

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: **A63-04442**
Date Received: 1/29/1990
Receipt No: W008036
Received By: DE JON

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

1. Name: ODESSA EIDEMILLER 208-466-7333
Address: 815 7TH ST SOUTH
NAMPA ID 83651

2. Date of Priority: JUL 1, 1961

3. Source: EIDEMILLER DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	05W	2	NW	SW	NW		CANYON

5. Description of diverting works:
5 HP & 1 1/2 HP PUMPS, 8" & 1 1/4" PIPE, DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, LAWN & GARDEN IRRIGATION ONLY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	05W	2	SW	NW		IRR	0.5
Section Acres							0.5

10. Place of Use: Continued

Total Acres 0.5

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AG3-4442Date Received 1-29-90Receipt Number 10008036**RECEIVED** NOTICE OF CLAIM
TO A
WATER RIGHT

JAN 29 1990

Department of Water Resources
Western Regional OfficeACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Adessa Eidemiller Phone (208) 466-7333Mailing Address 815 7th St South Marysville Zip 836512. Date of Priority (Only one per claim) 3/10/1956 Month/Day/Year3. Source of water supply (Check one) (☒) Groundwater or Other () (a) Eidemiller Drain
which is tributary to (b) Snake River Name or kind of source4. Location of point of diversion is: Township 3 N Range 5 WSection 2, NW 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,County of Canyon

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 5 HP perma letter pump, 1 1/2 HP pressure pump with 5 inch pipe + 1 1/4 inch pipe respectively. Pumped to a feed ditch.

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

For irrigation purposes from _____ Month/Day to _____ Month/Day amount _____ (cfs)For domestic purposes from 3/15 to 11/15 amount 1.02 (Both dates are inclusive)7. Total quantity claimed 1.02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) none of lawns & gardens no indoor use

MICROFILMED

JUL 25 1994

10. Place of use is: Township: 3 N Range 5 W
Section 2, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: Locality known as Eidenmiller drain

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

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Odessa Eidenmiller Date 1/26/90

Date _____

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

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)
County of Canyon) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 26 day of January 19 90

SEAL

Notary Public John K. Noyce

Residing at 15470 Homedale Rd.
Redmond, Idaho 83605

My Commission Expires Sept 31, 1994

Last Name Eidenmiller Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

JUL 25 1994

MEMO TO FILE

TO: A63-04442
FR: RON HOWERTON
DT: August 7, 1995
RE: DATE OF PRIORITY

1. Date of priority was incorrectly entered on computer copy. See original copy.
2. Corrected date, added claimed date.

DATE: 01/11/93
PAGE: 1

TOTAL DIVERSION: 0.14 CFS

Point(s) of Diversion: T03N R05W S02 SW NW

[illegible]

Pop County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:
63-04443 63-04477

Dates:	App. Received:	Priority Date:	07/01/1961
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
Audit:	00/00/00	

MICROFILMED
JUL 25 1994.

CONVERSATION MEMORANDUM

DATE 1-11-93FILE 2 ClaimsAG3-5045 &AG3-4442NAME OF PARTY Odessa EidmillerEMPLOYEE Linda WernerRE: 2 claims filed as B.U. for which
stat. claims were found

#1 - well (AG3-5045)

priority = 1910 vs (1907) (Stat.)

usage = domestic vs dom. w/ 4 acres

1 home vs (2) homes - 1907

Single ownership

#2 - surface water (AG3-4442)

Source & Trib (E. Drain → Snake vs

Unm drain → large wasteway

priority = 1956 (C) vs (1961 (S))

w/c = (1/2) (C) vs Tac (S)

MICROFILMED

JUL 25 1994

12-1-92

CLAIMANT'S NAME

Endumiller, Odessa

CLAIM IDENT. NO.

AG3DATE RECEIVED 1-29-90 RECEIPT # W8036 FEE PAID \$ 25 FEE REQ'D \$ 25

YES	NO	Required Info?
-----	----	----------------

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *

7-1-1961

Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
 See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO *
 (b) Is a tributary to entered? (if required) ☒ YES ☐ NO *

N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? ☒ YES ☐ NO *

The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.

Is the period of use included? ☒ YES ☐ NO *
 Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO *

N/A

Is the consumptive use correct? ☒ YES ☐ NO *

N/A
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? ☒ YES ☐ NO *
 If multiple domestic, is single ownership indicated? ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *

Canyon
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO *

N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? ☒ YES ☐ NO *

If yes, compare claim w/existing right and attach proof report noting any differences in comments.

If no, was water right no. found? ☒ YES ☐ NO *
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? ☒ YES ☐ NO *

(If yes, attach a proof report & complete number change)

NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, was the fee paid? ☒ YES ☐ NO *

N/A
19. Is the claim signed by the claimant, and is the signature appropriate? ☒ YES ☐ NO *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
21. Was this claim filed on time? ☒ YES ☐ NO *

(Check ML3 for date mailed-not all were mailed on the planned date)

If no, was an extension of time filed & approved? ☒ YES ☐ NO *
22. Is the fee enclosed correct? ☒ YES ☐ NO *

Exempt

MICROFILMED

JUL 25 1994

23. Is this claim being rejected and returned to claimant? — —
24. Can this claim be data entered? — —
25. Was claim modified? — —
- If yes, do modifications require notification to claimant? — —
- Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: LW Date

Claim data entered by: JN Date 3-4-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

MICROFILMED

JUL 25 1994

RECEIVED

OCT 16 2008

DEPARTMENT OF
WATER RESOURCES

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

OCT 15 2008

By _____
Clerk

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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04442

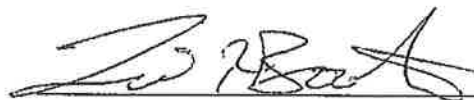
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. An initial hearing on the objection was held on June 26, 2008. The claimant of the water right, Odessa Eidenmiller failed to appear at the initial hearing. An *Order to Show Cause* was issued, and a hearing thereon was held on July 22, 2008. Again the claimant failed to appear. Based upon the express terms of the *Order to Show Cause*, the objection filed by the Wilder Irrigation District is **granted**, resulting in the addition of remarks regarding the use of wastewater.

II. CONCLUSIONS OF LAW

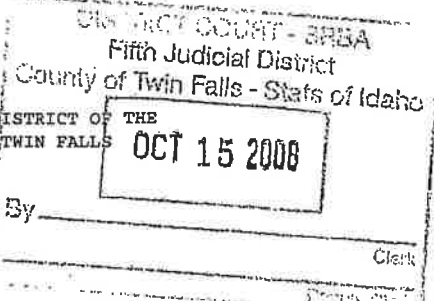
Therefore based on the file and record herein and pursuant to the *Order to Show Cause*, IT IS RECOMMENDED that water right 63-04442 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Oct 15, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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



In Re SRBA
Case No. 39576

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

Water Right 63-04442

NAME AND ADDRESS: ODESSA EIDEMILLER
815 7TH ST SOUTH
Nampa, ID 83651

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.
This right when combined with all other rights shall not exceed
0.02 cfs per acre at the field headgate.

PRIORITY DATE: 03/10/1956

POINT OF DIVERSION: T03N R05W S02 NWSWN Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic	03-01 TO 11-15	0.02 CFS

Domestic use is for up to 1/2 acre lawn and garden irrigation.

PLACE OF USE: Domestic Within Canyon County
T03N R05W S02 SWNW

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

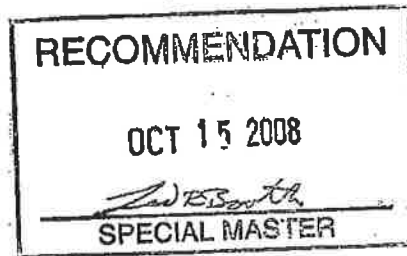
The quantity of water decreed for this water right is not a
determination of historical beneficial use.
An easement or right-of-way agreement providing for access to the
drain by its owner and those responsible for maintaining it -
and/or for access to the drain by the appropriator to divert
water pursuant to this right - must be executed among the
appropriator, the owner of the drain, and, if appropriate, those
responsible for maintaining the drain. Failure to execute such
an agreement will constitute grounds for legal action to prevent
water from being diverted under this right.
Use of this water right is combined with water from Wilder
Irrigation District.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

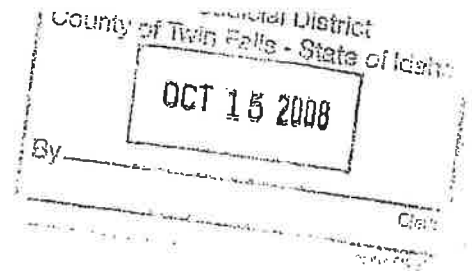
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECOMM

SPECI

RECOMM



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

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-04442

On October 15, 2008, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

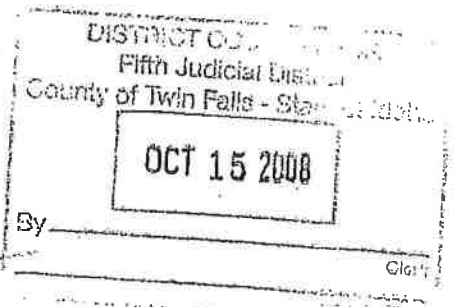
Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

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

DATED October 15, 2008.



DIANA R. DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04442

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 15, 2008, with sufficient first-class postage prepaid to the following:

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

WILDER IRRIGATION DISTRICT

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

USDI BUREAU OF RECLAMATION

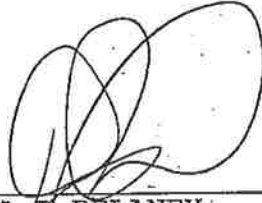
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
10/15/08

KENDALL HOPKINS
GROSS, RAY
6533 HWY 95
MARSING, ID 83639

ODESSA EIDEMILLER
815 7TH ST SOUTH
NAMPA, ID 83651
Phone: 208-466-7333



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
10/15/08

Shurte, Jan

From: Ridgeway, Renea
Sent: Tuesday, October 07, 2008 8:06 AM
To: Shurte, Jan
Subject: 63-20773

See note in 63-32534 concerning the status of this it. per conference held 10-7-08.

Just a follow up to your e-mail yesterday -

This SF5 went to the claimant on Friday – it has been signed by the irrigation district. Once I receive it back from the claimant I will send it to you for signature and get Nick's signature as well.

Life's a journey. Roll down the window and enjoy the breeze!

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: Ridgeway, Renea
Sent: Monday, October 06, 2008 3:52 PM
To: Shurte, Jan
Subject: RE: 63-3200 and 63-9212 (Kandler)

Hi Jan

I am checking my e-mails remotely and without checking the tracking sheet I'm not comfortable giving a status but...63-4422, -32534 should be resolved. The claimants were no shows and as such the SM relented to the irrigation district's smrr. We'll know tomorrow if an SF5 is required or not. The SM hasn't always been consistent on this.

63-20773 I think had to be revised and it is currently in circulation - it helps to know the names with the numbers. I try to update the tracking sheet after every status conference so that may be of some help to you to look there if you are need of definitive answers immediately.

For the most part I think all the cruddy SF5s have been reeled in and new ones have been circulated in their place. They are just at varying stages of the signature process. I believe I sent over 2 or 3 to you for your signature last week. Please let me know if you haven't seen those.

Hope this helps at least a bit. Thanks!

From: Shurte, Jan
Sent: Mon 10/6/2008 2:30 PM
To: Ridgeway, Renea
Subject: RE: 63-3200 and 63-9212 (Kandler)

Thanks Ranae –

We'll get on these and at least someone can report to the Special Master that we are starting the SF5s. Do you know what the status is for the remaining wastewater rights we have scheduled for tomorrow? Since I have been supposed to take over Kay's wastewater rights, I do not know where everything is at.

I do have that we sent an SF5 out on 63-20773 in August. Can you update me on it's location or just make sure you received it?

10/7/2008

I have a couple of emails in 63-4442 and 63-32534 – scheduled tomorrow at 2:30 that I am attaching. I wonder if we were supposed to do an SF5 or not? It looks like Kay thought it would be taken care of in the SMRR, however, we now have a status conference. Would you let me know what you think?

Thanks for your helpHi Jan

From: Ridgeway, Renea
Sent: Monday, October 06, 2008 11:46 AM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: FW: 63-3200 and 63-9212 (Kandler)

Hi Jan –
Apparently resolution was reached between Arrington and the Kanders. Could you please prepare the recommendations with the remarks that Arrington mentions below? Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

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: Monday, October 06, 2008 10:43 AM
To: Ridgeway, Renea
Cc: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

ON the Kandler rights, please prepare an SF5 that says:

"The Source of this right includes waste water. The wasting of water may be discontinued at any time."

Also, please include the crossing language.

Thanks.

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Monday, October 06, 2008 10:27 AM
To: Paul Arrington
Subject: RE: 63-3200 and 63-9212 (Kandler)

There seems to be a lot of that going around! Are you in Hailey next week for initial hearings so I can harass you?

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway

10/7/2008

Walker, Kay

From: Ridgeway, Renea
Sent: Tuesday, July 22, 2008 4:31 PM
To: Walker, Kay
Cc: Spencer, Nick
Subject: 63-4442 Odessa Eidemiller

Hi Again – This is the last one, I promise! (for today)

Claimant did not show today so the Court granted the objection and will add the following remarks –

- 1) standard wastewater
- 2) combined with shares of WID – no more than inch per acre, and
- 3) remark re access agreement to be agreed upon between IDWR and Barker Rosholt.

The next status conference has been set out for 10-07-08 to report on status of the remarks.

Have a good evening.

Life's a journey. Roll down the window and enjoy the breeze!

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

RECEIVED

JUL 28 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUL 24 PM 02:41
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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 63-04442

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

TUESDAY, OCTOBER 07, 2008 at 02:30 PM (MT)

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

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

Dated: JULY 24, 2008

/S/ DIANA R DELANEY

Deputy Clerk

Snake River Basin Adjudication

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

Page 1 7/24/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JULY 24, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

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

USDI BUREAU OF RECLAMATION

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

KENDALL HOPKINS

GROSS, RAY
6533 HWY 95
MARSING, ID 83639

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

ODESSA EIDEMILLER

815 7TH ST SOUTH
NAMPA, ID 83651
Phone: 208-466-7333

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

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

JUL - 2 2008

By _____

Clerk

Deputy Clerk

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

In Re SRBA

) Subcase 63-04442

Case No. 39576

) ORDER TO SHOW CAUSE

This matter came before this Special Master pursuant to an initial hearing held June 26, 2008. Odessa Eidenmiller, (hereinafter "Claimant") was notified of the hearing via first class mail sent to her last known address. The Claimant failed to appear at the initial hearing.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, (hereinafter "Objector") filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right is waste water, and that the water right should not exist.

It is hereby ordered that the Claimant shall appear before this Special Master on **July 22, 2008, at 1:30 P.M. Mountain Time**, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue north, Twin Falls, Idaho, to show cause why the objection filed by the Wilder Irrigation District should not be granted. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the remedy sought by the Wilder Irrigation District, including disallowance of the water right.** If the Claimant participates in the hearing, she will be expected to notify this Special Master whether she intends to prosecute the case, and accordingly a trial date will be set. In such event, no additional evidence or argument need be presented as the subcase will be allowed to

proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(2)(B).

A copy of this *Order to Show Cause* shall be served upon the Claimant and the Objector not less than five (5) days prior to the date herein shown. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated

July 2, 2008

Theodore R. Booth

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO
SHOW CAUSE was mailed on July 02, 2008, with sufficient first-class
postage to the following:

WILDER IRRIGATION DISTRICT

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

USDI BUREAU OF RECLAMATION.

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

KENDALL HOPKINS
GROSS, RAY
6533 HWY 95
MARSING, ID 83639

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

ODESSA EIDEMILLER
815 7TH ST SOUTH
NAMPA, ID 83651
Phone: 208-466-7333

ORDER

Page 1 7/02/08

FILE COPY FOR 01900

Deputy Clerk





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 1, 2008

KENDALL HOPKINS
RAY GROSS
6533 HWY 95
MARSING ID 83639

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-4442

Dear Kendall & Ray:

We have been advised you may be the new owners of the property with the water right referenced above (see enclosed report).

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:1
Enclosures

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 04:14
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)
Case No. 39576) FOR INITIAL HEARING
_____) SUBCASE NO: 63-04442

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

THURSDAY, JUNE 26, 2008 at 02:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
JUNE 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

*see C.C. tax info 6/25
owner:
Kendall Hopkins
Ray Gross
6533 Hwy 95
Marsing 83639
kw*

ge 1 5/22/08

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

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

WILDER IRRIGATION DISTRICT

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

USDI BUREAU OF RECLAMATION

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

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

ODESSA EIDEMILLER
815 7TH ST SOUTH
NAMPA, ID 83651
Phone: 208-466-7333

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 63-4442
(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: Wilder Irrigation District
Address: 709 Cleveland Blvd
Caldwell, ID 83605
Daytime Phone: 208-459-3421

RECEIVED

JUN 10 2007

DEPARTMENT OF
WATER RESOURCES

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: Odessa Eidemiller
Address: 815 7th St. South
Nampa, ID 83651

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 Wilder 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: Land Subject to Wilder Irrigation Water Right

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 Wilder 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 Wilder Irrigation District. The place of use is covered by an existing Wilder Irrigation District water right, which is the primary water right for the place of use. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

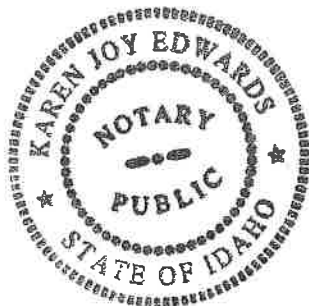
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Burien, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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: Odessa Eidemiller
Address: 815 7th St. South
Nampa, ID 83651

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

OFFICE OF THE
DIRECTOR OF WATER RESOURCES
REGIONAL OFFICE
2.55 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



ODESSA EIDEMILLER
815 7TH ST SOUTH
Nampa ID 83651

RECEIVED

OCT 10 2006

WATER RESOURCES
WESTERN REGION

APR 3 63-4442
UAF C-12

12/10/2006

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

RIGHT NUMBER: 63-4442

NAME AND ADDRESS: ODESSA EIDEMILLER
815 7TH ST SOUTH
NAMPA ID 83651

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/10/1956

POINT OF

DIVERSION: T03N R05W S2 NWSWNW Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

03/01 11/15

0.020 CFS

Domestic use is for up to 1/2 acre lawn and garden irrigation.

PLACE OF USE: DOMESTIC in CANYON County

T03N R05W S02

SWNW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is known locally as Eidemiller Drain.

04/17/2006

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

RIGHT NUMBER: 63-4442

NAME AND ADDRESS: ODESSA EIDEMILLER
815 7TH ST SOUTH
NAMPA ID 83651

SOURCE: UNNAMED DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/10/1956

POINT OF DIVERSION:

T03N R05W S2 NWSWN Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/01 11/15	0.020 CFS
Domestic use is for up to 1/2 acre lawn and garden irrigation.		

PLACE OF USE: DOMESTIC Within CANYON County

T03N R05W S02 SWNW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is known locally as Eidemiller Drain.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4442

WATER RIGHT NUMBER: 63-4442 ✓

Owner Type Name and Address
 Current Owner ODESSA EIDEMILLER
 815 7TH ST SOUTH
 NAMPA, ID 83651
 (208)466-7333
 Original Owner ALBERT EIDEMILLER
 RT 1
 WILDER, ID 83676

Priority Date: 03/10/1956 ✓

Basis: Beneficial Use

Status: Active

Source

EIDEMILLER DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

Domestic

From To
 3/15 to 11/15

Diversion Rate

0.020 CFS ✓

Annual VolumeTotal Diversion: 0.020 CFS ✓Location of Point(s) of Diversion

EIDEMILLER DRAIN

NW1/4SW1/4NW1/4 ✓

Sec. 2, ✓

Twp 03N, ✓

Rge 05W, B.M. ✓

CANYON County

Place of Use

IRRIGATION

domestic

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	05W	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	.5

Total Acres: 0.5

Conditions of Approval:Remarks:Comments:

- ① Claimed on domestic form w/ \$25.00 fee -
- ② No evidence of priority req'd.

in office
 review -
 RW
 4/17/06

Source
 known
 locally
 as

unnamed drain
 per top's X39 X53

per arc view
 allow 3/1 to 11/15
 for season of
 use for
 lawn & garden

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4442

03/29/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4442	Claim	03N	05W	2	SW	NW		IRRIGATION	0.5/0.5	ODESSA EIDEMILLER
4442	Water Right	03N	05W	2	SW	NW		IRRIGATION	5/7	ODESSA EIDEMILLER
5045	Water Right	03N	05W	2	SW	NW		DOMESTIC		ODESSA EIDEMILLER

NO OL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
 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 ALBERT &/or ODESSA EIDEMILLER
 (name of claimant)
 of Rt. #1, Wilder, ID
 (mailing address), claims a right to the diversion and beneficial use of
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed Drain, tributary to, Fargo Wasteway
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>0.14 cfs</u>	Use <u>Irrigation</u>	Period of Use: From <u>Mar 15</u> To <u>Nov 15</u>	
Amount _____	Use _____	Period of Use: From _____ To _____	
Amount _____	Use _____	Period of Use: From _____ To _____	
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)	
- (3) Total quantity of water claimed: 0.14 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) July 1, 1961

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 2 Twp. 3N Rge. 5W B. M. County of Canyon
 Additional points of diversion: _____

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

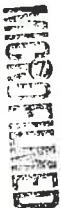
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	5W	2					2	5											7

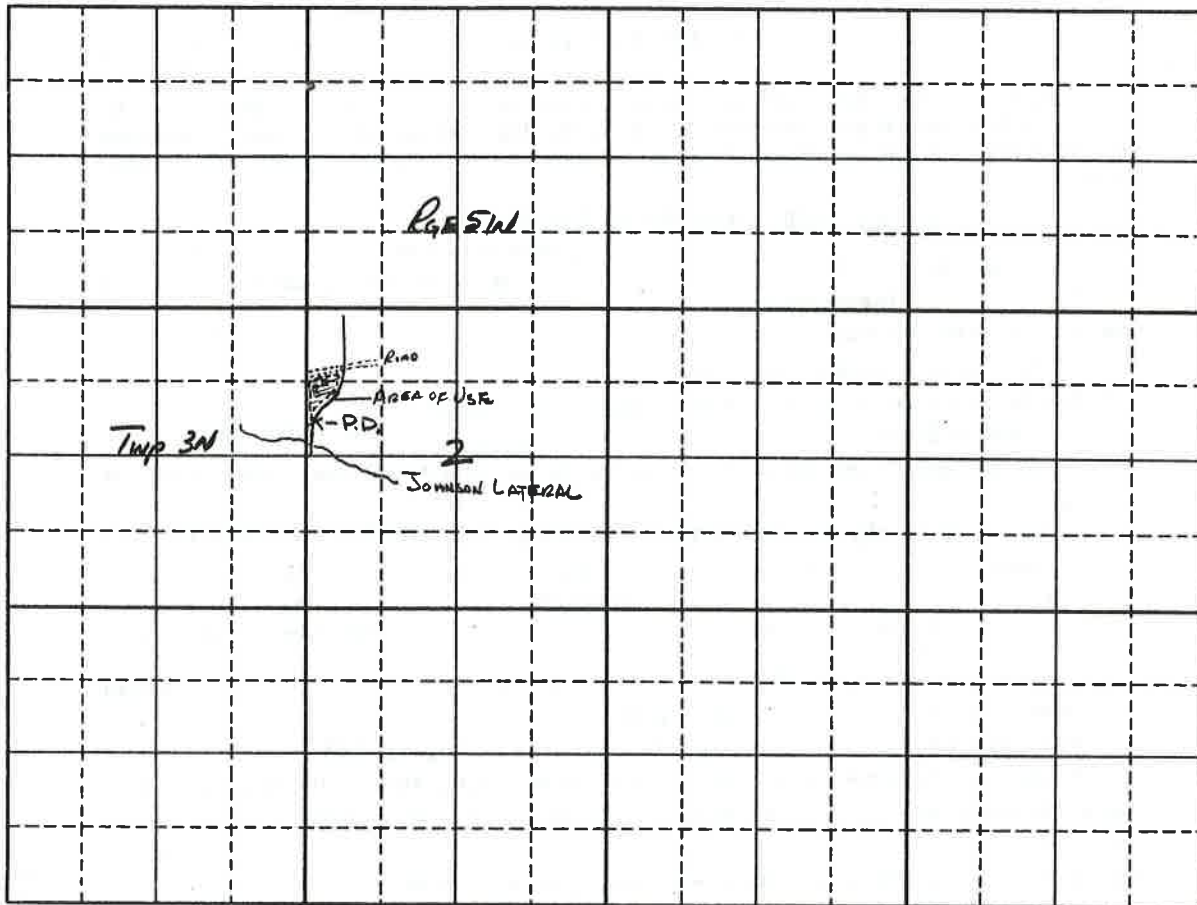
Total No. of acres 7

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

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



(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 21th day of March, 1977

Albert E. Miller
(Claimant)

Lyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>RL</u>	Date <u>3-24-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RLH</u>	Date <u>3-24-77</u>		claimant by:	
\$10.00 fee received by <u>RL</u>	Date <u>3-24-77</u> # <u>7264</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>Newspaper Tribune</u>				
Dates <u>April 7 + 14, 1977</u>				

Receipt Details for ID W008036

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/29/1990 12:55:45 PM	1/29/1990	Western	\$50.00	Check
Payer		EIDEMILLER, ODESSA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1725			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4442		\$25.00	Claim
63	5045		\$25.00	Claim

← limit to domestic - up to 13,000 gpd.

Print Report

Idaho Department of Water Resources

Claim Number: 63-04442

Legal: T03N, R05W, S2

Reviewed By: *kw*
4/17/2006

● Point of Diversion



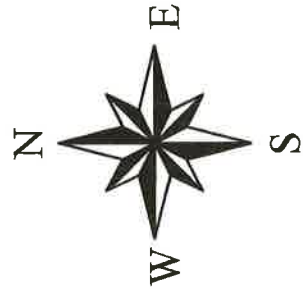
Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 63-04442 Date: 7-5-00

Overlapping POU Claim #'s: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	5W	2							.5										.5
GIS										.5										.5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 174

POD_ID #(s): 150

Total Claimed Acres: .5

Total GIS Acres: .5

COMMENTS: per claim drawing



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 7, 1995

PHILIP E. BATT
GOVERNOR

Dennis McArther or Current Owner
2606 San Marco Way
Nampa Id 83686

KARL J. DREHER
DIRECTOR

Ref: New Ownership Change Form: For Adjudication Claim A63-04442

Dear Owner:

1. Your domestic lawn & garden irrigation from the Eidemiller Drain has been filed on in the SRBA Adjudication by a prior owner Odessa Eidemiller. The claim to this water right needs to be correctly filed in the most current owner(s) name to the District Court.
2. This form has been sent to you, to assist you as the new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code.
3. Odessa Eidemiller called our office July 20, 1995 to notify our Department of the sale of this property to you.
4. PLEASE FILL IN THE REQUIRED INFORMATION ON THIS FORM AND ATTACH PROOF OF OWNERSHIP OF THE PROPERTY SOLD TO YOU, SUCH AS THE WARRANTY DEED AND/OR A TAX NOTICE WITH THE PARCEL # ON IT, THEN RETURN THIS INFORMATION TO US ASAP!!
5. When the ownership form has been returned with the required information, a new copy of this claim will be sent to you in your name(s).
6. The Department will contact you in the future concerning any additional requirements that may be needed in order to process this claim for final court decree.
7. See the instructions on the back of this form for further information about completing it.
8. Enclosed is a copy of the Adjudication claim (proof reading report) that the original owner had filed. It's for your records.

If you have any questions concerning this letter or the Adjudication Claim, please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

EVIDENCE OF
PRIORITY
WATER RIGHTS
FOR DOMESTIC
LAWN & GARDEN
IRR.
LEAVE IRR
SEASON DATES
ON DOMESTIC
USE ON RFRG.

7-20-95 at state
per Vickie → office A63-04442

Odessa Idamiller

Sold to

Dennis McArthur

2606 San Marco Way

Nampa 83686

Flowerston

kw



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

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-04442
ODESSA EIDEMILLER
815 7TH ST SOUTH

Re: Claim No(s). A63-04442

NAMPA

ID 83651

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 be submitted at this time.

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 are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 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 Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

[March 4, 1993]
Odessa Eidemiller
815 7th St. South
[Nampa, ID 83651]

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Claimant(s):

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

In the initial review of this claim(s) we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and Receipt No. W8036 are enclosed. Only the item(s) shown below with a checkmark have been either changed or added to your claim(s).

[2 Claims]

SEE NEXT PAGE

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

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

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

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

MICROFILMED
JUL 25 1994

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

X other Per our phone conversation of 1-11-93. The enclosed claims
represent the modifications based on statutory claims 63-4442 &
63-5045 affecting priority date, number of homes & irrigated acres.

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

Sincerely,
Linda Werner
Adjudication Staff
Department of Water Resources
Western Region Office

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

MICROFILMED

JUL 25 1994

Bob
RAYMOND L. GIVENS
RAYMOND D. GIVENS

GIVENS AND GIVENS
ATTORNEYS AT LAW
COLUMBIA BUILDING, 500 WASHINGTON STREET
P. O. BOX 964
BOISE, IDAHO 83701

RECEIVED
MAY 31 1977

Department of Water Resources
Western Regional Office

May 26, 1977

63-4442

Mr. C. Stephan Allred,
Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Permit No. ~~63-4442~~ in the name of
Albert &/or Odessa Eidemiller, Route
1, Wilder, Idaho

Dear Mr. Allred:

We file herewith, on behalf of the Boise Project Board
of Control, objection to a permit as follows:

Permit No. 63-4442 in the name of
Albert &/or Odessa Eidemiller, Route
1, Wilder, Idaho

The Eidemiller drain is a part of the irrigation works
of the Boise Project Board of Control, which is generally
described as the transferred works operation and control
of which, by contract, was transferred to the Boise Project
Board of Control.

The drain, as well as other irrigation works of the
Boise Project Board of Control, is the property of the United
States of America. The waters developed by this drain are
waters developed by the Project and, in part, used upon Project
lands and therefore are not true waste waters subject to such
application.

The Boise Project Board of Control, therefore, requests
that the permit above noted be denied.

Yours very truly,

GIVENS & GIVENS


Raymond D. Givens

RDG:sg

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: **A63-04442**
Date Received: 1/29/1990
Receipt No: W008036
Received By: _____

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

1. Name: ODESSA EIDEMILLER 208-466-7333
Address: 815 7TH ST SOUTH
NAMPA ID 83651

2. Date of Priority: MAR 10, 1956

3. Source: EIDEMILLER DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	05W	2	NW	SW	NW		CANYON

5. Description of diverting works:
5 HP & 1 1/2 HP PUMPS, 8" & 1 1/4" PIPE, DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, LAWN & GARDEN IRRIGATION ONLY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	05W	2	SW	NW		IRR	0.5

SCANNED
APR 22 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	0.5
					Total Acres	0.5

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____