

RECEIVED
APR 12 1995
WATER RESOURCES
WESTERN REGION

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: A63-04233C
Date Received: 3/20/1990
Receipt No: W011419
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DAVID H KISER 208-722-5525
Address: 30358 BOULDER RD
PARMA ID 83660
AND/OR
Name: ANITA M KISER 208-722-5525
Address: 30358 BOULDER RD
PARMA ID 83660

2. Date of Priority: MAR 15, 1933

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	13	SW	NE			CANYON

5. Description of diverting works:
PUMP FROM DITCH, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	13	SW	NE		IRR	7.0

SCANNED
APR 08 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
					Total Acres	7.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE
SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

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: _____

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):

David H. Kiser

Date:

April 10, 1995

Brita M. Kiser

Date:

April 10, 1995

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of April 19 95

Dana Callahan
Notary Public

Seal

Residing at Caldwell ID

My Commission Expires 2/24/1995

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: A63-04233C
Date Received: 3/20/1990
Receipt No: W011419
Received By: RW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID H. KISER 208-722-5525
Address: 30358 BOULDER RD.
PARMA, ID 83660

AND/OR

Name: ANITA M. KISER 208-722-5525
Address: 30358 BOULDER RD.
PARMA, ID 83660

2. Date of Priority: JUN 01, 1943

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	13	SW	NE			CANYON

5. Description of diverting works:
PUMP FROM DITCH, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		

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9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	13	SW	NE		IRR	7.0
						Section Acres	7.0
						Total Acres	7.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): David H. Kise Date: 3/20/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of March 19 90

Lori Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

RECEIVED

JUL 21 2008

DEPARTMENT OF
WATER RESOURCES

SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUL 18 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

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04233C

www.wmrk
Added V1

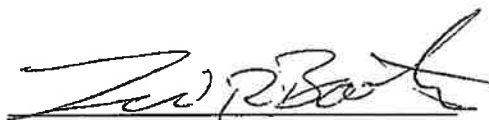
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On July 16, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

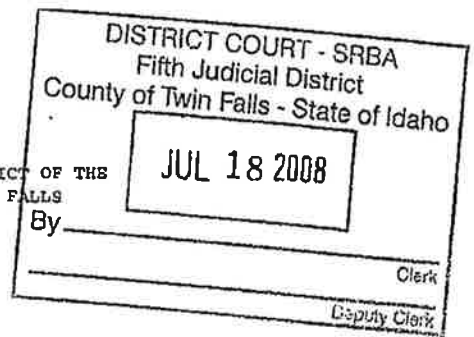
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-04233C be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 18, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication



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)

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

Case No. 39576)

Water Right 63-04233C

NAME AND ADDRESS:

ANITA M KISER
DAVID H KISER
30358 BOULDER RD
PARMA, ID 83660

SOURCE:

ALKALI DRAIN TRIBUTARY: SOUTH BOISE DRAIN

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

QUANTITY:

0.10 CFS

PRIORITY DATE:

03/15/1933

POINT OF DIVERSION:

T05N R06W S13 SWNE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
0.10 CFS

PLACE OF USE:

Irrigation Within Canyon County
T05N R06W S13 SWNE 4.8
4.8 Acres Total

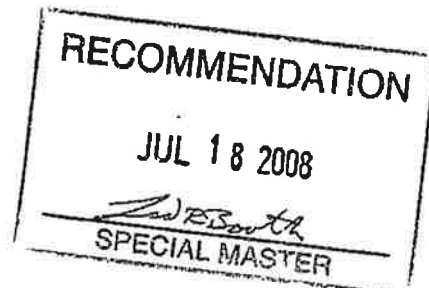
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

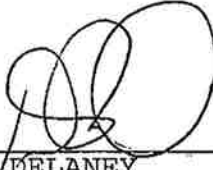
Water Right(s): 63-04233C

On July 18, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

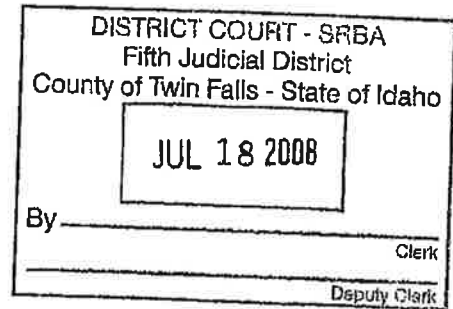
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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

DATED July 18, 2008.



DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04233C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 18, 2008, with sufficient first-class postage prepaid to the following:

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

RIVERSIDE IRRIGATION DISTRICT

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

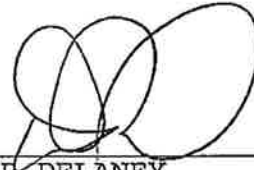
USDI BUREAU OF RECLAMATION

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

CERTIFICATE OF MAILING

PAGE 1
07/18/08

ANITA M KISER
DAVID H KISER
30358 BOULDER RD
PARMA, ID 83660
Phone: 208-722-5525

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

DIANA R DELANEY
Deputy Clerk

COPY

RECEIVED

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

JUL 17 2008

FILED _____ DEPARTMENT OF
WATER RESOURCES

In Re SRBA

2008 JUL 16 AM 10 33
SUBCASE: 63-04233C

STANDARD FORM 5

Case No. 39576

STIPULATED ELEMENTS OF A WATER
RIGHT

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

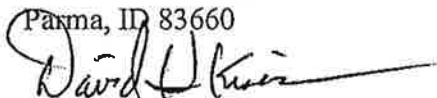
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

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

CLAIMANT:

David H. Kiser
30358 Boulder Rd.

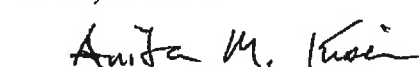
Parma, ID 83660


Date 6/11/08

CLAIMANT:

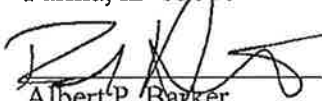
Anita Kiser
30358 Boulder Rd.

Parma, ID 83660


Date 6/11/08

OBJECTOR:

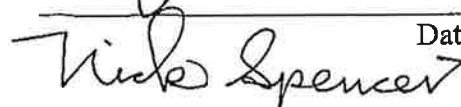
Riverside Irrigation District
P.O. Box 1080
Parma, ID 83660


Date 6/13/08

RESPONDENT: Bureau of Reclamation


Date 6/16/08

IDWR CONCURRENCE:


Date 7/10/08

Date 7-1-08

12/14/2006

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

RIGHT NUMBER: 63-4233C

NAME AND ADDRESS: DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

ANITA M KISER
30358 BOULDER LN
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

QUANTITY: 0.100 CFS

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

PRIORITY DATE: 03/15/1933

POINT OF

DIVERSION: T05N R06W S13 SWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.100 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T05N R06W S13 SWNE 4.80

4.8 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on July 14, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P. BARKER
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

ANITA. M KISER
30358 BOULDER LN.
PARMA, ID 83660

DAVID H. KISER
30358 BOULDER RD.
PARMA, ID 83660

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

RECEIVED

MAY 26 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:21
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: 63-04233A 63-04233B
		63-04233C 63-21454

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

THURSDAY, JUNE 19, 2008 at 10:15 AM (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

(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:

RIVERSIDE IRRIGATION DISTRICT

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

MONTEVIEW CANAL CO

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

USDI BUREAU OF RECLAMATION

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

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

KAREN MOSER
MATTHEW MOSER
30280 BOULDER RD
PARMA, ID 83660
Phone: 208-724-1616

ANITA M KISER
30358 BOULDER LN
PARMA, ID 83660
Phone: 208-722-5525

DAVID H KISER
30358 BOULDER RD
PARMA, ID 83660
Phone: 208-722-5525

CURTIS B LEWMAN
ZILLIAH L LEWMAN
30450 BOULDER RD
PARMA, ID 83660
Phone: 208-722-5772

JENNIFER G COGGINS
SCOTT A COGGINS
30546 BOULDER ROAD
PARMA, ID 83660
Phone: 208-697-4462

RECEIVED

JUN 19 2007

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 63-4233C

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District

Address: PO Box 1080

Parma, ID 83660

Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Anita Kiser

Address: 30358 Boulder Ln

Parma, ID 83660

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside 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 Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

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

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

(Signature of person filing objection)

Albert P. Barlet

(Attorney signing in representative capacity)

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



Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Anita Kiser
Address: 30358 Boulder Ln
Parma, ID 83660

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-4233C

NAME AND ADDRESS: DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

ANITA M KISER
30358 BOULDER LN
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

QUANTITY: 0.100 CFS

PRIORITY DATE: 03/15/1933

POINT OF

DIVERSION: T05N R06W S13 SWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.100 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13

SWNE

4.80

4.8 ACRES TOTAL

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

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

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

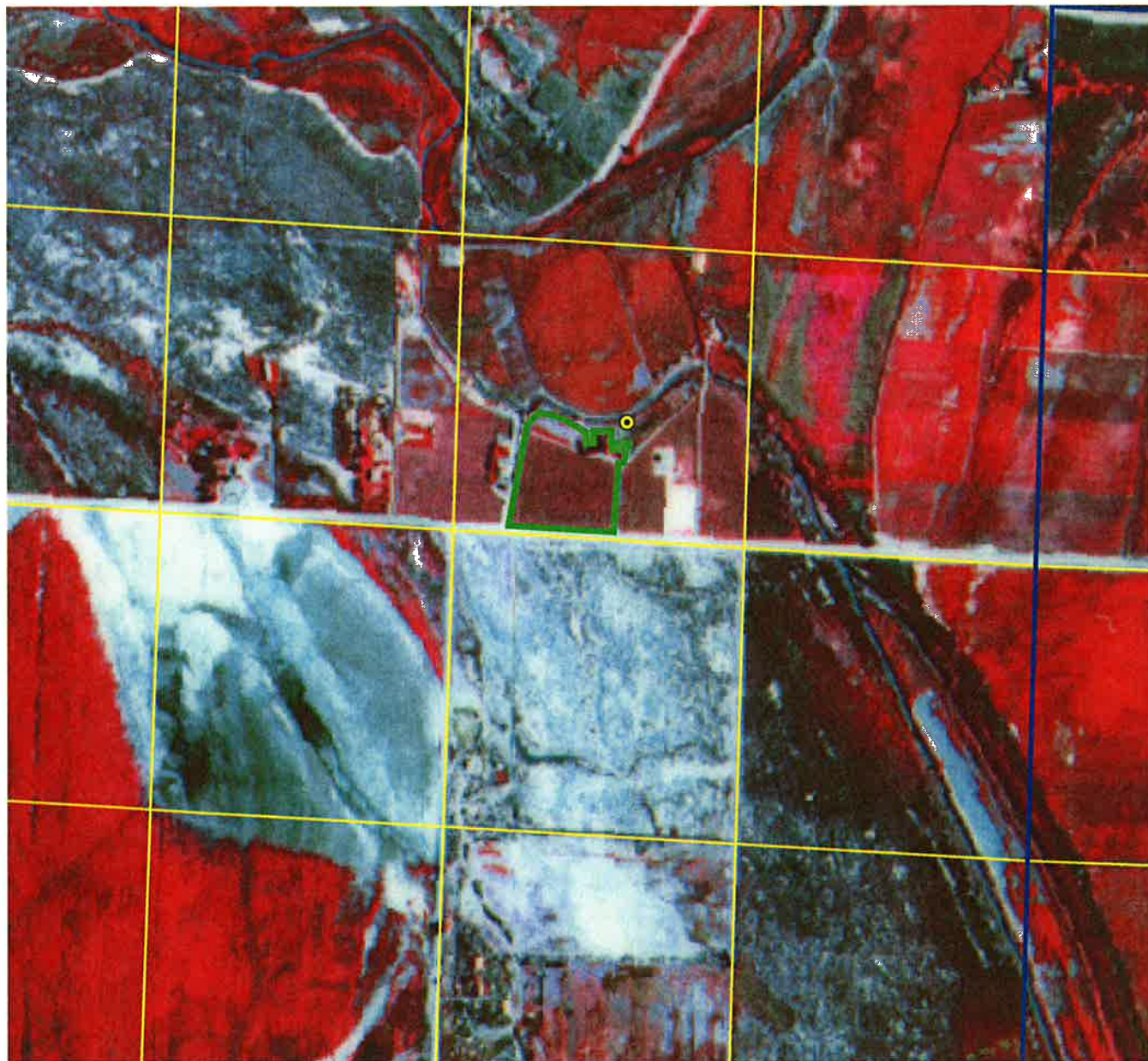
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

63-4233C

05N 06W Section 13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 4.8

300 0 300 Feet



IDWR
Prepared by: Lori Graves
Date: 09-05-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233C V1

WATER RIGHT NUMBER: 63-4233C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525

Priority Date: 03/15/1933

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
ALKALI DRAIN	SOUTH BOISE DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

ALKALI DRAIN	SW1/4NE1/4	Sec. 13, Twp 05N, Rge 06W, 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	06W	13			4.8														4.8

Total Acres: 4.8

Conditions of Approval:

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

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4233C V1

Comments:

1. Igraves 9/5/2006 Source/Tributary

Comment: Source and tributary have been clarified to Alkali Drain tributary to South Boise Drain per topo map.

2. Igraves 9/5/2006 Flow Rate

Comment: A theoretical calculation was used to estimate flow rate based on information provided by the right holder. The system appears capable of diverting .95 cfs.

3. Igraves 9/5/2006 Priority Date

Comment: The original priority date was amended in 1995 based on an affidavit submitted by Dale Harrold.

4. Igraves 9/5/2006 Parcel No.

Comment: Irrigation is within Parcel No. R3926102000.

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: AND

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:

David Kiser 722-5525

455-3305

owns 6.1 acres per
city

Per telecon w/ David
5/12/06 :- uses 3HP pump
w/ 8' lift

- irrigates yard w/
slough water

$$\begin{array}{rcl} 3\text{HP} \times 8.8 \times .7 & = & 18.48 = .95 \\ 8'\text{ lift} + 5\text{PSI} \times 2.31 & 19.55 & \text{cfs} \end{array}$$



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 4, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ANITA M KISER
DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

RE: Notice of Claim to a Water Right No. A63-04233C

Dear Mrs. and Mr. Kiser:

Enclosed please find an Amended Notice of Claim for the above-referenced claim. Item 2., the priority date, has been changed to March 15, 1933. This is the beginning of the irrigation season for the year stated by Mr. Harrold as his earliest memory of irrigation of your land by the drain. I have enclosed a copy of Mr. Harrold's affidavit. **In order for this change to your claim to be updated on our records, you must add your notarized signatures to the claim and return it to this office.**

I did some research on the issues that were discussed during my visit last week. I found that the downstream pond(s) have a water right for storage of 18 acre-feet of water, with a priority date of September 28, 1990. This allows for 18 acres of pond one foot deep, or 6 acres of pond 3 feet deep, or one acre 18 feet deep. The shape of the pond is not specified by the water right.

As far as the change in direction of flow in the slough area, no determination has been made as to the original direction of flow of water through that area to either drain. At this time IDWR would like to determine the valid water rights on both drains, and to move toward having sufficient water available to both drains.

A field exam is still necessary to measure your diversion system. Please contact me when you begin to irrigate this year to set up an appointment for a field exam.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: Claim A63-04233C (amended)

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

A63-04233)
)
)
)
State of Idaho)
County of _____)

Dale Harold being first duly sworn,
deposes and says: my first remember
water on this place in 1933
this water came from know name
Levin. this is the best of my KNOWLEDGE



Dale Harold
(Signature)

Subscribed and sworn to before me this
day 31st of MARCH, 1995.

Maria Minicucci
(Notary Public)

Residing at Borse, Idaho.

My Commission Expires 06/25/1999.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 24, 1995

[ANITA M KISER]
DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

[]

RE: Claim(s) to a Water Right filed in the Snake River Basin Adjudication

Claim Nos. A63-04233C

Dear Claimants:

The Department of Water Resources will be conducting claim verification field exams in your area beginning in March. An examination is needed to verify your water use in order to complete our report for the court's decree.

The field exams are conducted to gather information about your water right. This information may include the source of water, type of usage, amount of water used, number of acres irrigated, and the legal description of the point of diversion and/or place of use.

Please contact this office by March 10, 1995, in order to make an appointment at a time which is convenient for you. Although it is not mandatory that you accompany IDWR's examiner, it is helpful if someone familiar with the water delivery system is present during the exam. This will help insure that your water right is described accurately for the report to the court.

To make an appointment, or if you have any questions or concerns about the field exam, please contact me at your earliest convenience.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FEBRUARY 10, 1995

CECIL D. ANDRUS
GOVERNOR

Re: Claim No(s). A63-04233C

R. KEITH HIGGINSON
DIRECTOR

ANITA M KISER
DAVID H KISER
30358 BOULDER RD
PARMA ID 83660

Dear Claimant(s):

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

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

Please submit the required evidence supporting the priority date(s) by March 15, 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the toll-free number listed on the back page of the pamphlet or the Western Region office shown above.

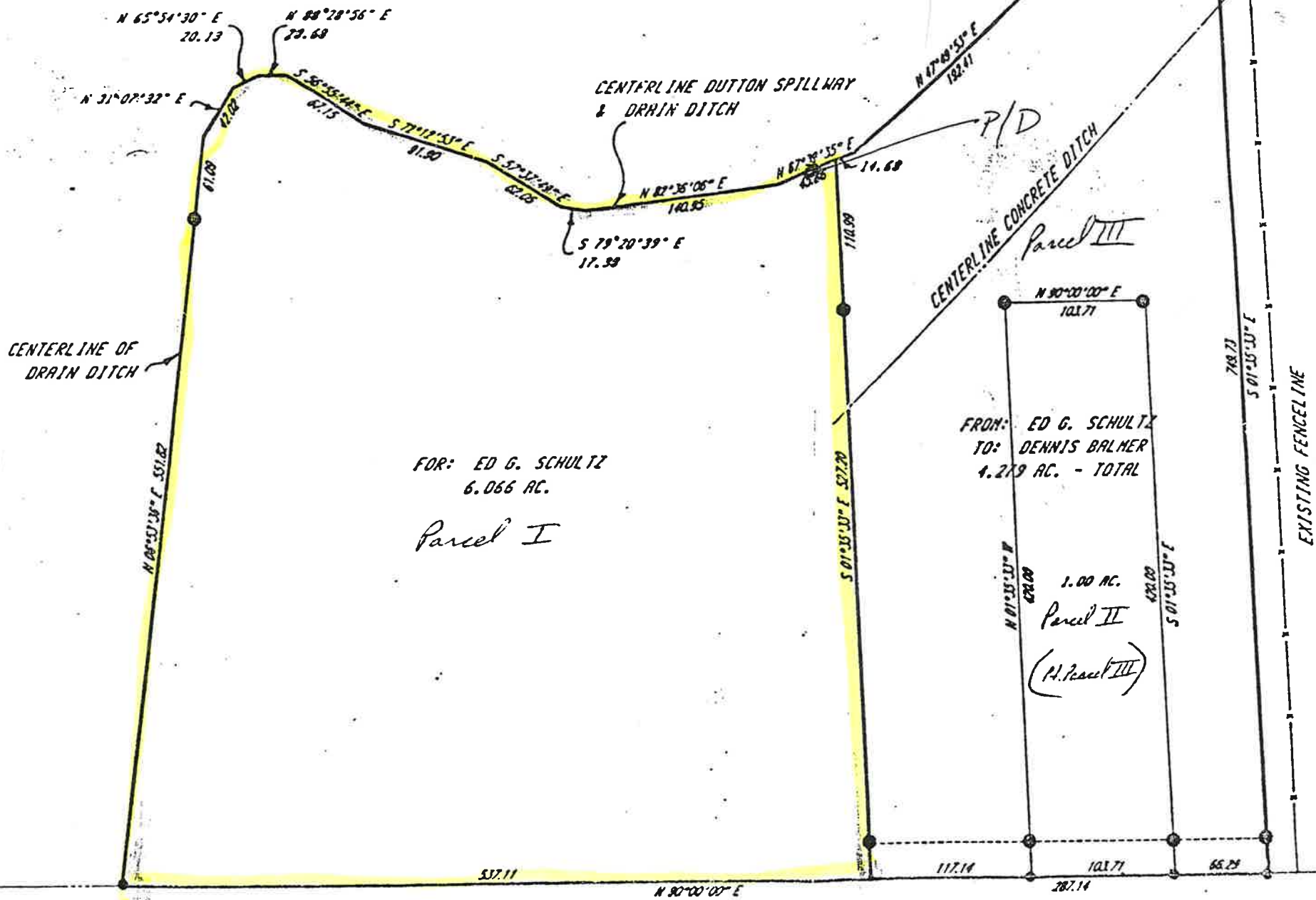
Adjudication Section
Department of Water Resources
Western Region Office

61-12197

MANT'S NAME: Roswell Duck Club &/or Nagy &/or Glaisyer DATE: 06/13/1995ITY: CanyonJOYEE: TT Minicucci

Mr. David Kiser called today about this application. Mr. Kiser irrigates land from the Alkali Draw, which is one of two draws off the wetlands area which is the subject of this application. The applicants had a meeting with all the property owners on May 23, 1995. Mr. Kiser was under the impression that he could protest this application, but the final date for protests was May 22, 1995. After speaking with allocations staff @ W. Region, I advised Mr. Kiser that he could write a letter of concern but that the letter would not be considered a formal protest. I suggested he contact the applicants to voice his concerns and to make sure that he was clear on their intentions (Mr. Kiser had received a letter from the applicants about the meeting on May 23). I also suggested that he call John Herman @ IDWR's state office if he had further questions about his options to possibly intervene on this application. Mr. Kiser has a neighbor downstream who has a license to store 18 AF - Mr. Kiser claims that the neighbor has stored so much water that his ^(Mr. Kiser's) pasture is flooded out. He does not want this situation to be compounded by another storage facility; he feels this ~~may~~ ^{could} occur if this application is approved.

This Map is attached solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any



MICROFILMED

AUG 20 1992

NE. 1/4,
B.N.

SE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4233C

WATER RIGHT NUMBER: 63-4233C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525

Priority Date: 03/15/1933

Basis: ~~Statutory Claim~~ *B/u*

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN <i>alkali drain</i>	BOISE RIVER <i>South Boise Drain</i>

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.140 CFS <i>.10</i>	
<u>Total Diversion:</u>		0.140 CFS <i>.10</i>	

Location of Point(s) of DiversionUNNAMED DRAIN
CANYON County

SW1/4NE1/4

Sec. 13, Twp 05N, Rge 06W, B.M.

Place of Use

IRRIGATION

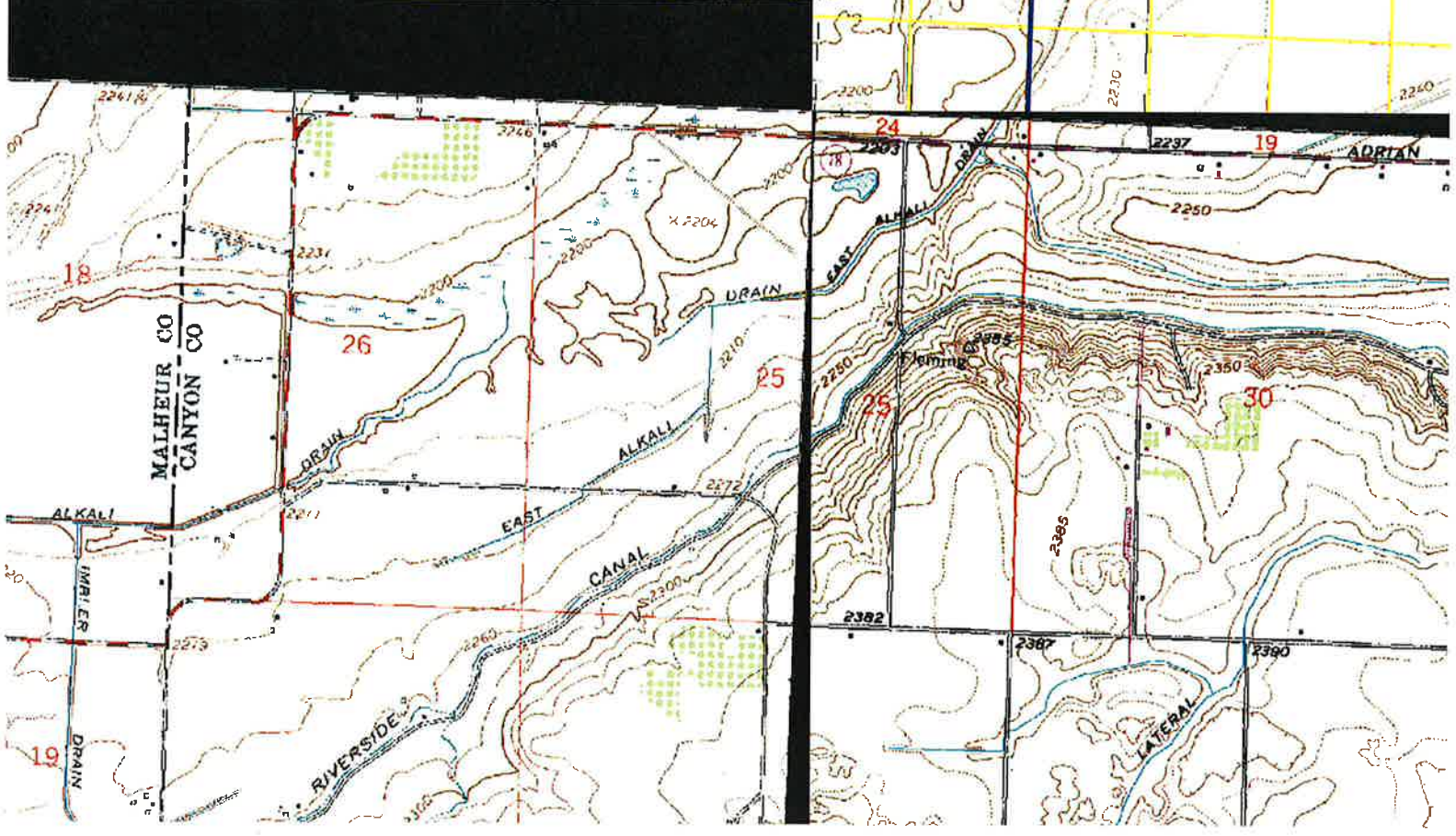
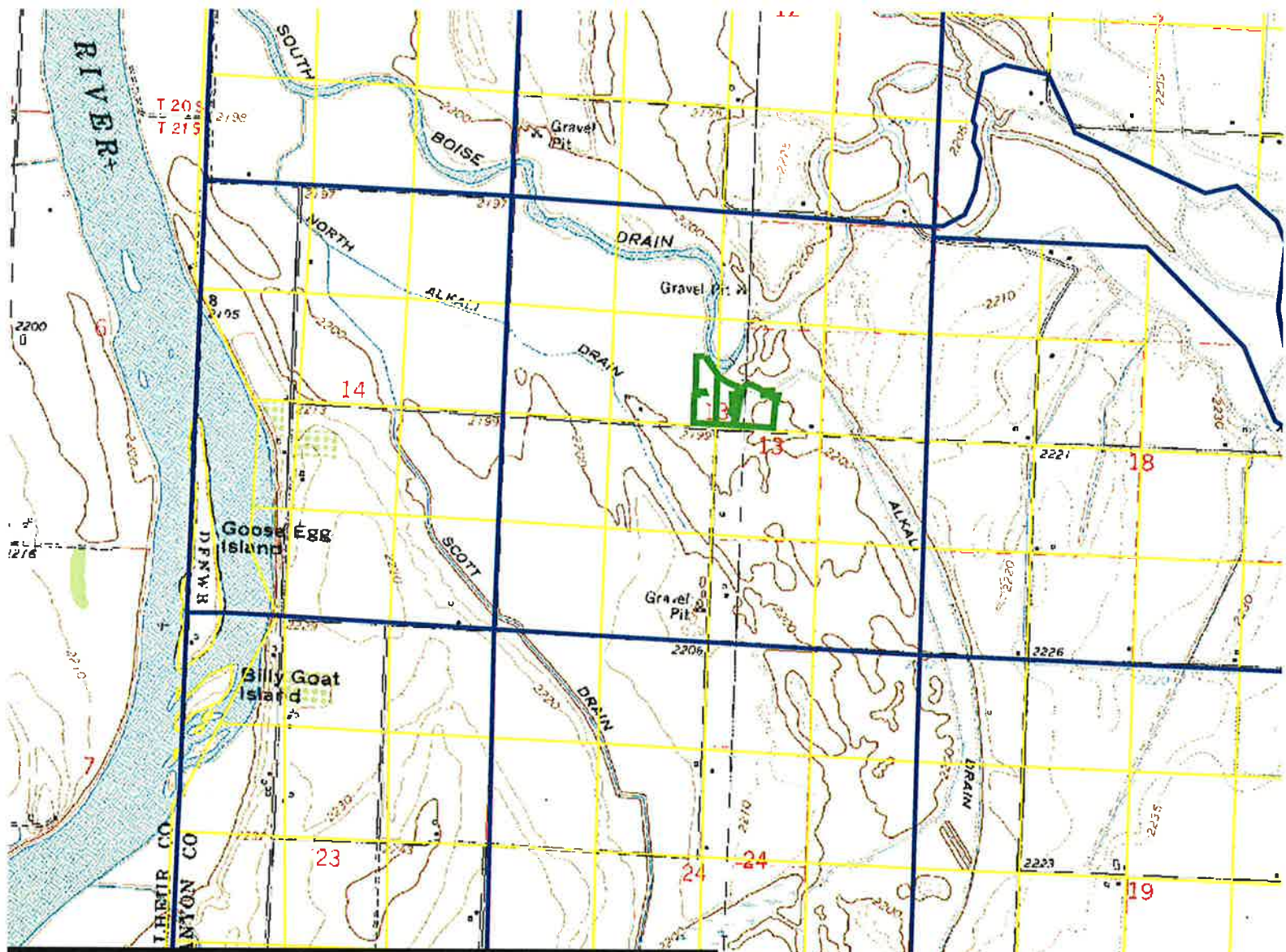
Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	06W	13	<i>7.0</i>	<i>4.8</i>			<i>4.8</i>
Total Acres:			<i>7</i>	<i>4.8</i>			<i>4.8</i>

Conditions of Approval:

- THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

Claim Received Date: 3/20/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 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:



IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63-04233)
_____)
_____))

AFFIDAVIT

State of Idaho)
County of _____)

Dale Harrold being first duly sworn,

deposes and says: my first remember
water on this place in 1933
this water came from know name
Levin. this is the best of my KNOWLEDGE



Dale Harrold
(Signature)

Subscribed and sworn to before me this
day 31st of MARCH, 1995.

Tha Hernandez
(Notary Public)

Residing at Borise, Idaho.

My Commission Expires 06/25/1999.

A. AJ CLAIM: # A63-04233A PRIORITY DATE: 03-15-1933 STAGE: J

B. WR RECORD: # 63-04233 PRIORITY DATE: 06-01-1943 STAGE: S

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

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

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

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

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

FIELD EXAM COMPLETED N/A(X) Y() N()

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

LICENSE ISSUED N/A(X) 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(X) 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(X) N()

NOTES: 08/11/1995: Life-long resident of area submitted affidavit. The dates
in the affidavit are to the best of his knowledge. Amended claim from claimant. mm

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY _____

DATE _____

ERNEST ANDERSON

ATTORNEY AT LAW
PARMA, IDAHO 83660

RECEIVED

August 30, 1973.

AUG 24 1973

Department of Water Administration

State of Idaho,
Department of Water Administration,
Boise, Idaho,

Dear Sirs:

Re: A water Permit:

I am familiar with the present law that in order to secure a water right for a tract of land, permit must be made, and proof be made that water has been applied to the land for which the permit has been issued for the required length of time, as by law required, and that the water applied has been applied to a beneficial use, however I am hoping to follow a line by which a water right is acquired by a long use of water for the land for which the water is sought.

Therefore, I am enclosing two affidavits, hoping that by the same a permit will issued.

The permit is to be issued to E. G. Schultz, the successor in interest, for a Water Right for 48 acres of land, from a drain ditch of the Riverside Irrigation District, Ltd., of Canyon County, in which there is large amount waste water flowing each day, and which water has been used continuously for about 30 years. There is plenty of water available at all times going to waste. The land irrigated is low lands requiring very little water—I might say,

Hoping that a permit be issued, conditional, if necessary, and subject to available water during the growing season.

There may be charge for this kind of a permit, and I am enclosing a check for \$10.00.

Appreciating your consideration, I am,

Very truly yours,

Ernest Anderson

Representing Mr. Schultz, the applicant

68 4288

PREVIOUS OWNER: GLEN BREACH

Identification No. _____
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ed. G. Schultz (Successor in interest of Glen R. Breach)
post office address Route 3, Parma, Idaho and John D. Lantz under Permit #19959

2. The point of diversion is in E 1/4 of NW 1/4 1/4 Section SW 1/4 NE 1/4 Township 64 N 48 E
Range West of - B.M. located on Drainage Ditch (name of source) section 13 rwp. 5 N
Range 6 West of B.M.

Water ditch from
Riverside Irrigation District in Canyon County.

3. Dates of priority claimed: Water has been applied to beneficial use for thirty years - 12 years by
Ed. Schultz, and 18 years by his predecessor in interest
based upon the earliest diversion of the water which has resulted in continued beneficial use since that time.
If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: From a Water Wheel more than 30 years ago
Ed. Schultz, the petitioner has used the water --- c.f.s. or five acre feet
for more than twelve years
Amount of Water Claimed 5 acre feet amount 48 acres c.f.s. or five acre feet
Total claimed --- c.f.s. or five acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed: Used for irrigation - About April 1st to November 1st, each year
use irrigation period of use from Water wheel used more than (both dates inclusive)
30 years ago, continuously each year
use Electric Pump period of use from last 12 years (both dates inclusive)
use --- period of use from --- to --- (both dates inclusive)
use --- period of use from --- to --- (both dates inclusive).

4. Description of diverting works: Used a five horse motor, now (electric motor and pump
a. Surface water diversion dam and/or headgate: material is composed of pump set in ditch
no box used; length is --- feet; height is --- feet;
width at bottom is --- feet; with at top is --- feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known
used regularly each year
No box used to back water up in the Drain Ditch
Water is pumper right out of ditch

b. Underground water diverting works: is well flowing or pumped surface water; depth of well is --- feet; diameter of well is --- inches; type of pump is No well
capacity of pump is --- g.p.m.; name and address of well driller is None
pump water right out of surface ditch

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain Motor replaced, and continued in repair
each year by Ed. G. Schultz-present Assignee

- c. Conveying works: length of ditch to place of use is three feet; width of ditch at top is three feet; width of bottom of ditch is same feet; depth of water is about 2 feet; grade of ditch per 1000 feet is feet; material through which ditch passes is Water from pump is thru a; maximum length of pipe line to first place of use is eight inch pipeline feet; diameter of pipe line is inches; type of pipe ; grade of pipe per 1000 feet is for a distance thru a 70 foot pipeline

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. No particular change

thirty-five acres irrigated from said pipeline part time, but most of the time 48 acres irrigated.

- d. If water is stored: name of reservoir No reservoir ;
total capacity of reservoir is none acre feet; active capacity of reservoir is no reservoir acre feet;
year construction commenced thirty years ago ; year completed _____ ; date first used 30 years ago
period of storage is from No storage to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain no resvoir

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 48

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

no particular change

Donald E. Lee - Witness
 Subscribed and sworn
 before me this 30th day of August, 1973
Ernest Anderson
 Notary Public for Idaho

AUG 24 1975

STATE OF IDAHO

Department of Water Administration DEPARTMENT OF WATER ADMINISTRATION

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 Ed. G. Schultz (Successor in interest of Glen E. Breach)

of §3. Parma, Idaho, and John D. Lantz under Permit 10059 (name of claimant)
§4 of SW4 of NW4 (mailing address) of Section 13, Twp 5 North, claims a right to the diversion and beneficial use of
ground water or surface water tributary to Five acre feet per each of the 48 acres

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Source: From Drainage Ditch of the Riverside Irrigation District, Ltd, of Canyon County, Idaho. as shown by the attached map.

5 acres feet per acre for each of the 48 acres shown on the attached drawing

Amount Use Period of Use: From To

Amount This water has been applied continuously, and so used for 30 years. Period of Use: From To

Amount Use Period of Use: From To

(cfs, gpm (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 240 acre feet feet per second, or 5 acre feet for each of the 48 acres. acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use). For last thirty years
Water Wheel used for 18 years, and thereafter electric pump for 12 years
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. Water used for irrigation of land described

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
At three points as shown by the enclosed drawing
1/4 1/4 Sec. Twp. Rge. B. M. County of

Additional points of diversion: Shown on the enclosed drawing

- 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.

Five horse Power electric motor.

- (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

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

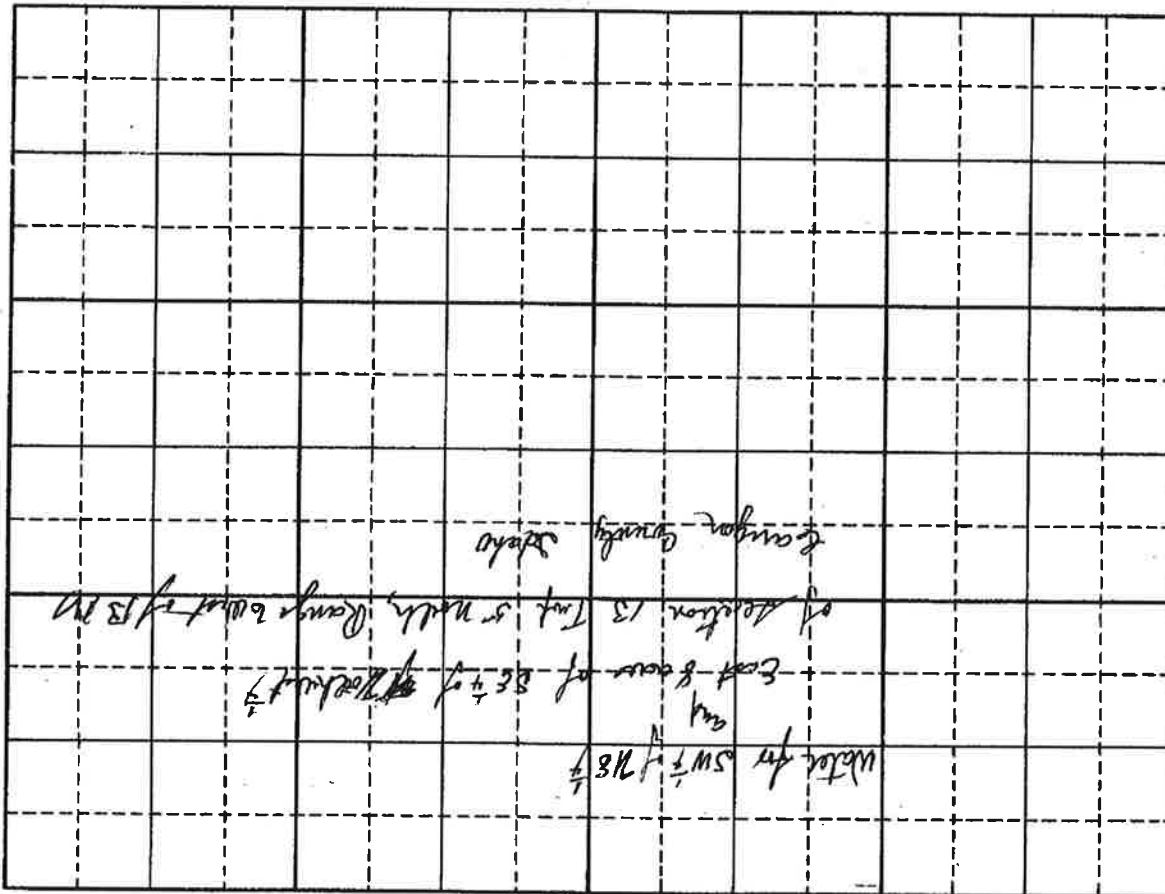
for irrigation only

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

As an individual only.

(8) Remarks

1233



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.

such a drawing enclosed

State of Idaho

ss.

County of Canyon

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

Curtis Balie Newman
Ed. D. Schell
(Claimant)

Sworn to before me this 30th day of August

19 73

Ernest Anderson

Notary Public

Residing at

Parma Idaho

My commission expires

Dist # 11599

For Department Use Only

Received by

Date 8-24-73

Exception filed by:

Forwarded to

Date

Prelim. check by CCB

Date 8-24-73

claimant by:

\$10.00 fee received by

Date 8-24-73

Approved for publication by Sept 9-18-73

Published in Parma News

Dates Sept. 6 & 13, 1973

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

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-04233COwner: David H. Kiser Phone No. 208-722-5525Current Address: 30358 Boulder Rd Parma Id 83660

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

Accompanied by: David Kiser**PRIORITY DATE**

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

Priority date, per claimant, is: June 01, 1943

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

Dutton Spillway / South Boise Drain

Source: unnamed Drain Tributary to Boise River

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SW	NE		13	05N	06W	Canyon	

Description of diverting works

- Pump FROM unnamed drain & Gravity Flow

OVERLAP REVIEW

Other water rights with the same point of diversion:

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

WATER USES

- ☐ No change
☐ Different Uses

Use IRRIGATION From 03/15 To 11/15 Amount 0.140 CFS AFAUse From To Amount CFS AFAUse From To Amount CFS AFA**TOTAL VOLUME – Groundwater only**

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

NON-IRRIGATION USES:

- ☐ No change
☒ Changes Exam found: Domestic # of homes Stock # 30 sheep + horses
Types Additional comments:

PLACE OF USE:

- ☒ No Change
☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	13			7.0														7.0

Overlap with other water rights: None

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

Delivery System Narrative: A 3 HP Baldor Motor + Parma Water Lifter Pump setting on a 4" CORRUGATED metal stand pipe. with a 4" INlet and a 6" OUTlet

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
	Baldor	3.0	F109975	Parma Water Lifter	6" OUTLET.

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No water being pumped at this time.

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 11-02-05

FIELD EXAMINER: Ken Bentley

FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \times 7.0 = 31.5 \text{ AF/Y}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.140 \times 260 = 36.4 \times 1.9835 = 72.1994}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{31.50 \text{ AF/Y.}}$$

2. Volume Calculations for Other Uses:

PIC#1 Cement ditch with Gravity Flow IRRIGATION (TUBES)



David H Kiser
#63-042332
GPS 2258609
USR 1401175

11-02-05



PIC#2 Pump(3HSP) Baldor motor



PIC#3 Cement ditch with INlet From pump

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT David Kiser

PHONE NUMBER 722-5525 ADJ. AGENT TI Minicucci

DATE SET FOR EXAM 03/31/1995 2:00 pm

LOCATION/DIRECTIONS Thru Parma on RT 95. Turn S toward Roswell
(signed). 1st cross road turn RT (West) on Hexon. Cross Boise R.
Just after turn ^{turn} left onto Roswell Rd. Next cross street is
Boulder. Rt on Boulder is 1.5 miles. Cross Rd @ 1.0 mile

Diverting at full rates? _____ #30358 on power pole. N. Side of Rd

Type of measuring devices? None

Places to make measurements? _____

Type of System? (pipelines, ditches) Pump in ditch to tubes

How many laterals are used? _____

Length and size of mainline? _____

Size of motor used for each P/D? Unknown

Estimate of depth to water? _____

Pressure at well? N/A

Pressure at sprinkler heads? N/A

COMMENTS _____

