

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 63-4233B
Date Received: 2/16/1990
Receipt No: M005929
Received By:

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

1. Name of Claimant(s)

SCOTT A. COGGINS Phone: (208)697-4462
30546 BOULDER ROAD
PARMA ID USA 83660

JENNIFER G. COGGINS Phone: (208)697-4462
30546 BOULDER ROAD
PARMA ID USA 83660

2. Date of Priority: 03/15/1933

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

4. Point of Diversion:

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

5. Description of diverting works:

5 HP. PUMP IN DRAIN DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.24	

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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SCANNED
APR 08 2008

05N	06W	13	SE	NW	IRRIGATION	8
					Section Acres	8
					Total Acres	8

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

SPIT RIGHT SEE A63-04233A FILED FOR .8 CFS.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE SUPPORTED BY MR. HARROLD'S
AFFIDAVIT. 04/04/1995 MM.
OWNERSHIP CHANGED 12/27/1995 BY MM.

CHANGE IN OWNERSHIP LCG -7-24-2006 REVIEWED BY LG

15. Basis of Claim: Beneficial Use

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: **A63-04233B**
Date Received: 2/16/1990
Receipt No: M005929
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ANITA M KISER
Address: 30358 BOULDER LANE
PARMA ID

83660

208-722-5525

AND/OR

Name: DAVID H KISER
Address: 30358 BOULDER LANE
PARMA ID

83660

208-722-5525

2. Date of Priority: MAR 15, 1933

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

4. Point of Diversion:

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

5. Description of diverting works:
5 HP. PUMP IN DRAIN DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		

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

8. Total consumptive use is 28.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	13	SE	NW		IRR	8.0
Section Acres							8.0
Total Acres							8.0

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:

SPIT RIGHT SEE A63-04233A FILED FOR .8 CFS.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE
SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.
OWNERSHIP CHANGED 12/27/1995 BY MM.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

MAY 25 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: A63-04233B

Date Received: 2/16/1990

Receipt No: M005929

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DANIEL D CHANEY 208-722-5387
Address: RT 3 BOX 3141
PARMA ID 83660

AND/OR

Name: KATHRYN L CHANEY 208-722-5387
Address: RT 3 BOX 3141
PARMA ID 83660

2. Date of Priority: MAR 15, 1933

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

4. Point of Diversion:

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

5. Description of diverting works:
5 HP. PUMP IN DRAIN DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		

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

8. Total consumptive use is 28.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	06W	13	SE NW		IRR	8.0

Section Acres 8.0

Total Acres	8.0
-------------	-----

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:

SPIT RIGHT SEE A63-04233A FILED FOR .8 CFS.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE
SUPPORTED BY MR. HARROLD'S AFFIDAVIT. 04/04/1995 MM.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ~~X~~ 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): Kathy Chaney Date: 5-18-95
Date: _____

State of Idaho)

County of)

SS.

Kathy Chaney
Subscribed and sworn (or affirmed) before me this 18th day

of May 19 95

Seal

Robbie H. Bus
Notary Public

Residing at

Anna ID

My Commission Expires

8-9-97

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: A63-04233B
Date Received: 2/16/1990
Receipt No: MOX 5929
Received By: g pe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL D. CHANEY
Address: RT. 3 BOX 3141
PARMA, ID 208-722-5387
83660-00

AND/OR

Name: KATHRYN L. CHANEY
Address: RT. 3 BOX 3141
PARMA, ID 208-722-5387
83660-00

2. Date of Priority: JUN 01, 1943

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

4. Point of Diversion:

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

5. Description of diverting works:
5 HP. PUMP IN DRAIN DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		

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

8. Total consumptive use is 28.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04233B

Page 1

Date: 02/16/90

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	06W	13	SE NW		IRR	8.0
Section Acres						8.0
Total Acres						8.0

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:
SPIT RIGHT SEE A63-04233A FILED FOR .8 CFS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Daniel D. Chaney Date: 2/16/90

Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of Feb 19 90

Seal

John P. Parker
Notary Public

Residing at Boise Id
My Commission Expires 4/12/94

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-4233B				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify 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 usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former
Owner/Claimant(s)

ANITA +/or DAVID KISER
30358 BOULDER LN PARMA

4. New Owner/Claimant(s)

Scott A Coggins +/or Jennifer G Coggins

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

30546 Boulder ROAD

City, State and ZIP Code

Parma, ID 83660

New Telephone Number

(208) 697-4462

5. Date you acquired the property

MAY 17, 2006

OK

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) 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 (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

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

For Office Use Only			
Received by <u>lg</u>	Date _____	Fee _____	
Received by _____	Date _____	Receipt No. _____	
Processed by <u>lg</u> AJ	Date <u>7-24-06</u>	WR _____	Date _____
<u>reviewed by A. Graves</u>			

Return To:

HOME FEDERAL BANK
P.O. BOX 190
NAMPA, ID 83653-0190

Prepared By:

[Space Above This Line For Recording Data]

DEED OF TRUST

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated May 17, 2006 together with all Riders to this document.

(B) "Borrower" is JENNIFER G COGGINS and SCOTT A COGGINS, wife and husband

Borrower is the trustor under this Security Instrument.

(C) "Lender" is HOME FEDERAL BANK

Lender is a SAVINGS BANK

organized and existing under the laws of THE STATE OF IDAHO

IDAHO-Single Family-Fannie Mae/Freddle Mac UNIFORM INSTRUMENT

Form 3013 1/01

VMP -6 (ID) (0005).01

Page 1 of 15

Initials

VMP MORTGAGE FORMS - (800)521-7291

to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(Q) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the

COUNTY

of

CANYON

:

[Type of Recording Jurisdiction]

[Name of Recording Jurisdiction]

See attached Exhibit "A".

Parcel ID Number: R392620100
30546 BOULDER RD
PARMA
("Property Address"):

which currently has the address of
[Street]
[City], Idaho 83660 [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S.

File No.: 200604457

EXHIBIT A

A parcel of land in the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section 13, Township 5 North, Range 6 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at a point on the South boundary of the said Southeast Quarter of the Northwest Quarter, which point is 1,056 feet East of the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence

East along the South boundary of said Southeast Quarter of the Northwest Quarter and Southwest Quarter of the Northeast Quarter a distance of 290 feet; thence

North and parallel with the West boundary of the said Southwest Quarter of the Northeast Quarter a distance of 700 feet, more or less, to the centerline of the Dutton Spillway drain ditch; thence

Northwesterly along the centerline of said Dutton Spillway and drain ditch to the North boundary line of said Southeast Quarter of the Northwest Quarter; thence due

West along the North boundary line of the said Southeast Quarter of the Northwest Quarter a distance of 100 feet, more or less, to a point on the North boundary of said Southeast Quarter of the Northwest Quarter, which point is 1,056 feet East of the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence

South on a line parallel with the West boundary line of said Southeast Quarter of the Northwest Quarter a distance of 1,320 feet, more or less, to the POINT OF BEGINNING.





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

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

DEC 13 1995

DATE OF CLOSING: 12/11/95

LEGAL DESCRIPTION OF PROPERTY: Township 5 N Range 6 W BM Department of Water Resources
 Section 13, SE 1/4 of NW 1/4 of Gov. Lot & SW 1/4 of NE 1/4
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

DEC 13 1995

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A63 04233B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Daniel D. Chaney and Kathy L. Chaney
31156 Marker Road, Parma, ID 83660
- ☐ New Owner/Claimant (Purchaser): David H. Kiser and Anita M. Kiser
- ☐ New Mailing Address: 30358 Boulder Lane, Parma, ID 83660
- ☐ New Telephone Number: (208) 722 - 5525
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

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

- ☐ Signature of New Owner/Claimant(s) David H. Kiser Date 12-11-95
Anita M. Kiser Date 12-11-95
- ☐ Signature of Former Owner/Claimant(s): Daniel D. Chaney Date 12-11-95
Kathy L. Chaney Date 12-11-95

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/27/1995 By: TTT

Further Action Needed:

Further Action Taken

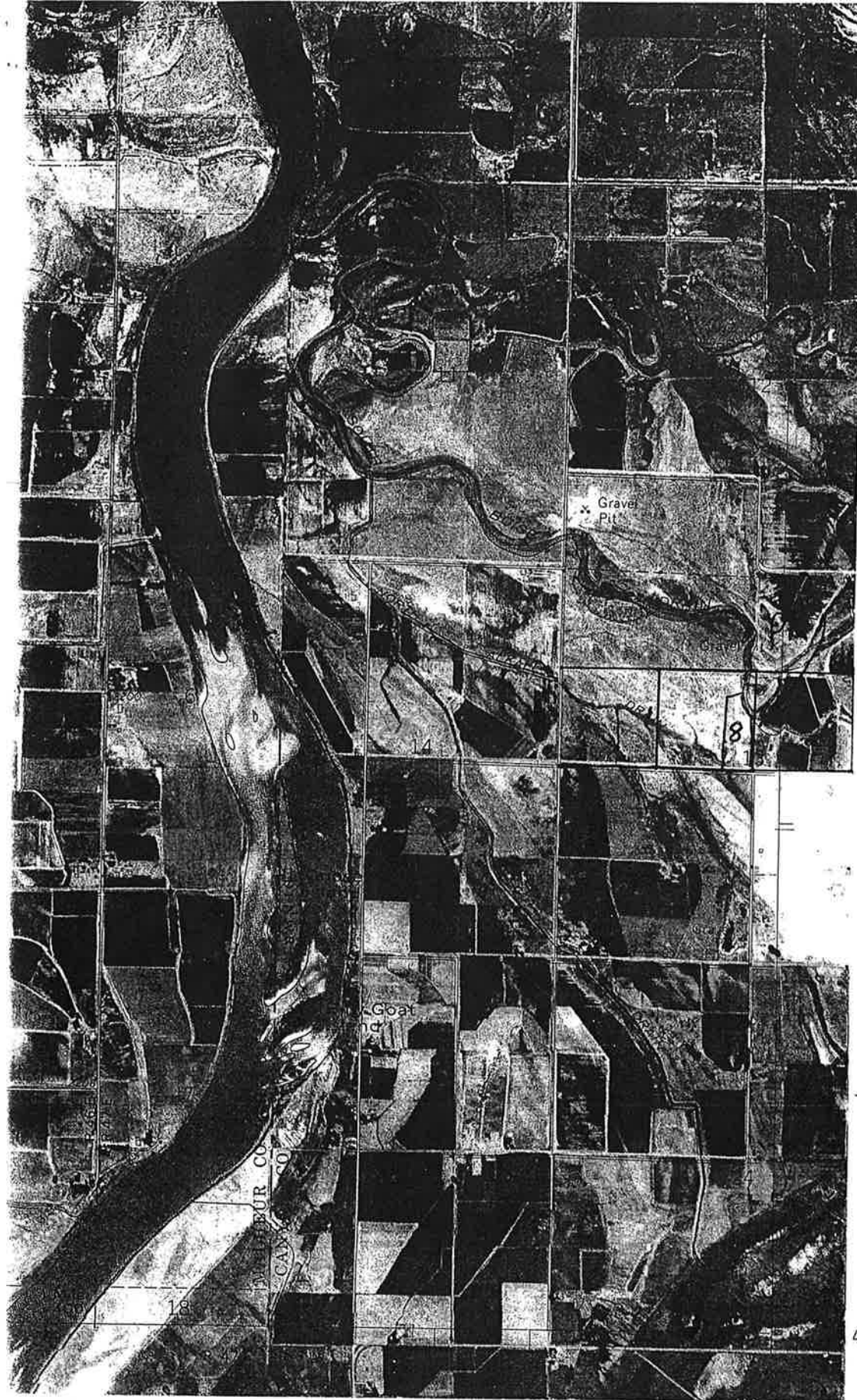
Date: _____ By: _____

Final Review and Data-Entry

Date: 12/27/1995 By: TTT

Claim Numbers of Split, if any:

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



770 000 FEET
(IDAHO)

48 45000m.N.

43°45'

160 000 FEET (IDAHO)

499000m.E.

117°00'

R6W

MICROFILMED

AUG 20 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/16/90 08:25:37
Page 1

Water Right Number - A63-04233A

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/01/1943 14 J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
NORTH ALKALI DRAIN SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)
05N 06W 13 SE SW NW (27) CANYON

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

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 10.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05N 06W 13 SE NW 3.0 01 IRRIGATION (27) CANYON

Total Acres: 3.0

+ - - Diversion Means - 5 HP ELECTRIC PUMP WITH FLOOD IRR.

+ - - Non-Irrigation Use - S/ 10 HD. SHEEP

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THE SOURCE WAS ORIGINALLY KNOWN AS UNNAMED DITCH.
SPLIT RIGHT
SHEEP DRINK FROM THE DITCH.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields -

MICROFILMED
AUG 20 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/16/90 08:25:37
Page 2

Water right number - A63-04233A

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/11/1985	Old Judicial District	-
Claim Received Date	- 02/08/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M005786	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR		

MICROFILMED

AUG 20 1992

MICROFILMED
AUG 20 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

02/16/90 08:13:01
Page 2

Water right number - 63-04233

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/11/85

05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 02/11/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
AUG 20 1992

06/04/2010

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

RIGHT NUMBER: 63-4233B

NAME AND ADDRESS: JENNIFER G. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

The source includes waste water. All waste water 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.

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/15/1933

POINT OF DIVERSION:

T05N R06W S13 SWNE 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	0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13 SENW 4.70

4.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 63-4233A is also diverted through point of diversion described above.

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Jan Stunte 6-4-10
IDWR Agent Date Nicholas Spencer
Deputy Attorney General Date

SF5 Right No. 63-4233B

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

RIGHT NUMBER: 63-4233B

NAME AND ADDRESS: ~~SCOTT A. COGGINS~~
~~30546 BOULDER ROAD~~
~~PARMA ID 83660~~

JENNIFER G. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

The source includes waste water. All waste water 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.

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/15/1933

POINT OF DIVERSION:

T05N R06W S13 SWNE 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	0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13 SENW 4.70

4.7 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

Right No. 63-4233A is also diverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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
PO 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

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

JENNIFER G COGGINS
SCOTT A COGGINS

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

Signature of person or attorney mailing the form

DATABASE CORRECTED TO
SHOW ONLY JENNIFER COGGINS

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

CERTIFICATE OF DEATH

Date Filed **MARCH 02, 2009**

State File No. **2009-01447**

DECEDENT - LEGAL NAME SCOTT ALLAN COGGINS			
SEX MALE	SOCIAL SECURITY NUMBER 558-15-9575	AGE 50 YEARS	DATE OF BIRTH MAY 24, 1958
BIRTHPLACE ATLANTA, GEORGIA		PLACE OF RESIDENCE PARMA, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) JENNIFER BICKHAM	
FATHER - NAME PORTER COGGINS		BIRTHPLACE TEXAS	
MOTHER - MAIDEN NAME GENEVIEVE HANSEN		BIRTHPLACE ILLINOIS	
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE VALDEN CHRISTENSEN	
NAME AND ADDRESS OF FUNERAL FACILITY DAKAN FUNERAL CHAPEL, CALDWELL, IDAHO			
DATE OF DEATH FEB. 20, 2009	TIME OF DEATH 7:52 A.M.	CITY/TOWN OR LOCATION OF DEATH CALDWELL, IDAHO	COUNTY OF DEATH CANYON
CAUSE OF DEATH (underlying cause last) ACUTE MYOCARDIAL INFARCTION			Approximate Interval Between Onset and Death IMMEDIATE
DUE TO (or as a consequence of): a. _____ b. _____ c. _____ d. _____ e. _____			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			
MANNER OF DEATH NATURAL		NAME OF CERTIFIER VICKI DEGEUS-MORRIS	TITLE CORONER
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
DATE OF INJURY			
TIME OF INJURY			
PLACE OF INJURY			
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

MARCH 03, 2009

DATE ISSUED:

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR



STATUS CONFERENCE NOTES:

RIGHT NO. 5-N-10

DATE: 63-4233B-COGGINS

Dana will be sending in a death certificate
for Mr. Coggins & with that & the SF5
being routed with the correct wastewater
remark, all should be OK to go.

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

RIGHT NUMBER: 63-4233B

NAME AND ADDRESS: SCOTT A. COGGINS
30546 BOULDER ROAD
PARMA ID 83660JENNIFER G. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

The source includes waste water. All waste water 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.

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/15/1933

POINT OF DIVERSION:

T05N R06W S13 SWNE 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	0.090 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T05N R06W S13 SENW 4.70

4.7 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

Right No. 63-4233A is also diverted through point of diversion described above.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4233B

DATE: 9-22-09

COGGINS - Dana Hoytetter
Paul Arrington - Riverside
BOR - Respondents

Coggins OK with SF5 & have signed
& will send it on.

BOR needs to look at it.

OK w/ Arrington & Coggins & BOR.

(Scott Coggins) passed away - SM

Booth will change the SRBA Court

Records to the Estate of Scott

A. Coggins, to make it clear why

there is only one signature on the

SF5. Question - if the Court changes

it do I need to also? I believe the

decree will be issued in Jennifer

Coggins & Estate of Scott Coggins.

Dana will get back to the Court at

the end of the week. SF5 is on the way

to Riverside - BOR. Trial vacated.

She explains that:

the extent to which diversion of this particular right actually relies on waste water is unknown. Yet the wording of the first sentence suggests that at least a portion of this right relies on waste water as a source. I think deletion of the words "of this water right" removes this issue for me while retaining the finding that wastewater is present in this source.

It seems to me, that if "the source contains waste water" or if "the source of the water right contains waste water," you get to the same result. Either way, there is waste water in the source where the water right is diverted.

What are your thoughts on this?

Thanks,

Paul L. Arrington

Barker Rosholt & Simpson LLP

113 Main Avenue West, Suite 303

Twin Falls, Idaho 83301

(208) 733-0700 - telephone

(208) 404-9436 - mobile

(208) 735-2444 - facsimile

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

Shurte, Jan

From: Ridgeway, Renea
Sent: Thursday, July 30, 2009 10:00 AM
To: Hofstetter Law Office
Cc: Spencer, Nick; Shurte, Jan
Subject: 63-4233B

Hi Dana,

Is the following language what you and Paul have agreed on for the above referenced subcase? Is there anything else at issue? Please let me know before I ask our water agent to draft the recommendation for this case. I do know that Paul has agreed to the language below. Thank you!

The source includes waste water. All waste water 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.

Renea

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

7/31/2009

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

RIGHT NUMBER: 63-4233B

NAME AND ADDRESS: SCOTT A. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

JENNIFER G. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

The source of this water right includes waste water. All waste water 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.

QUANTITY: 0.090 CFS

PRIORITY DATE: 03/15/1933

POINT OF DIVERSION:

T05N R06W S13 SWNE 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	0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13 SENW 4.70

4.7 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

Right No. 63-4233A is also diverted through point of diversion described above.

Shurte, Jan

From: Shurte, Jan
Sent: Friday, June 19, 2009 9:15 AM
To: 'Hofstetter Law Office'; Ridgeway, Renea
Cc: Paul Arrington; Spencer, Nick
Subject: RE: FW: 63-4233B

Here is what I found in looking in the file. We sent the SF5 to our State Office on 5-28-09. I do not know where it went from there - no letter in the scanned mail on it. In talking with Paul Arrington this morning we put the same language on it, so Lori will be emailing over a new copy and we will just start over again. Jan

-----Original Message-----

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Thursday, June 18, 2009 3:53 PM
To: Ridgeway, Renea
Cc: Paul Arrington; Spencer, Nick; Shurte, Jan
Subject: Re: FW: 63-4233B

I am confused - the client said that she received an SF5. Paul, did your office send it? If so, please provide me a copy. Thank you.

Dana

Ridgeway, Renea wrote:

> My notes reflect that the parties involved were still negotiating
> language. Can you please provide the agreed upon language to Jan
> Shurte at the Western Regional Office and she can draft up the
> recommendation accordingly. Once I receive that from her I will
> circulate it along with the cover sheet. Thanks!

>
>
>

> Renea Ridgeway
> Paralegal
> Office of the Attorney General
> Natural Resources Division
> Idaho Department of Water Resources
> (208) 287-4814 office
> (208) 287-6700 fax

>

> -----Original Message-----

> From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
> Sent: Thursday, June 18, 2009 2:59 PM
> To: Ridgeway, Renea
> Cc: Paul Arrington; Spencer, Nick
> Subject: 63-4233B

>

> Renae:

>

> I can't locate the SF5 for this right. My client (Coggins) received a
> copy though. Did you send me a copy too? If not, could you e-mail me
> a

>

> copy to facilitate review and signature?

>

> Thank you,
> Dana

>

> P.S. Please forward this to Ray if this is one of his subcases.

>

>

>

Harris, Lori

From: Shurte, Jan
Sent: Thursday, May 28, 2009 9:00 AM
To: Harris, Lori
Subject: FW: Basin 63 stuff

From: Ridgeway, Renea
Sent: Thursday, May 28, 2009 8:54 AM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: FW: Basin 63 stuff

I received the e-mail below from Paul Arrington this morning. I left another voice mail message with the Redmon's yesterday and there's not much else I can do other than to continue to bother them. As for his # 2 and #3 requests if you can get me those recommendations (providing you're good with the proposed language), I will circulate. Thanks!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Thursday, May 28, 2009 8:48 AM
To: Ridgeway, Renea
Subject: Basin 63 stuff

Renea:

1. Any word on the Redmon SF5's? Are we going to be forced to wait FOREVER to get those back as well?
2. Please prepare an SF5 for 63-4233B (Coggins) using the following remark (it's a little different than the Janiceck language):

The source of this water right includes waste water. All waste water 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.

3. For 63-21616 (Obendorf), we have agreed to the same language, but there are other objections. We will have to submit a stipulation or something for that right.

Paul L. Arrington
Barker Rosholt & Simpson LLP

5/28/2009

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4233B

DATE: 3-31-09

Scheduling Conf. - Dana Hofstetter
District - normal w/o obj. Atty.

Paul A. states that he & Dana has
come up with some language that
Dana may be able to talk to clients.

Claimant has objected that no remark
should be included at all.

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
Case No. 39576) FOR SCHEDULING CONFERENCE
_____) SUBCASE NOS: 63-04233B 63-04594
63-10217

The Scheduling Conference for this subcase will be
held as follows:

TUESDAY, MARCH 31, 2009 at 10:00 AM (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.

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 12/09/08

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

IT IS SO ORDERED.

Dated: DECEMBER 09, 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 FOR SCHEDULING CONFERENCE was mailed on DECEMBER 09, 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

DEBBIE DELANEY
JENNIFER G COGGINS
L DEAN GOODNER
REBECCA LYNN GOODNER
SCOTT A COGGINS
TERRY TIDWELL

Represented by:

DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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

2008 SEP 23 PM 12:08
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: 63-04233B 63-04594
		63-10217

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

TUESDAY, DECEMBER 09, 2008 at 10:00 AM (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: SEPTEMBER 23, 2008

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

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

Page 1 9/23/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 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

DEBBIE DELANEY
JENNIFER G COGGINS
L DEAN GOODNER
REBECCA LYNN GOODNER
SCOTT A COGGINS
TERRY TIDWELL

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

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

RECEIVED

SEP 02 2008

DEPARTMENT OF
WATER RESOURCES

Scott and Jennifer Coggins

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

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

In Re SRBA

Case No. 39576

)
)
)
)

Subcase No. 63-4233B

**MOTION TO FILE LATE
OBJECTION**

MOTION

Scott and Jennifer Coggins, by and through their counsel of record, Dana Hofstetter of Hofstetter Law Office, LLC, hereby move, pursuant to I.R.C.P. Rule 55(c) and SRBA Administrative Order 1, for leave to file a late Objection to Water Right No. 63-4233B. This Motion is supported by the Memorandum below, the proposed Objection attached hereto as Exhibit A and the record.

MEMORANDUM

Water Right No. 63-4233B was recommended in the SRBA to the Movants with the following "Other Provision" language:

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.

The Riverside Irrigation District filed an Objection in this subcase asserting *inter alia* "The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District." Riverside also stated that, "Proposed waste water remark does not sufficiently protect original appropriator."

As a result of Riverside's Objection, the Movants became aware of the potentially dire consequences if the "Other Provision" language is interpreted to mean that the source of Water Right No. 63-4233B is wholly waste water. Accordingly, the Movants are respectfully filing this Motion to ensure that this matter is appropriately addressed.

GOOD CAUSE EXISTS TO GRANT
LEAVE TO FILE A LATE OBJECTION

The decision to allow a late objection to be filed in the SRBA, is based on the good cause standard of I.R.C.P. 55(c). The Rule 55(c) standard requires good cause and a meritorious defense. *McFarland v. Curtis*, 123 Idaho 931, 935, 854 P.2d 274, 278 (Ct. App. 1993). The Rule 55(c) standard for setting aside entry of default is less stringent than the Rule 60(b) standard for setting aside default judgment. *Id.* at 935-36, 854 P.2d at 278-79. This approach is consistent with the policy that cases generally should be decided on their merits and that in an earlier stage of where there has been no judgment, a liberal approach is appropriate. *Id.* at 936, 854 P.2d at 279. The Rule 55(c) standard has been described as requiring the movant to show "some excuse for failure to answer, that a meritorious defense exists, and the policy of deciding cases on the merits should be recognized." *Id.*

This Motion is consistent with these authorities. This subcase is at a relatively early stage where other than an Initial Hearing no other judicial proceedings have yet occurred. Movants did not realize the full potential impact on their water right of the "Other Provision" language until after Riverside filed its Objection. The Director's Report Recommendation for their water right listed "Alkali Drain" as the source and the Riverside Objection made it apparent that the "Other Provision" language could be

interpreted and applied to deem the source of their water right wholly Riverside waste water and subject to Riverside's exclusive control. This Court recently has addressed similar "Other Provision" language and a similar Objection in another subcase. *See Memorandum Decision and Order on Motion for Summary Judgment*, SRBA Subcase No. 63-27475 (May 2, 2008).

Consistent with Rule 55(c), the policy in favor of deciding cases on the merits and the purpose of the SRBA to establish the nature and extent of water rights, this Motion to File Late Objection should be granted.

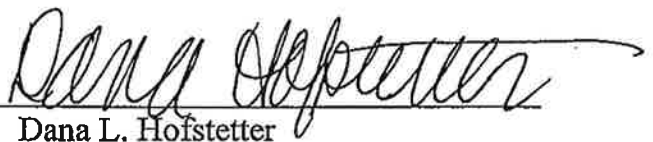
CONCLUSION

For the reasons stated above, this Motion to File Late Objection should be granted.

RESPECTFULLY SUBMITTED this 29th day of August, 2008.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

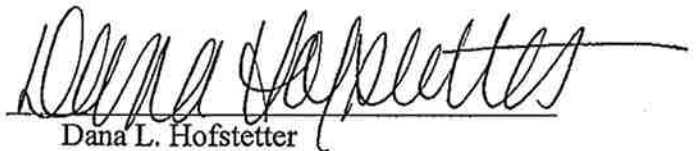
I hereby certify that on the 29th day of August, 2008, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Albert P. Barker
Barker, Rosholt and Simpson
P. O. Box 2139
Boise, Idaho 83701-2139
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

4089.1/8139

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 39576

A. Subcase 63-4233B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Scott A. and Jennifer G. Coggins

Address: 30546 Boulder Road

Parma, Idaho 83660

Daytime Phone: (208) 697-4462

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

Name: Scott A. and Jennifer G. Coggins

Address: 30546 Boulder Road

Parma, Idaho 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: Waste water remark should be deleted.
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. ☒ **Other Provision**
Should be: Waste water remark should be deleted.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Source is not wholly waste water.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

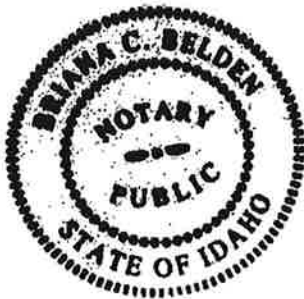
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Dana Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on: August 29, 2008



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission expires: 01.16.2013

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on August 29, 2008, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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: Scott A. and Jennifer G. Coggins
Address: 30546 Boulder Road
Parma, Idaho 83660

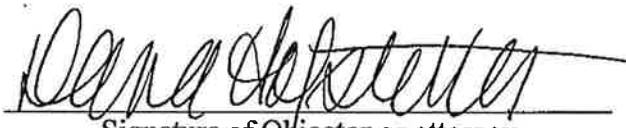
3. Copies to:

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

Albert P. Barker
P.O. Box 2139
Boise, Idaho 8370-2139

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
JUN 13 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 63-4233B
(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: Scott and Jennifer Coggins
Address: 30546 Boulder Rd
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. BAKER, 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. Baker

(Attorney signing in representative capacity)

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



Notary Public for Idaho

Residing at: Boise, Idaho

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:

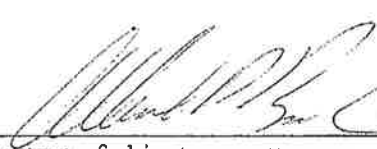
Name: Scott and Jennifer Coggins
Address: 30546 Boulder Rd
Parma, ID 83660

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: 63-4233B

NAME AND ADDRESS: SCOTT A. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

JENNIFER G. COGGINS
30546 BOULDER ROAD
PARMA ID 83660

SOURCE: ALKALI DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

QUANTITY: 0.090 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

0.090 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S13

SENW

4.70

4.7 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

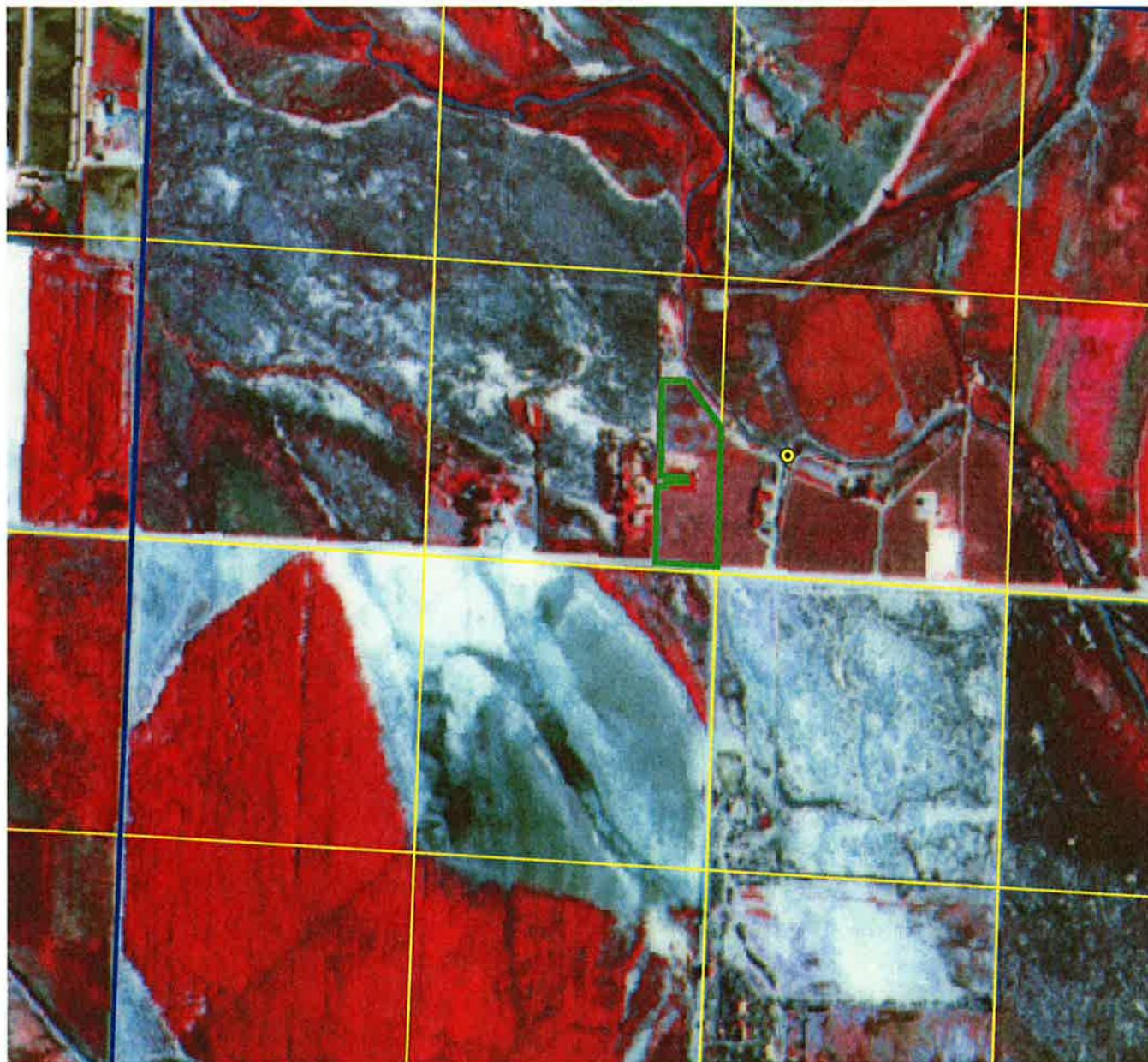
Right No. 63-4233A is also diverted through point of diversion described above.



Idaho Department of Water Resources

63-4233B

05N 06W Section 13



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 4.7

300 0 300 Feet



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

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233B V1

WATER RIGHT NUMBER: 63-4233B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DANIEL D CHANEY RT 3 BOX 3141 PARMA, ID 83660 (208)722-5387
Original Owner	KATHRYN L CHANEY RT 3 BOX 3141 PARMA, ID 83660 (208)722-5387
Original Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525
Current Owner	SCOTT A. COGGINS 30546 BOULDER ROAD PARMA, ID 83660
Original Owner	ED G SCHULTZ RT 3 PARMA, ID 83660
Original Owner	JOHN D LANTZ , ID
Original Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	JENNIFER G. COGGINS 30546 BOULDER ROAD PARMA, ID 83660

Priority Date: 03/15/1933

Basis: Beneficial Use

Status: Active

Source

ALKALI DRAIN

Tributary

SOUTH BOISE DRAIN

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.090 CFS

Annual VolumeTotal Diversion:

0.090 CFS

Location of Point(s) of DiversionALKALI DRAIN
CANYON County

SW1/4NE1/4

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

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4233B V1

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								4.7									4.7

Total Acres: 4.7

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. F05 Right No. 63-4233A is also diverted through point of diversion described above.

Remarks: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 P/D
Comment: The pump currently serving right 63-4233A also served this right in 1987. Right 63-4233B now uses a separate system. The new owners are aware that they need to file a transfer to change their p/d.
3. Igraves 9/5/2006 Flow Rate
Comment: An SRBA exam was conducted in 1995 and flow was measured at .55 cfs.
4. Igraves 9/5/2006 Priority Date
Comment: The original priority date was amended in 1995 based on an affidavit submitted by Dale Harrold.
5. Igraves 9/5/2006 Parcel No.
Comment: Irrigation is within Parcel No. R3926201000.

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:
 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:

New Owner -

Scott + Jennifer Coggins
sending Change of Owners

- shares P/D in Lewman

63-4233A per MM 8/1995

field exam

5 HP pump on Lewman
property

Priority established

No other kts

Uses separate pump now -
plans to file x-ber



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Scott A. & Jennifer G. Coggins
30546 Boulder Rd
Parma, ID 83660

Notice of Claim to a Water Right No. 63-44233B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



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

December 27, 1995

KARL J. DREHER
DIRECTOR

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

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

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands and appurtenant water right claim to you.

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

If you have any questions in regard to your water right claim, please do not hesitate to contact this office.

Sincerely,

ADJUDICATION STAFF
WESTERN REGION OFFICE

MM:m

Enc.

Washington County Title Co.

28 West Idaho St. Weiser, ID 83672

Title Insurance
Escrow Service

(208) 549-1455

FAX (208) 549-1487

RECEIVED

DEC 13 1995

December 12, 1995

Department of Water Resources

Attn: Adjudication Bureau
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

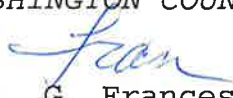
We have enclosed Notice of Change of Water Right
Ownership - Water Right Number A63-04233B.

Former Owner: Daniel D. & Kathy L. Chaney
New Owner: David H. & Anita M. Kiser

Please call if you have any questions.

Yours truly,

WASHINGTON COUNTY TITLE CO.


By: G. Frances McDaniel

enc.

RECEIVED

DEC 13 1995

WATER RESOURCES
WESTERN REGION



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

DANIEL D CHANEY
KATHRYN L CHANEY
RT 3 BOX 3141
PARMA ID 83660

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

Dear Mr. and Mrs. Chaney:

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. Since you share a pump with the Lewmans, one field exam should be sufficient for both of the claims. I will contact you to coordinate an exam with the Lewmans when they are diverting water with the pump.

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

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: Claim A63-04233B (amended)

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

AFFIDAVIT

State of Idaho)
County of _____)

Dale Harold being first duly sworn,

deposes and says: my first remember ~~at~~
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 Borise, 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

[DANIEL D CHANEY]
[KATHRYN L CHANEY]
[RT 3 BOX 3141]
[PARMA ID 83660]

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

Claim Nos. A63-04233B

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). A63-04233B

R. KEITH HIGGINSON
DIRECTOR

DANIEL D CHANEY
KATHRYN L CHANEY
RT 3 BOX 3141
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4233B

WATER RIGHT NUMBER: 63-4233B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DANIEL D CHANEY RT 3 BOX 3141 PARMA, ID 83660 (208)722-5387
Original Owner	KATHRYN L CHANEY RT 3 BOX 3141 PARMA, ID 83660 (208)722-5387
Original Owner	ANITA M KISER 30358 BOULDER LN PARMA, ID 83660 (208)722-5525
Current Owner	SCOTT A. COGGINS 30546 BOULDER ROAD PARMA, ID 83660
Original Owner	ED G SCHULTZ RT 3 PARMA, ID 83660
Original Owner	JOHN D LANTZ , ID
Original Owner	DAVID H KISER 30358 BOULDER RD PARMA, ID 83660 (208)722-5525
Current Owner	JENNIFER G. COGGINS 30546 BOULDER ROAD PARMA, ID 83660

Priority Date: 03/15/1933

Basis: Beneficial Use

Status: Active

*per topo*Source~~SOUTH BOISE DRAIN~~*alkali drain*Tributary

SNAKE RIVER

*South Boise Drain*Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.240 CFS .09

Annual VolumeTotal Diversion:

0.240 CFS .09

Location of Point(s) of Diversion

SOUTH BOISE DRAIN

CANYON County

~~NW1/4~~ SW1/4 NE1/4

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

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4233B

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 06W 13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8.0
								4.7									4.7

Total Acres: 8

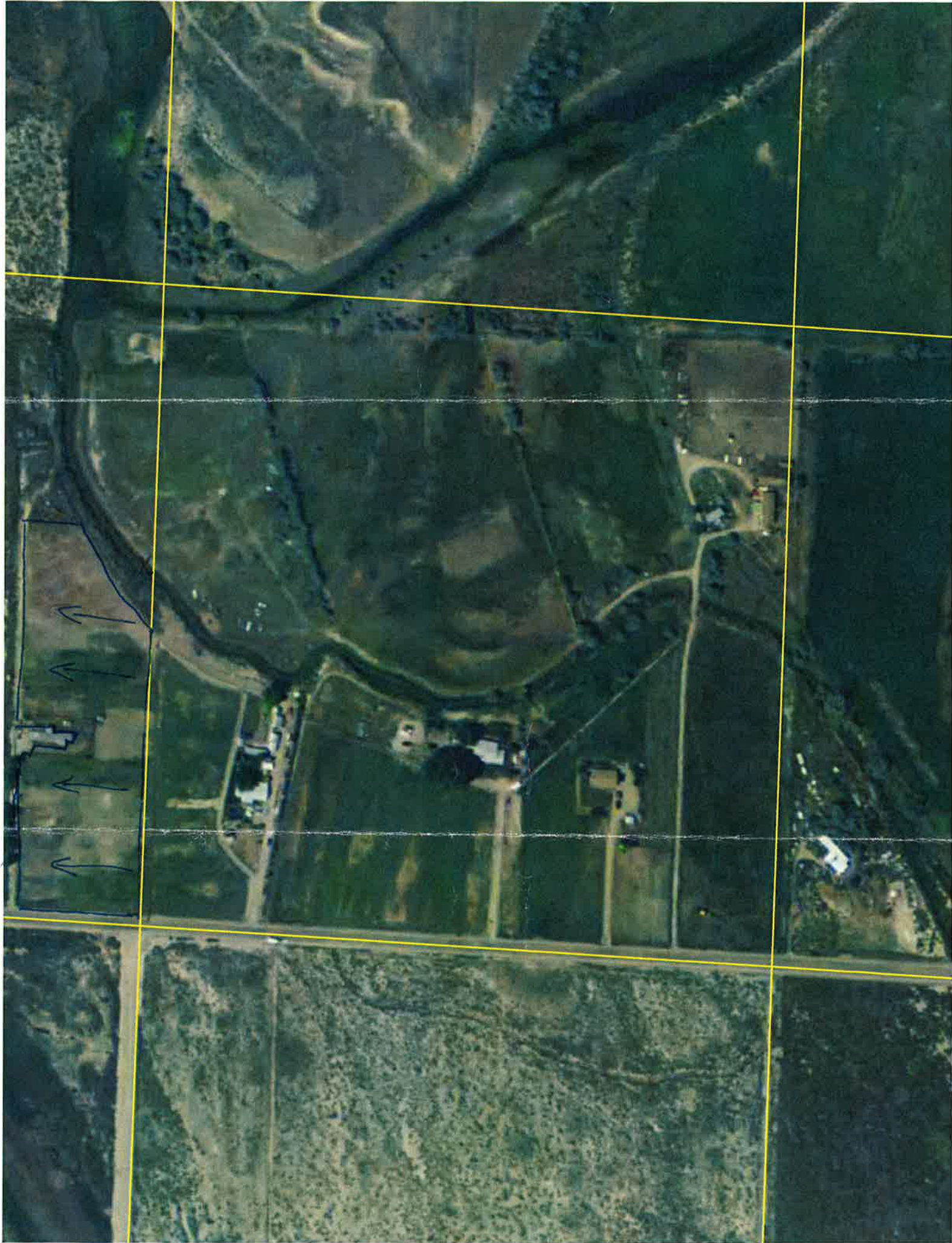
Conditions of Approval:

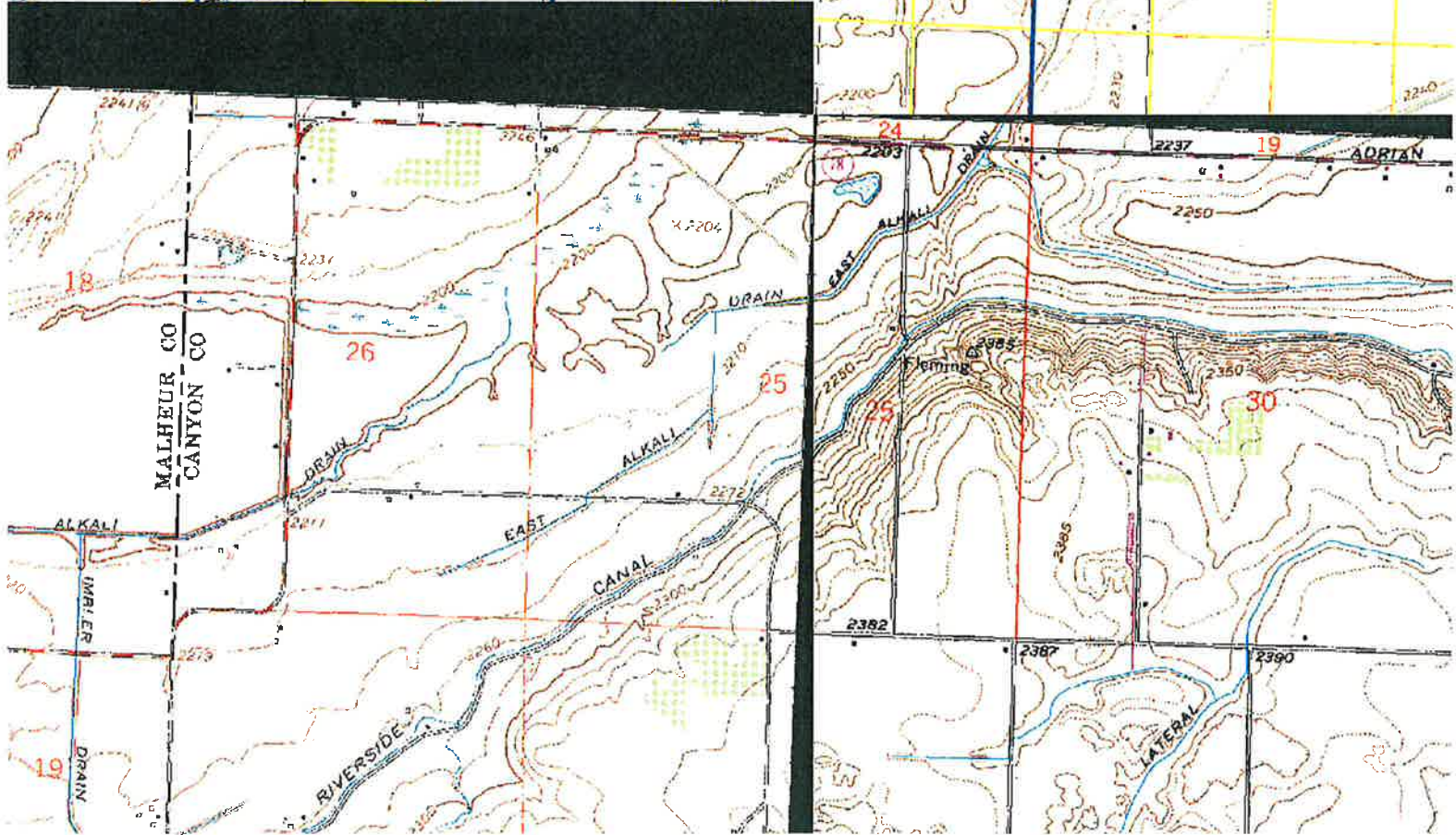
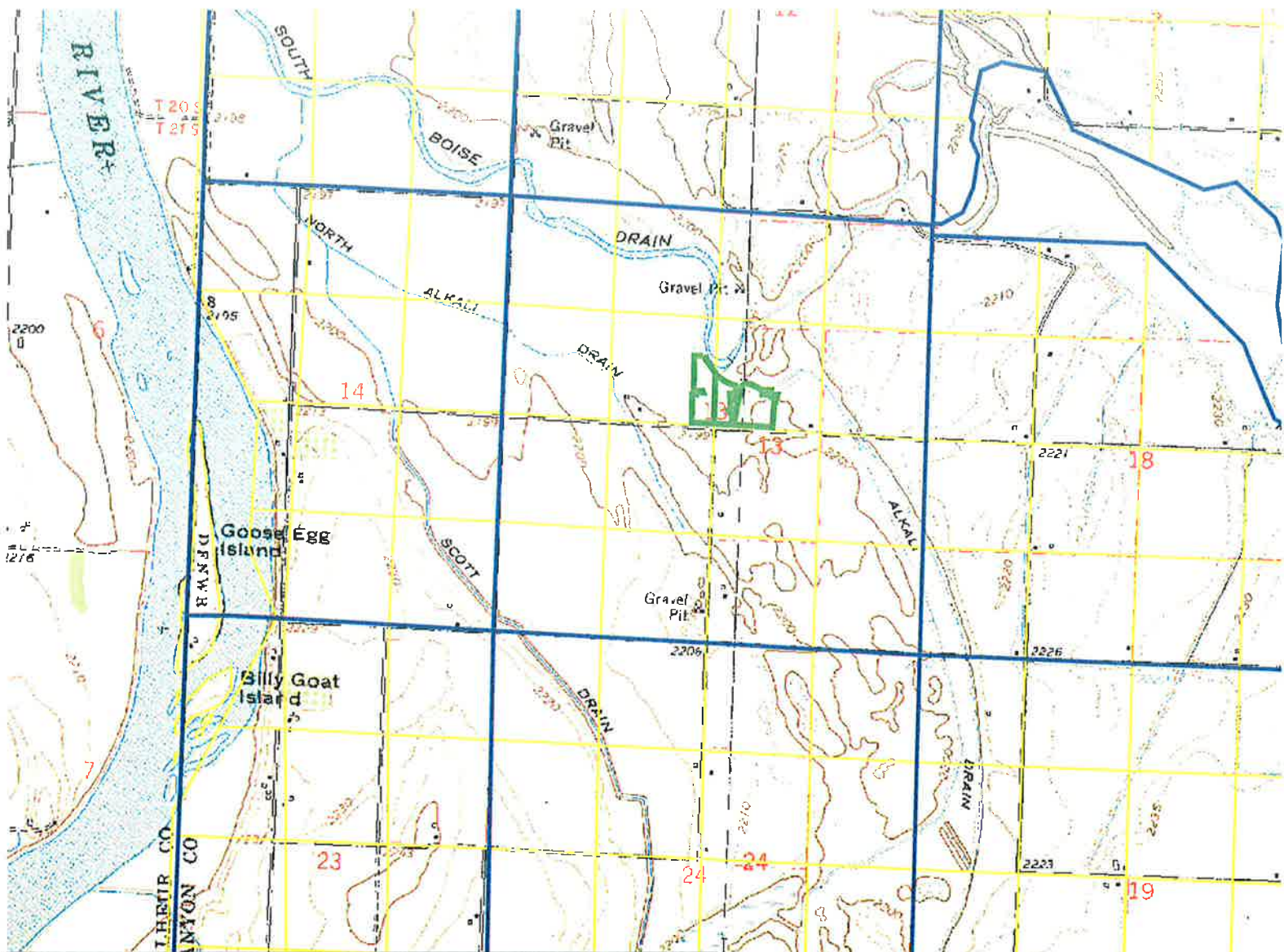
1. CHANGE IN OWNERSHIP LCG -7-24-2006 REVIEWED BY LG
2. SPIT RIGHT SEE A63-04233A FILED FOR .8 CFS.
THIS CLAIM HAS BEEN AMENDED TO REFLECT THE PRIORITY DATE SUPPORTED BY MR.
HARROLD'S AFFIDAVIT. 04/04/1995 MM.
OWNERSHIP CHANGED 12/27/1995 BY MM.

Remarks:Comments:*add F05 - shared P/D*Dates and Other Information:

Claim Received Date: 2/16/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:





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

A63-04233)
)
)
)

State of Idaho)
County of _____)

AFFIDAVIT

Dale Harold being first duly sworn,

deposes and says: my first remember ~~at~~
water on this place in 1933
this water came from know name
Drain. 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.

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(☒)

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

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

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

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

FIELD EXAM COMPLETED N/A(☒) Y() N()

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

LICENSE ISSUED N/A(☒) Y() N()

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

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

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

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

NOTES: 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 4203

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 1/4 section 1/4 Section and SW 1/4 NE 4 Township 64-85-8
Range West of B.M. located on Drainage Ditch (name of source) section 13 Twp. 5 N Range 6 West of B.M.

Water ditch from Riverside Irrigation District in Panyon 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 for more than twelve years c.f.s. or five acre feet
Amount of Water Claimed 5 acre feet to each of 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 30 years ago, continuously each year (both dates inclusive)
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

63 4200

(Affidavit)

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 pump water right out of waste ditch 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 none, 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 1973

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

of Wm. J. Parma, Idaho, and John D. Lantz under Permit 19959 (name of claimant)
Wm. J. Parma, Idaho, and John D. Lantz (mailing address) of Section 13, Twp 5 North, claims a right to the diversion and beneficial use of
Wm. J. Parma, Idaho, and John D. Lantz (mailing address) of Section 13, Twp 5 North,

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.

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

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

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

Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm) (dom., irri., (both dates inclusive)

- (3) Total quantity of water claimed: 240 acre feet feet per second, or being 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

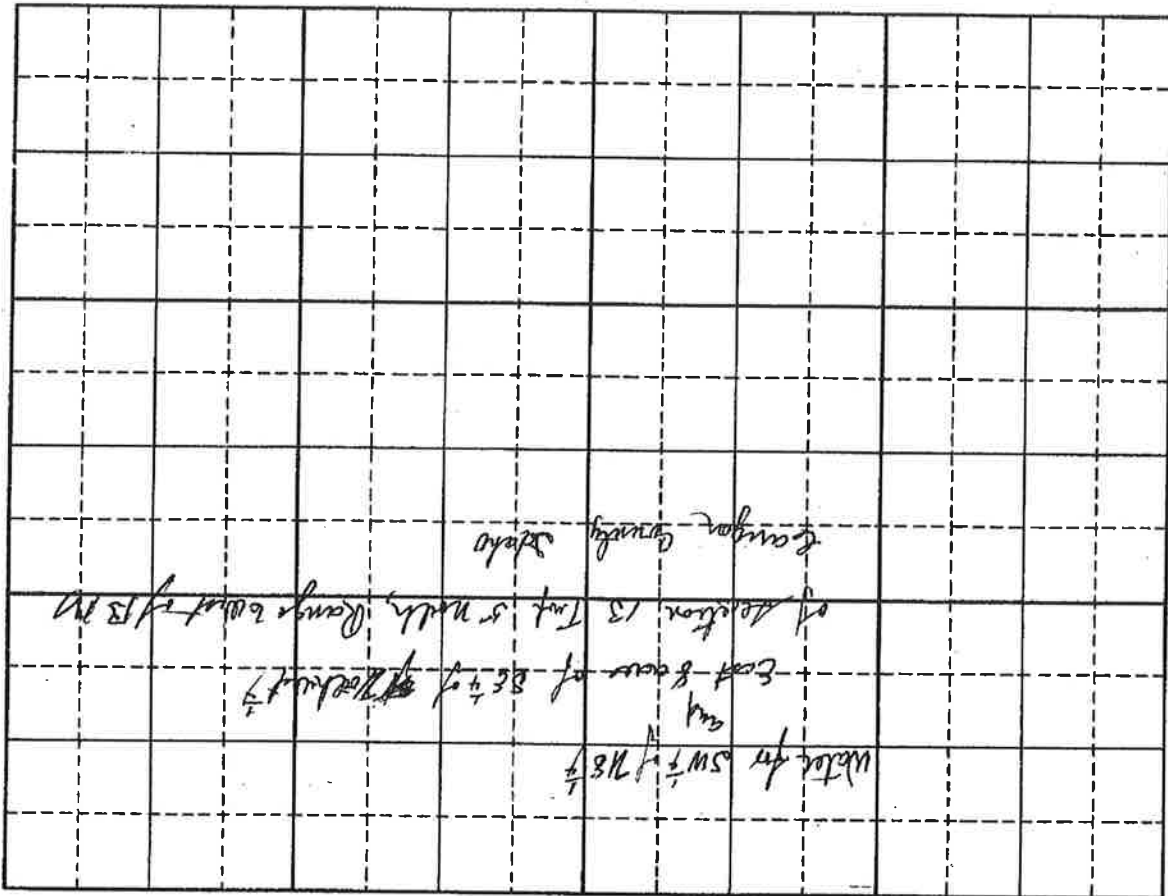
- (7) If you are claiming water as a member of an organization, list name of organization:

As an individual only.

(3) 5203

(8) Remarks

4233



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 affiants knowledge.

Curtis B. Lieberman
Ed. D. Schulte
(Claimant)

Sworn to before me this 30th day of August

19 73

Ernest Anderson

Notary Public

Residing at Farms Idaho

My Commission expires

Dict # 11599

For Department Use Only

Received by *CCB* Date 8-24-73 Exception filed by: _____ Date _____
Prelim. check by *CCB* Date 8-24-73 Forwarded to claimant by: _____
\$10.00 fee received by _____ Date 8-24-73
Approved for publication by *sw 9-18-73*
Published in *Idaho 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) A63-04233BOwner: Anita M. Kiser Phone No. 208-722-5525Current Address: 30358 Boulder lane 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: MARCH 15, 1933

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

Dutton spill way

Source: South Boise Drain Tributary to SNAKE RIVER

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

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ 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
		NW	SW	NE	13	05N	06W	Canyon	

Description of diverting works

Pump in drain to gravity IRRIGATION

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 0.240 CFS 28.0 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ 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								8.0									8.0
																			8.0

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 3/4 HP Baldor Motor & Parma Water Lifter Pump setting on a 24" corrugated metal stand pipe with a 4" inlet & a 6" outlet (See pic#1) pipe south to the cement ditch with a hole in the bottom (See pic#2) with siphon tubes (See pic#3) for gravity IRRIGATION.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
	Baldor	3	F10997E	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 Henley

FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \times 8.0 = 36.0 \text{ AF/Y}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.240 \times 260 = 62.4 \times 1.9835 = 123.77}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{36.0 \text{ AF/Y}}$$

2. Volume Calculations for Other Uses:

Pic #1



4\" INLET TO PUMP.

David H. Kiser

AG3-04233B

~~AG3-04233B~~

CPS-2258609

CSR-1401175

11-02-05



PIC#3 Cement ditch with gravity flow irrigation (tubes)



PIC#2 Cement ditch with inlet from pump

03/31/1995

Mr. CURTIS LEWMAN, Mr. Dan Chaney, Mr. David Kiesen met w/ me @ Mr. Lewman's property on Boulder road.

Mr. Lewman showed me the location of his pump. This pump also serves Mr. Chaney's property. There was a trailer on Mr. Chaney's property but it was moved approx. 1989. Mr. Kiesen has a separate pump. No one is currently diverting, and we agreed to put off a measurement until later in the season.

The subject of some downstream ponds was brought up. Apparently a Mr. Hitch put in ~~some~~ a dam which has backed up the water in the draw & raised the water table in the area. These men feel ~~that~~ the higher water table has negatively affected their ability to raise alfalfa. Someone from SCS came out to review the situation & found the water table too high for alfalfa? Ponds have backed up the drain & it is no longer free-flowing. They had talked to IOWR (DNR?) about the ponds & a water right was located after a day or two.

Another problem is in the area of Mr. Vycital's wildlife ponds on the NE end of the slough. The source of for this ponds is spilled water from Riverside Irr District Canal. Mr. Lewman indicated that the pond area drained through Alkali Drains, but that a water user on Scott Drain has gone into a pond area & diverted the water

over to Scott Drain. I indicated that I first understood that a water user on Scott Drain had changed his point of diversion, but it became clear that he had re-directed the ~~water out~~ drainage of the ponds. I indicated that this may be a change which requires a Transfer but would need add'l info from Allocations staff. I indicated they should write a letter and/or come into the office if they feel they are being injured by another party. TTR 04/03/1995

Also - Tre. Lewman indicated that his pump was installed in its present location in 1966. The original H₂O wheel was downstream.

All parties indicated that .02 cfs/acre is plenty of water and they do not wish to pursue x flows for their claims

ASCS
1987 Flight

7
26.0

6
11.9

14.9

2.7
12

13

T89

5.0

2
47

$$\begin{array}{r} 13 \\ 145 \end{array}$$

4
85

T90

18.3

2
27

T138

H/r.2

T137

5

7.

10

10.9

T497

1645

5 H/NW

2
10.5

3

T513

T139

T45C

135.4

12.5

2
13.5

13

24