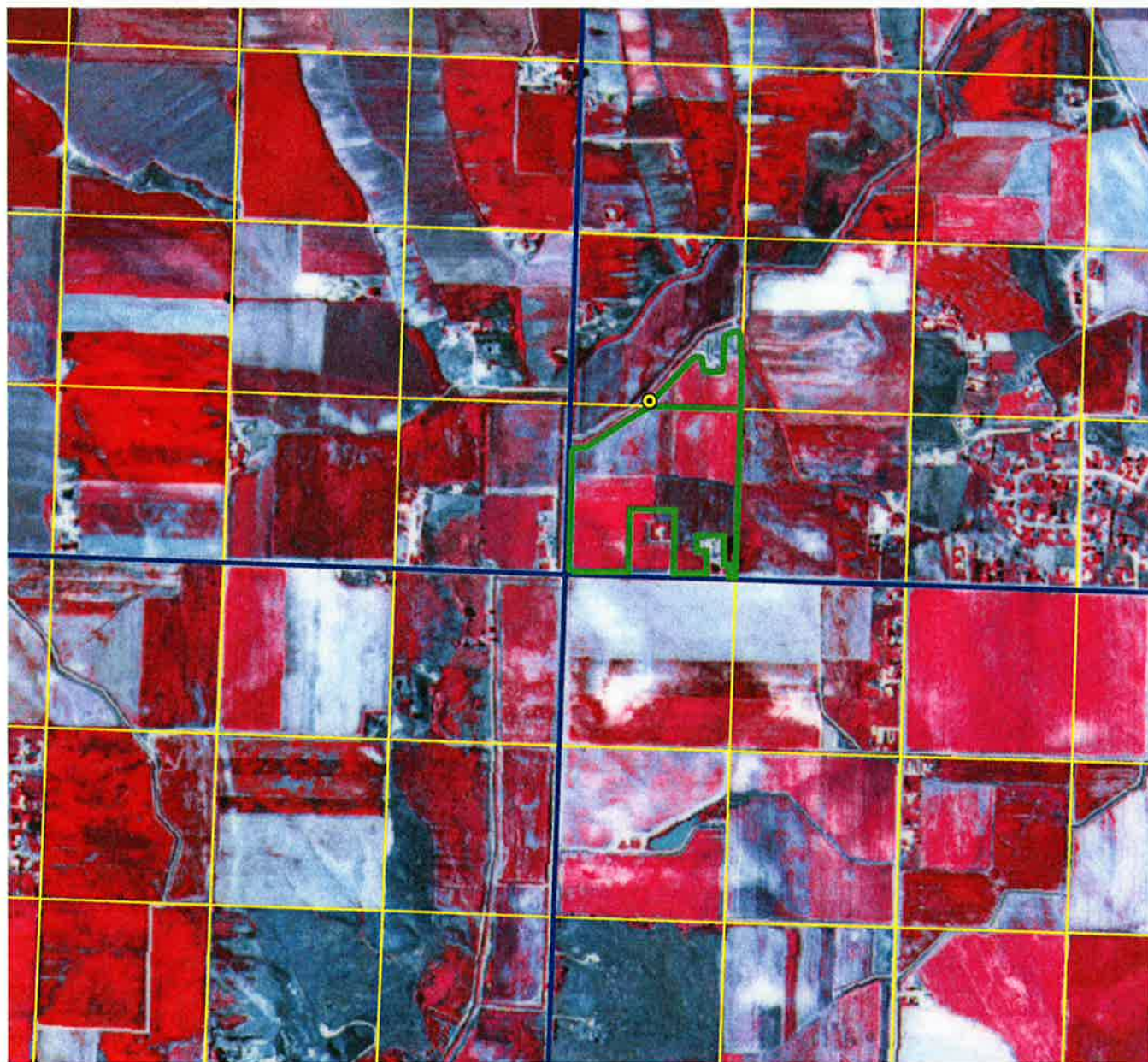
Use of this right is combined with water from Black Canyon Irrigation District.



Idaho Department of Water Resources

63-4224A

05N 03W S25



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 35.0

800 0 800 Feet



IDWR
Prepared by: Lori Graves
Date: 09-19-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4224A V1

WATER RIGHT NUMBER: 63-4224A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DUEANE SPENCER
Original Owner	ROYAL CITY, WA MYRTLE SPENCER RT 1 CALDWELL, ID 83605
Current Owner	DONNA C WARD 13498 PURPLE SAGE RD CALDWELL, ID 83605 (208)585-2713
Original Owner	RAYMOND SPENCER RT 1 CALDWELL, ID 83605
Current Owner	BERNETTA HASTINGS 2910 E VICTORY RD MERIDIAN, ID 83642 (208)888-3874
Current Owner	LA VAR SPENCER KAYSVILLE, UT

Priority Date: 06/01/1965

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST HARTLEY GULCH DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

EAST HARTLEY GULCH DRAIN	NW1/4SW1/4	Sec. 25, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03W	25									5.0		30.0						35.0

Total Acres: 35

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4224A V1

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. W14 Use of this right is combined with water from Black Canyon Irrigation District.

Remarks:Comments:

1. Igraves 9/18/2006 Parcel Nos.

Comment: Irrigation is within Parcel Nos. R3800500000 and R3800501100.

2. Igraves 9/18/2006 Flow Rate

Comment: A theoretical calculation was used to estimate the pump capacity at 1.42 cfs.

3. Igraves 9/18/2006 Current Owners

Comment: Current owners are Neal and Chris Spencer, who are related to the owners listed on the claim. They were notified 4/3/06 to file a change in ownership.

4. Igraves 9/18/2006 Priority

Comment: Donna Ward explained how the property was developed, which supports the priority date claimed (see file for conversation memo). The affidavit submitted primarily supports the priority date for associated right 63-20807 (same owner, separate source and acres).

5. Igraves 9/19/2006 Source

Comment: Source was clarified to East Hartley Gulch Drain based on the topo map.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Adjudication Claim Report 63-4224A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DUEANE SPENCER
Original Owner	ROYAL CITY, WA MYRTLE SPENCER RT 1 CALDWELL, ID 83605
Current Owner	DONNA C WARD 13498 PURPLE SAGE RD CALDWELL, ID 83605 (208)585-2713
Original Owner	RAYMOND SPENCER RT 1 CALDWELL, ID 83605
Current Owner	BERNETTA HASTINGS 2910 E VICTORY RD MERIDIAN, ID 83642 (208)888-3874
Current Owner	LA VAR SPENCER
	KAYSVILLE, UT

New Owners:
Neal & Chris Spencer
12776 Purple Sage Rd
Middletown ID 83644
585-2738

Tributary
BOISE 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	~~2.000~~ CFS	.70
	1			
	Total Diversion:		~~2.000~~ CFS	.70

EAST HARTLEY DRAIN ~~NW 1/4 SW 1/4~~ Sec. 25, Twp 05N, Rge 03W, B.M.
CANYON County *NW*

IRRIGATION

[illegible]

35

held: W14 BCID

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4224A

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 2/9/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 8, 2008

Neal and Chris Spencer
12776 Purple Sage Rd.
Middleton, ID 83644

Re Change of ownership for SRBA claim no. 63-4224A

Dear Neal and Chris,

This letter is in follow up to the initial hearing held in this subcase on June 19, 2008. That day, I told Neal that I would send a change of ownership form to you. Currently, this right is in the names of Donna War, Dueane Spencer, Vernetta Hastings and LaVar Spencer.

Please fill out the form, sent the deed that conveys the property and right to you, and sent it back to me in the envelope I enclosed. Please call me at 334-2190 if you have questions and thank you for your immediate attention to this matter.

Sincerely,


Vicky L. Music
Sr. Water Resource Agent

Enclosure: Change of ownership form

MEMORANDUM

TO: ADJUDICATION FILES 63-4224A and 63-20807

FROM: DANIEL A. NELSON

DATE: 9/11/06

SUBJECT: FIELD EXAMINATION

I performed a field exam on the above right on 8/29/2006. Although the same person owns both rights they are separate systems, so each needs to be discussed separately.

63-4224A

This right is generally a supplemental right to Black Canyon Irrigation District water. The water for this right is pumped from a drain in the NWSW into a gated pipe that travels in a southerly direction to irrigate the fields on the west side of the property. A ditch comes off of the gated pipe that travels to the east to irrigate the fields on the east side of the property. This is a very flat farm, so water can be run either direction in the ditches. The water from Black Canyon Irrigation District comes from a headgate on the road running along the southern boundary of the property and travels north into the same ditch system. The drain water can irrigate all of the ground south of the drain.

According to the owner, the pump broke a shaft at the end of last irrigation season. The pump did seem to have been broken and recently repaired. The pump is a portable type pump that goes on the back of a tractor. The owner has used two tractors, a 45 Hp and a 80 Hp tractor, but he generally can't run the 80 Hp tractor at full speed. It is very difficult to determine the flow rate of this system without the pump operating, but I did perform a theoretical based on the 45 Hp tractor. I calculated a flow rate of 1.42 cfs, which seems a bit high. However, I am convinced that this pump can provide the 0.02 cfs or inch per acre for the 35 acres under this claim. Therefore, I suggest that this claim be recommended as follows:

Source – East Hartley Gulch Drain in the NWSW S25 T5N R3W

0.70 cfs and 157.5 afa for irrigation from 3/1 to 11/15

5 acres in the NWSW and 30 Acres in the SWSW for a total of 35 acres

63-20807

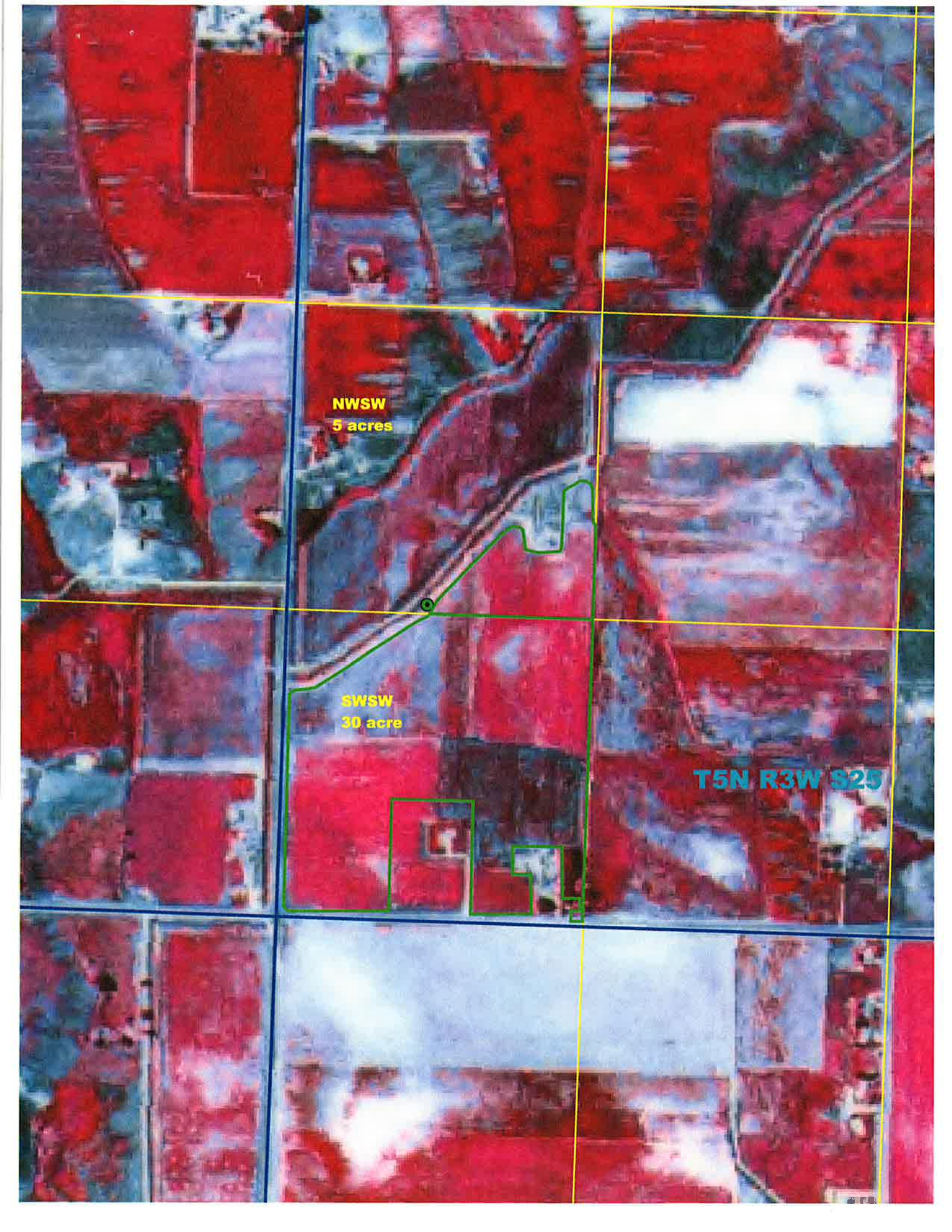
The water for this claim comes from an unnamed drain that diverts into the East Hartley Gulch Drain. The water gravity flows under a farm lane and is diverted by canvas dam into the irrigation ditch. Any water not diverted flows over and goes down to the drain. The irrigation ditch travels in a southwesterly direction and the entire ground is gravity irrigated.

I measured the water in the irrigation ditch at 0.73 cfs. There is only 13 acres being irrigated on this system, so the claim should be limited to the standard inch or 0.02 cfs per acre for a total of 0.26 cfs. I would suggest that this claim be recommended as follows:

Source – Unnamed Drain Tributary to the East Hartley Gulch Drain in the NWSW S25 T5N R3W

0.26 cfs and 58.5 afa for irrigation from 3/1 to 11/15

12 acres in the NWSW and 1 Acres in the SWSW for a total of 13 acres



NWSW
5 acres

SWSW
30 acre

T5N R3W S25



NWSW
5 acres

This is an aerial photograph of a rural landscape, likely in the United States, showing a grid of land sections. The sections are outlined in yellow. A specific parcel is highlighted with a blue outline. The parcel is located in the center-left of the image, spanning across two yellow section lines. The parcel is labeled 'NWSW 5 acres' and 'SWSW 30 acre'. The parcel is situated in a section that is mostly green, suggesting it is under cultivation. The surrounding areas are a mix of green fields and brown, possibly fallow or harvested, land. There are some buildings and structures visible in the surrounding areas, particularly in the top-left and bottom-right sections. The overall image is a high-resolution aerial photograph.

SWSW
30 acre

T5N R3W S25

GROUNDWATER THEORETICAL ANALYSIS

FILE: 63-4224A

DATE: 8-29-06

BY: Don Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$(8.8) \times (45) \times (0.70) = 277.2$
Q = _____ = 1.42 cfs

$[(10) + (80 \times 2.31)] = 194.8$

LIFT FROM:

Measurement ()

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: This pump is a portable pump that connects onto the PTO drive of a tractor. The owner uses a 45hp ~~and~~ and a 80hp tractor to operate the pump. The pump diverts into 6-inch aluminum gated pipe. ~~The~~ The only accurate measurement is the lift for this system. Therefore, I used the minimum of 45hp, and the maximum pressure for aluminum gated pipe of 80 psi. The diversion rate calculated is still more than the 0.70cfs allowed for the 35 acres at an inch per acre.

PIPE PROPERTIES
ALUMINUM PIPE USE MANNINGS $n = .011$

WALL THICKNESS	MAX WORKING PSI	SIZE	INSIDE DIAMETER	AREA	K_D
.050	150	4"	3.90	.083	.1007
.052	150	5"	4.896	.131	.0744
.051 (Gated)	100	6"	5.898	.190	.0581
.058	150		5.884	.189	.0583
.051 (Gated)	80	8"	7.898	.340	.0394
.064	100		7.872	.338	.0396
.072	110		7.856	.337	.0397
.094	150		7.812	.333	.0400
.051 (Gated)	60	10"	9.898	.534	.0292
.064	80		9.872	.532	.0293
.072	90		9.856	.530	.0294
.094	120		9.812	.525	.0295
.064 (Gated)	70	12"	11.872	.769	.0229
.072	80		11.856	.767	.0230
.094	100		11.812	.761	.0231

PVC GATED PIPE
USE HAZEN WILLIAMS $C = 150$

MAX WORKING PSI	SIZE	INSIDE DIAMETER	PIPE AREA
22	6	5.76	.181
22	8	7.76	.328
22	10	9.76	.520
22	12	11.76	.754

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/29/2006

FILE NUMBER 63-4224A



The photos above show the portable pump. The shaft had been broken last year, so it was not operational at the time of the exam.



The pictures above show the original culvert that the pump was in and point where the tractor set on the creek.



The photo to the left shows the point on the 6 inch gated pipe where the pump is connects into. There is currently a cap on the end of the pipe, because the owner is using canal water on this property.

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

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

1.) Pump information:

40 TO 50 inches

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>TRACTOR</i>	<i>80HP</i>		<i>PORMA</i>	<i>4" Discharge</i> <i>UNKNOWN</i>
		<i>1/5HP</i>			

2.) Lift (distance from pump to water) *10 FT*

3.) How was lift determined (well log, measurement, owner)? _____

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) _____

10-15 FT LIFT 5 PSI

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

6.) What type of measurement device was used? _____

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

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

6 Rows

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

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

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

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

13.) Please show where and how water from other sources are diverted into the irrigation system.

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

~~UN SUR~~

UN SUR & about pump

Have TO do Theoretical

DATE EXAM CONDUCTED 8-29-06

FIELD EXAMINER

Don Nelson



NWSW

T5N R3W S25

SWSW

WATER

FIELD EXAM MEMO

DATE: 7/26/2006

TO: Dan Nelson

FR: Lori Graves

RE: A63-4224A, 63-20807

63-4224A is diverted from East Hartley Drain for irrigation of acres south of the drain.
63-20807 is diverted from an unnamed drain (north of East Hartley drain) for irrigation of acres between the unnamed drain and East Hartley Drain (per the claim maps).

The claim files need the following:

1. Acres irrigated as of 1987
2. P/d locations and measurements
3. System diagrams

The claims indicate that water from Black Canyon Irrigation District is also used.

Contact for the exam is Neal Spencer at 585-2738. He and his wife Chris are the current owners.

Neal's cell #: 939-3035

CONVERSATION MEMO

Date: 4/3/2006

Agent: Lori Graves

With: Donna Ward

Subject: Beneficial Use

Claim Nos: 63-4224A, 63-20807

Donna stated she no longer owns the property, but is still financially involved. When she did own the property, water from BCID was primarily used. She stated that she and her husband purchased the property in 1965 and started using water from East Hartley Drain. Water from the unnamed drain had been used prior to their purchase.

Donna said that when she filed the claim, she was the owner and the others listed were only contacts. She also stated that Bernetta (Vernetta) had passed away.

RECEIVED

JUL 25 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63. 20807)
63-4224A)
State of Idaho)
County of _____)

AFFIDAVIT

deposes and says: _____

In 1949 Raymond Spencer and Neal
Spencer set up the water right #
63. 20807 to use the water out of
the ditch for crops at that time.

Neal still uses it to this day.

Also water right # 63.4224A was
set up with a portable pumps in
the ditch and Neal has used it
off & on from this date

Neal Spencer
(Signature)

Neal Spencer

I Know the Stamen is true
Dorma Ward



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2006

Neal & Chris Spencer
12776 Purple Sage Rd
Middleton ID 83644

RE: NOTICE OF CLAIM NOS: A63-4224A, A63-20807

Dear Property Owners:

We are currently preparing the Notices of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Enclosed is a computer printout of the claims for your reference. Our research indicates there may have been a change in the ownership for the above claims. Idaho Department of Water Resources (IDWR) records currently show the following names and addresses as the owners of the claims listed above:

**DONNA WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605**

**VERNETTA HASTINGS
2910 E VICTORY RD
MERIDIAN ID 83642**

**DUEANE SPENCER
LA VAR SPENCER**

The Idaho statutes require that (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change in ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise ID 83705. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address of the original claimant shown above. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Lori Graves

Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 3, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DONNA WARD
13498 PURPLE SAGE RD
CALDWELL ID 83605

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim Nos: A63-4224A & A63-20807

Dear Claimant,

In the past, you submitted the above referenced claims during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claims for your reference only, it is not necessary to return this print-out. It appears that you no longer own the property, however, because the department has not received a change in ownership for the claims, you are still listed as the current owner of record, which is why you are receiving this notice.

You indicated, when this claims were filed, that the water rights were based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claims have not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

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

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

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

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your pump(s) and acres irrigated needs to be identified on the attached aerial photo. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The required evidence supporting the priority dates requested and clearly marked aerial photo needs to be submitted by April 25, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claims A63-422A & A63-20807
Aerial Photo

Cc: Neal & Chris Spencer
12776 Purple Sage Rd
Middleton ID 83644

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that RAYMOND &/or MYRTLE SPENCER
(name of claimant)
of Rt. 1, Caldwell, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Boise River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) East Hartley Drain

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 2.0 Use Irrigation Period of Use: From April 1 To Oct. 31

Amount _____ Use _____ Period of Use: From _____ To _____

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm
or a/d)

(dom., irri.,
stock, etc.)

(both dates inclusive)

- (3) Total quantity of water claimed: 2.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1965

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

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

SW ¼ SW ¼, Sec. 25 Twp. 5 N Rge. 3 W. B. M. County of Canyon

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump with 8" discharge into gravity system.

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

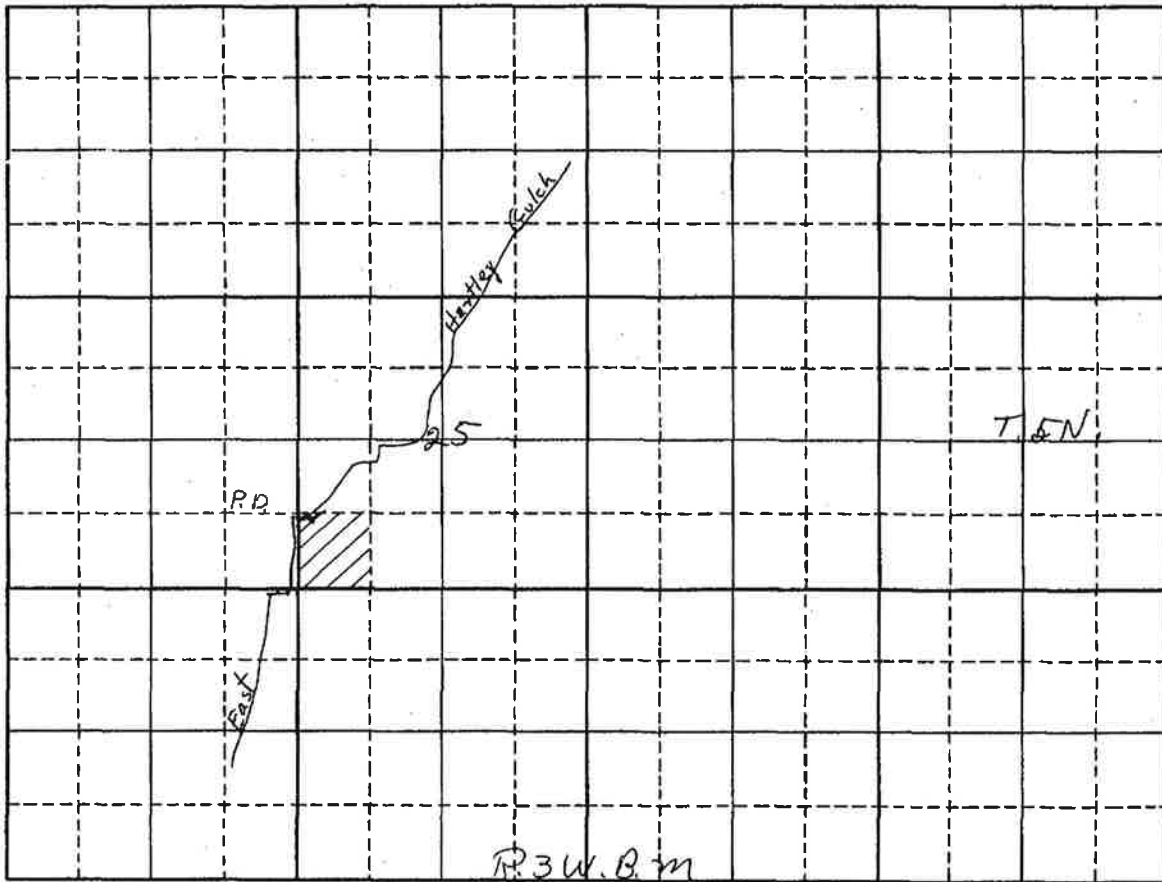
[illegible]

Total No. of acres 40

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

- (7) If you are claiming water as a member of an organization, list name of organization: No

- (8) Remarks Black Canyon Irrigation district supplies water to ranch. This is supplemental. This water has been used by prior agreement with irrigation district.



Scale: 2 Inches equal 1 mile.

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

State of Idaho

County of Ada ss.

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

Sworn to before me this 21st day of

Raymond Spurgeon
(Claimant)

June, 19 73
Deanna Feldt
Notary Public

Residing at Boise, Idaho

My commission expires June 15, 1977

For Department Use Only

Received by R.W.H. Date 6-21-73
Prelim. check by R.W.H. Date 6-21-73
\$10.00 fee received by R. Fleener Date 6-21-73
Approved for publication by
Published in News-Tribune, Caldwell, Id.
Dates 6-28 & 7-5, 1973

Exception filed by: _____ Date _____
claimant by: _____
Rest no 11121