

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: **A63-03181**  
Date Received: 2/28/1990  
Receipt No: W009801  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LARRY WHEATON  
Address: 4101 GEKELER  
PO BOX 5346  
BOISE ID 83705  
208-385-0223

2. Date of Priority: FEB 11, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 02W   | 34      |        | NE     | NW  |     | CANYON |

5. Description of diverting works:  
GEOTHERMAL WELL, COOLING POND, SPRINKLERS, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.220 |      | 472.50 |
| COMMERCIAL | 03/15 | 11/15 | 0.140 |      | 13.20  |
| HEATING    | 03/15 | 11/15 | 0.020 |      | 9.70   |

7. Total Quantity Appropriated is:  
1.380 C.F.S. (and/or) 495.40 A.F.A.

8. Total consumptive use is 416.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
COMMERCIAL & HEATING, GREENHOUSES.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 02W   | 34      | NW     | NE  |     | IRR | 26.0  |

SCANNED

A63-03181

APR 14 2008

Page

1

Date: 06/07/95

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 02N           | 02W   | 34      | NE     | NW  |     | IRR | 40.0  |
|               |       |         | SE     | NW  |     | IRR | 39.0  |
| Section Acres |       |         |        |     |     |     | 105.0 |
| Total Acres   |       |         |        |     |     |     | 105.0 |

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:  
IRRIGATION DISTRICT WATER

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 4234 APPROVED 4/4/1994.  
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE  
COPY OF APPROVED TRANSFER NO. 4234 IN FILE. KW 6/7/1995

15. Basis of Claim: LICENSE

Water Right Number: 28465

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 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: A63-03181  
Date Received: 2/28/1990  
Receipt No: W009801  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ERCIL BOWMAN 206-385-7589  
Address: 240 WINDSHIP DR.  
PORT TOWNSEND, WA 98368

Name: COLLEEN BOWMAN 206-385-7589  
Address: 240 WINDSHIP DR.  
PORT TOWNSEND, WA 98368

2. Date of Priority: FEB 11, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 02N      | 02W   | 34      | SE     | NE     | NW     |     | CANYON |

5. Description of diverting works:  
WELL, 75 HP PUMP, PIPELINE, SPRINKLERS, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.380  |      |        |

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

8. Total consumptive use is 416.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A63-03181

Page 1

Date: 02/28/90

MICROFILMED  
AUG 18 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 02N      | 02W   | 34      | NW     | NE  |     | IRR           | 40.0  |
|          |       |         | NE     | NW  |     | IRR           | 40.0  |
|          |       |         | SE     | NW  |     | IRR           | 39.0  |
|          |       |         |        |     |     | Section Acres | 119.0 |
|          |       |         |        |     |     | Total Acres   | 119.0 |

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:  
IRRIGATION DISTRICT WATER

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 28465

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): *Paul Cannon* Date: *2/28/90*  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 28<sup>th</sup> day  
of FEB 19 90

*William Gene Gibson*  
Notary Public

Seal

Residing at Boise, Idaho  
My Commission Expires 9-2-1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

*Region Hybrid*

TRANSFER OF WATER RIGHT

TRANSFER NO. 4234  
WATER RIGHT NO. 63-03181

This is to certify that: **LARRY WHEATON**  
**4101 GEKELER BOX 5346**  
**BOISE ID 83705**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 1.22 CFS              | 472.5 AF             |
| COMMERCIAL            | 03/15 to 11/15       | 0.14 CFS              | 13.2 AF              |
| HEATING               | 03/15 to 11/15       | 0.02 CFS              | 9.7 AF               |
| Totals                |                      | 1.38 CFS              | 495.4 AF             |

SOURCE

GROUNDWATER

Priority: 02/11/1960

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 34, Township 02N, Range 02W  
CANYON County

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 02N                              | 02W        | 34         | NWNE 26      | NENW 40      | SEnw 39      | 105          |
| Total number of acres irrigated: |            |            |              |              |              | 105          |

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

PLACE OF USE: HEATING, same as IRRIGATION use

CONDITIONS/REMARKS:

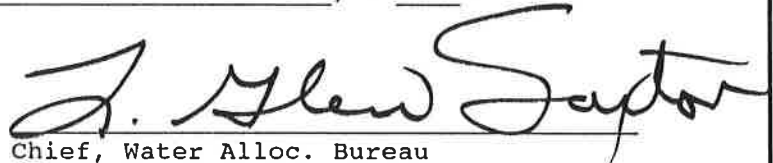
- R32* 1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07* 2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4234  
WATER RIGHT NO. 63-03181

CONDITIONS/REMARKS:

- T08 3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Commercial use is for greenhouses.

Dated this 4<sup>th</sup> day of April, 1994.

  
Chief, Water Alloc. Bureau

OCT 0 1993

Page 1 of 5

## STATE OF IDAHO

Transfer No. 4234

## DEPARTMENT OF WATER RESOURCES

Western Regional Office

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Larry Wheaton Phone 385-0223  
 Post Office address (Box 5346) 4101 Gekeler Boise ID 83705

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To change a portion of irrigation use under the right to commercial and heating use, for the implied season of use. (See remarks)

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use  
63-03181 2/11/1960 1.22 IRR 3/15 to 11/15  
.14 HEAT 3/15 to 11/15  
.02 COMM 3/15 to 11/15  
 to \_\_\_\_\_
2. Total amount of water being transferred 1.38 cubic feet per second and/or 535.5 acre-feet per annum.
3. Source of water groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | NW  | 34   | 2N   | 2W   | Canyon |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 2N   | 2W   | 34   |        | C      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 34   |        | 26     |        |        | 40     |        |        | 39     |        |        |        |        |        |        |        |        | 105    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 105

## PART 1

## 6. General Information:

- a. Description of diversion system Existing geothermal well, cooling pond. A portion of flow will be routed through pipelines for soil warming and space heating in greenhouses, propagation ponds & one residence/office. All discharge collected and re-used as irrigation water.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Attachment A
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
40 acres removed from conventional agriculture and dedicated to the propagation of native plant materials. 14 acres of the 40 will be retired for heating and commercial uses; an undetermined acreage will be withheld in favor of new application for permit for ~~the~~ winter use on same project. Balance will be retained as irrigation within the tract.
- d. Remarks: All ponds will be constructed on previously irrigated land.

No Season specified, original license. Am using 3/15-11/15 Standard.  
See Supplemental application for permit No. 63-12064.  
See use calculations, attached.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-03181

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | *<br><u>DIVERSION RATE</u> |
|-----------------------|----------------------|----------------------------|
| IRRIGATION            | to                   | 1.38 CFS                   |

SOURCE

GROUNDWATER

Priority: 02/11/1960

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 34, Township 02N, Range 02W  
CANYON CountyPLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 02N                              | 02W        | 34         | NWNE 40      | NENW 40      | SENE 39      | 119          |
| Total number of acres irrigated: |            |            |              |              |              | 119          |

CONDITIONS/REMARKS:

\* Not specified in license, assumed 3/15-11/15

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

*See Attachment B (2 maps)*

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   | Heating           | .14, 13.2             | 105 days        | 3/15 to 11/15 |
|   | Commercial        | .02                   | intermittant,   | 3/15 to 11/15 |

2. Quantity and quality of return flows and location of discharge:

Discharge to collection ponds to be re-used for commercial irrigation uses. No overflow anticipated.

3. Describe effects on other water uses resulting from the proposed change:

No effect. Use within historical season of use.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Larry E. Wheaton  
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of OCTOBER, 19 93.

[Signature]  
(Notary Public)

My commission expires 5-15-95

**FOR DEPARTMENT USE ONLY**

Transfer contains 5 pages and 3 attachments

Received by Cyt Date 10/8/93 Protest filed by \_\_\_\_\_

Prelim. check by 82 Fee 50- W016843

Receipted by 82 Date 10/8/93

Published in Press Tribune Copies of protest forwarded by \_\_\_\_\_

Pub. dates 10-20 + 27-93 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

T2N R2W

[illegible]

WARRANTY DEEDKGW  
LEW

FOR VALUE RECEIVED, ERCIL R. BOWMAN, JR. and COLLEEN G. BOWMAN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LARRY E. WHEATON and KARI G. WHEATON, husband and wife, the Grantees, of 100 E. Braemere, Boise, Idaho 83702, the following described premises, situated in Canyon County, State of Idaho, to-wit:

The Northwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of Section 34, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho;

Together with all water, water rights, ditches and rights-of-way for ditches appurtenant thereto or in anywise appertaining;

SUBJECT to taxes and assessments for the year 1992 and all subsequent years.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this ✓ 31st day of December, 1992.

✓ Eric R. Bowman Jr.  
Ericil R. Bowman, Jr.

✓ Colleen G. Bowman  
Colleen G. Bowman

RECEIVED

OCT 14 1993

WATER RESOURCES  
WESTERN REGION

APR 19 1994

\*  
STATE OF IDAHO                    )  
                                      ) ss.  
County of Canyon                )

On this 31<sup>st</sup> day of December, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared **ERCIL R. BOWMAN, JR. and COLLEEN G. BOWMAN**, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



*[Signature]*  
Notary Public for Idaho  
Residing at Nampa, Idaho  
My commission expires: 5-15-97

9300555

RECORDED

93 JAN 11 AM 11 53

NET

CANYON CN RECORDER  
BY *C. Smith*

PIONEER — NAMPA

REQUEST  
TYPE Deed FEE 6.00

*[Faint stamp]*

APR 19 1994

State of Idaho  
Department of Water Resources

I am the lien holder on the property described as the N.E. 1/4, of the N.W. 1/4 of Section 34, Twp 2N, Range 2W in Canyon County, Idaho.

It is agreeable with me to change a portion of the irrigation use to commercial and heating use.



*[Signature]* \*  
Signature of Lien Holder

Subscribed and sworn to before me this 8<sup>th</sup> day of October, 1993

*[Signature]*  
Notary Public

My Commission expires 5-15-97

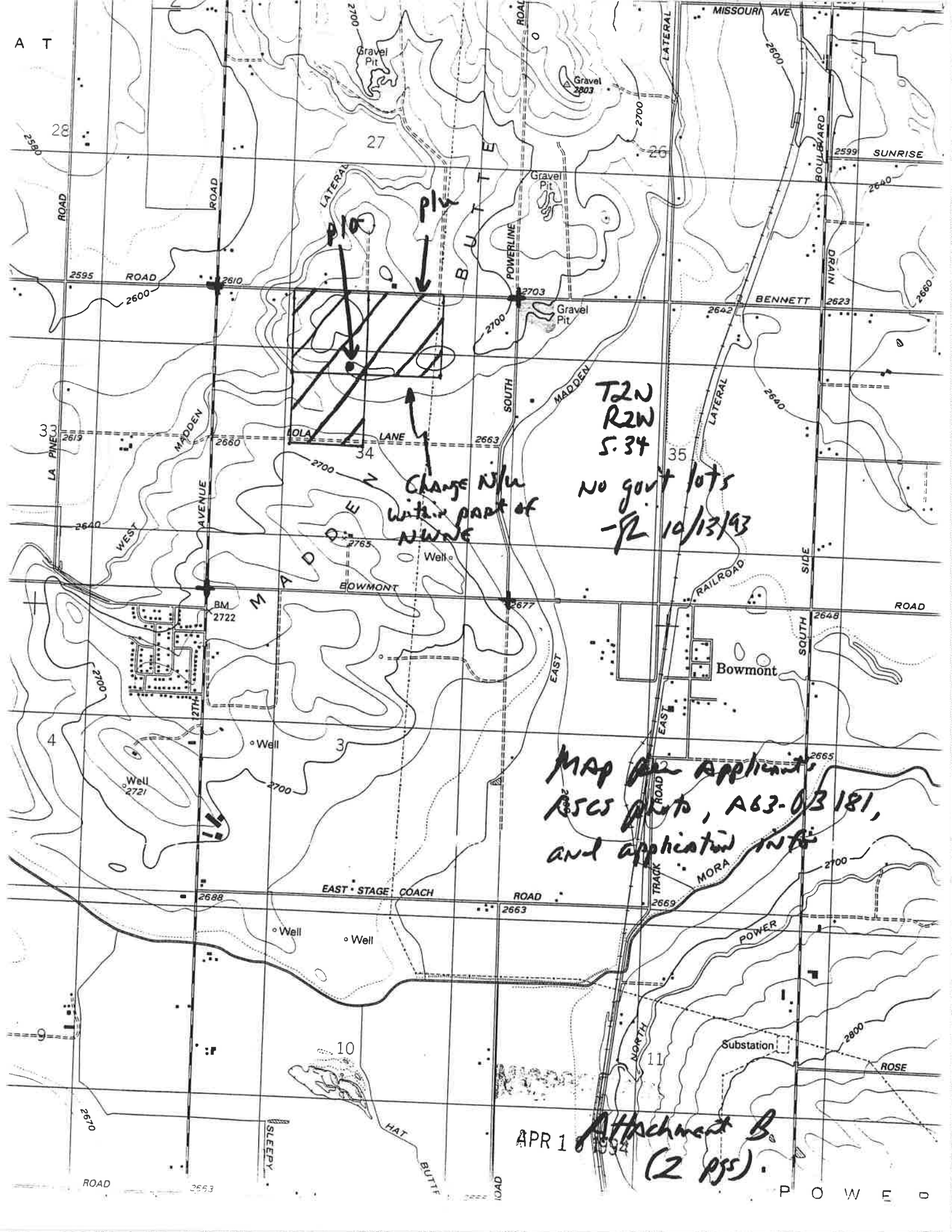
\*  
Dr. Erik Bowman per telecon with Applicant 10/13/93 JR

*[Faint stamp]*

APR 19 1994

Attachment A  
(3 ps.)

A T



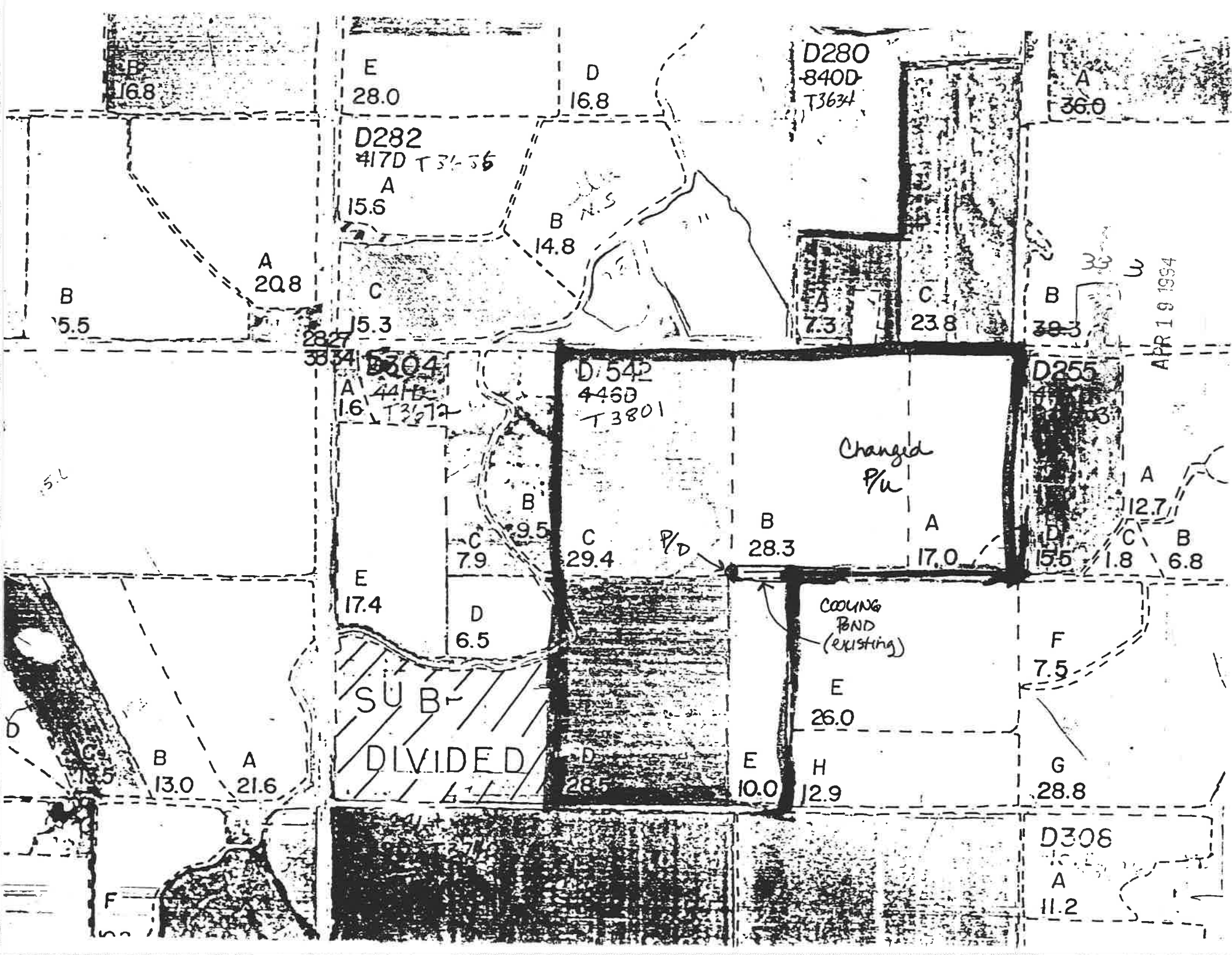
T2N  
R2W  
S.34  
No govt lots  
-R 10/13/93

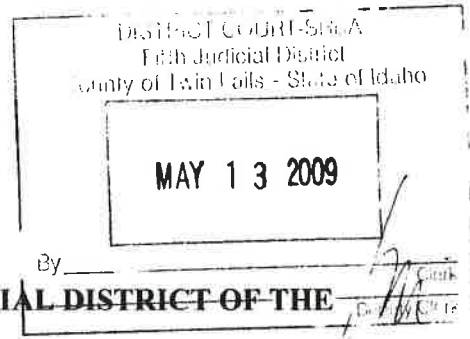
Change N/Pu  
within part of  
NWNE

Map for Applicant  
RSCS photo, A63-03181,  
and application info

APR 1 1994  
Attachment B  
(2 pgs).

P O W E R





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 )  
ORDER OF PARTIAL DECREE  
Subcase No. 63-03181  
(Wheaton)

On February 9, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

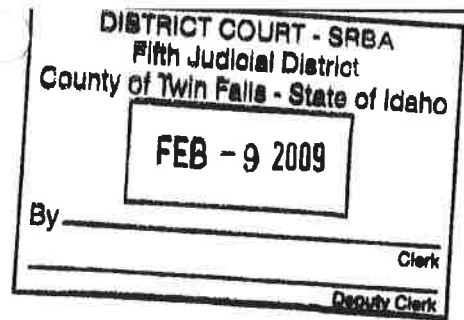
Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

May 13, 2009

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

SCANNED  
MAY 13 2009



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 63-03181

I. FINDINGS OF FACT

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 claimant of the water right, Larry Wheaton, through his attorney S. Bryce Farris, filed an objection to the *Director's Report*. On January 16, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-03181 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Feb 9, 2009

Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-03181

NAME AND ADDRESS: LARRY WHEATON  
4101 GEKELEK  
PO BOX 5346  
BOISE, ID 83705

SOURCE: GROUND WATER

QUANTITY: 1.38 CFS  
535.50 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION: T02N R02W S34 NENW Within Canyon County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-01 TO 11-15 | 1.38 CFS<br>535.50 AFY |

|               |                   |           |                      |
|---------------|-------------------|-----------|----------------------|
| PLACE OF USE: | Irrigation        |           | Within Canyon County |
|               | T02N R02W S34     | NWNE 40.0 | NENW 40.0            |
|               |                   | SENE 39.0 |                      |
|               | 119.0 Acres Total |           |                      |

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

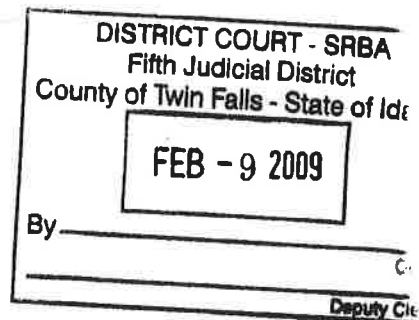
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

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





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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 63-03181

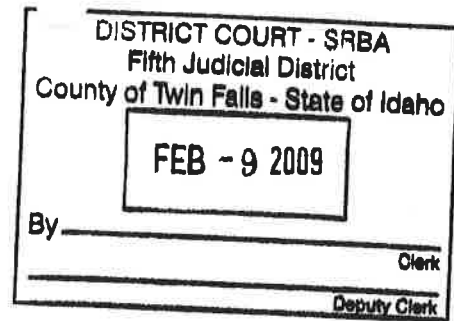
On February 09, 2009, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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 February 09, 2009.

  
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) : 63-03181

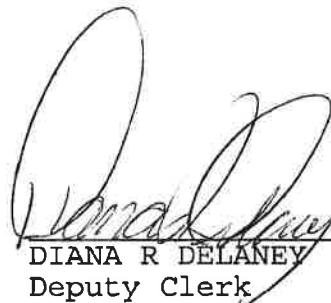
CERTIFICATE OF MAILING

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 February 09, 2009, with sufficient first-class postage prepaid to the following:

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

LARRY WHEATON

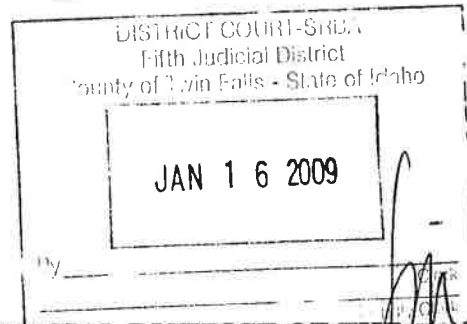
Represented by:  
S. BRYCE FARRIS  
455 S THIRD ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591



DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
02/09/09



**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 No. 63-3181      |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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

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

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

**CLAIMANT/OBJECTOR:**

Larry Wheaton

 1/13/09  
S. Bryce Farris                      Date  
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-3181

**IDWR Concurrence:**

Sandy Egbert      1-14-09  
Sandy Egbert      Date  
GIS Specialist

Andrea L. Courtney      1/7/09  
Andrea L. Courtney      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-3181

## NAME AND ADDRESS:

LARRY WHEATON  
4101 GEKELER  
PO BOX 5346  
BOISE ID 83705

## SOURCE:

Source:  
GROUND WATER

Tributary:

## QUANTITY:

1.380 CFS

535.500 AFY~~495.400 AFY~~

## PRIORITY DATE:

02/11/1960

## POINT OF DIVERSION:

T02N R02W S34 NENW  
Within CANYON CountyPURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

1.380 CFS 535.50 AFY~~1.220 CFS 472.50 AFY~~~~COMMERCIAL~~~~03/15 11/15~~~~0.140 CFS 13.20 AFY~~~~HEATING~~~~03/15 11/15~~~~0.020 CFS 9.70 AFY~~

## PLACE OF USE:

IRRIGATION

within CANYON County

T02N R02W S34 NWNE 40.0T02N R02W S34 NWNE 26.0

T02N R02W S34 NENW 40.0

T02N R02W S34 SENW 39.0

~~HEATING Same as IRRIGATION~~~~COMMERCIAL Same as IRRIGATION~~119 ACRES TOTAL~~105 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 - License

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~  
~~The right holder shall accomplish the change authorized by Transfer 4234 within one (1) year of the date of this approval.~~  
~~Failure of the right holder to comply with the conditions of Transfer 4234 is cause for the Director to rescind approval of the transfer.~~

## CERTIFICATE OF MAILING

I certify that on Jan 15, 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:

LARRY WHEATON  
Represented by:  
S. BRYCE FARRIS  
455 S. THIRD STREET  
P.O. BOX 2773  
BOISE, ID 83701-2773

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

Deserae Kramer  
Signature of person or attorney mailing the form



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

December 24, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

**LARRY WHEATON**  
**4101 GEKELER BOX 5346**  
**BOISE ID 83705**

RE: Preliminary Order Rescinding Transfer No. 4234  
Water Right No. 63-3181

Dear Water Right Holder:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4947.

Sincerely,

*Shelley W. Keen*

Shelley W. Keen, Manager  
Water Right Permits Section

Enclosures

cc: S BRYCE FARRIS  
RINGERT LAW  
PO BOX 2773  
BOISE ID 83701

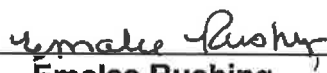
## **CERTIFICATE OF SERVICE**

I hereby certify that on December 24, 2008 I mailed a true and correct copy, certified postage prepaid, of the foregoing PRELIMINARY ORDER to the persons listed below:

RE: Preliminary Order Rescinding Transfer No. 4234

**LARRY WHEATON  
4101 GEKELER BOX 5346  
BOISE ID 83705**

**S BRYCE FARRIS  
RINGERT LAW  
PO BOX 2773  
BOISE ID 83701**

  
\_\_\_\_\_  
**Emalee Rushing  
Office Services Supervisor**

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO. 4234 )  
OF WATER RIGHT NO. 63-3181 IN THE )  
NAME OF LARRY WHEATON )  
\_\_\_\_\_ )

**PRELIMINARY ORDER  
RESCINDING TRANSFER**

**FINDINGS OF FACT**

1. On April 4, 1994 the Department of Water Resources ("Department") approved Application for Transfer No. 4234 ("transfer") submitted in the name of Larry Wheaton ("right holder"). The transfer changed the nature of use of 14 acres of irrigation use authorized under Water Right No. 63-3181 to commercial and heating use.

2. The transfer approval included condition numbers 2 and 3 as follows:

- 2) The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 3) Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

3. On December 19, 2008, the right holder through his attorney S. Bryce Farris asked the Department to rescind the transfer approval allowing the right to revert back to irrigation use as authorized before the transfer was approved. The request explained that the transfer changes have not been accomplished.

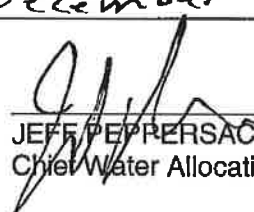
**CONCLUSIONS OF LAW**

- 1. The Department is authorized to issue preliminary orders changing a prior approval.
- 2. The right holder having shown sufficient cause, the Department should issue a preliminary order rescinding the April 4, 1994 transfer approval.

**ORDER**

IT IS THEREFORE HEREBY ORDERED that Transfer No. 4234 approved on April 4, 1994 is **RESCINDED** and that the right shall revert back to irrigation use as licensed prior to the transfer approval.

Dated this 23 day of December, 2008.

  
\_\_\_\_\_  
JEFF PEPPERSACK  
Chief Water Allocation Bureau

2008 SEP 02 PM 03:10  
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 NO: 63-03181 |

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

TUESDAY, JANUARY 13, 2009 at 02:30 PM (MT)

SRBA  
253 - 3RD AVENUE NORTH  
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: SEPTEMBER 02, 2008

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

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

Page 1 9/02/08

CERTIFICATE OF MAILING

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

LARRY WHEATON

Represented by:  
S. BRYCE FARRIS  
455 S THIRD ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

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

2008 JUN 11 AM 10:44  
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: 63-03181  |

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

TUESDAY, SEPTEMBER 02, 2008 at 03:00 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: JUNE 11, 2008

/S/ DIANA R DELANEY  
Deputy Clerk  
Snake River Basin Adjudication

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

Page 1 6/11/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 11, 2008, with sufficient first-class postage to the following:

LARRY WHEATON

Represented by:

S. BRYCE FARRIS

455 S THIRD ST.

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED

MAY 06 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 05 PM 01:24  
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 NO: 63-03181     |

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

FRIDAY, JUNE 06, 2008 at 09:00 AM (MT)  
NAMPA  
120 - 9TH AVE S  
NAMPA, 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 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/04/08

(continued)

Dated: MAY 05, 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 05, 2008,  
with sufficient first-class postage to the following:

LARRY WHEATON

Represented by:

S. BRYCE FARRIS

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SWSW

SESW

27

SWSE

SE

NWNW

NENW

NWNE

NENE

02N02W

SWNW

SENW

SWNE

SENE

NWSW

NESW

NWSE

NESE

2004 Photography

SWSW

SESW

27

SWSE

SESE

NWNW

NENW

NWNE

NENE

02N02W

34

SWNW

SENW

SWNE

SENE

NWSW

NESW

NWSE

NESE

1992 DOQQ

COPY

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

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Description**  
Should be: N/A
7. ☒ **Purpose(s) of Use**  
Should be: Irrigation. See below.
8. ☒ **Period of Year**  
Should be: See below.
9. ☒ **Place of Use**  
Should be: 119 total acres. See below.
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 OBJECTION (S):** This water right has been recommended to reflect a Transfer 4234, which has not been accomplished. Accordingly, the claimant objects to the recommendation and requests that the water right be decreed as it was originally licensed.

F. VERIFICATION (must be completed)

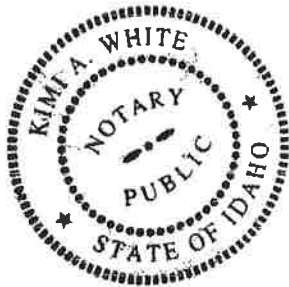
State of Idaho )  
 ) ss.  
County of Ada )

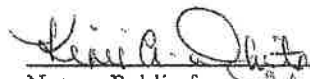
S. Bryce Farris, duly sworn, upon oath, deposes and says:

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

  
S. Bryce Farris

Subscribed and sworn to before me on: June 15, 2007



  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 2/1/10

### INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### CERTIFICATE OF MAILING

I certify that on June 15, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Larry Wheaton

Address: 4101 Gekeler  
Boise, ID 83705

3. Copies to:

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

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

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



---

Signature of Objector or attorney  
mailing on Objector's behalf



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

### WESTERN REGION

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Interim Director

March 23, 2007

LARRY WHEATON  
8571 BENNETT RD  
NAMPA ID 83686-9247

Re: Snake River Basin Adjudication (SRBA)  
Water Right No(s). 63-3181  
**Change of Address**

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your claim(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

**If your mail delivery address changes in any form, please contact us in writing so we can update our records.**

If there has been a change in ownership of any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right(s) records.

Sincerely,

Lori Harris  
Technical Records Specialist  
Adjudication Section  
Western Region

\*\*\*\*\*  
The address is correct as shown above or as otherwise changed.

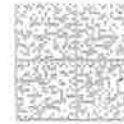
\_\_\_\_\_  
Signature of water right claimant

\_\_\_\_\_  
Telephone number

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE  
\$ 00.87  
000-536533 FEB 02 20  
MAILED FROM ZIP CODE 837

3910

LARRY WHEATON  
4101 GEKELER  
~~BOISE ID 83705~~  
BOISE ID 83705

RECEIVED  
MAR 02 2007  
WATER RESOURCES  
WESTERN REGION

63-3181

8571 Bennett Rd  
Nampa 83686-9247

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



UNITED STATES  
02 1A \$ 00.87<sup>0</sup>  
0004310839 OCT 06 2006  
MAILED FROM ZIP CODE 83702



ATTEMPTED  
NOT KNOWN

Return to Sender

Not at this address

LARRY WHEATON  
4101 GEKELER  
PO BOX 5345  
BOISE ID 83705

RECEIVED

OCT 13 2006

WATER RESOURCES  
WESTERN REGION

8571 Bennett Rd  
Nampa 83686

63-3181

Resent 10-13-06



03/31/2006

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

RIGHT NUMBER: 63-3181

NAME AND ADDRESS: LARRY WHEATON  
4101 GEKELER  
PO BOX 5346  
BOISE ID 83705

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.380 CFS  
495.400 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:

T02N R02W S34 NENW 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          | 1.220 CFS<br>472.50 AFY |
| HEATING               | 03/15 11/15          | 0.020 CFS<br>9.70 AFY   |
| COMMERCIAL            | 03/15 11/15          | 0.140 CFS<br>13.20 AFY  |

PLACE OF USE: IRRIGATION Within CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T02N R02W S34 | NWNE | 26.00 | T02N R02W S34 | NENW | 40.00 |
| T02N R02W S34 | SENE | 39.00 |               |      |       |

HEATING same as IRRIGATION  
COMMERCIAL same as IRRIGATION

105 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 - License

The right holder shall accomplish the change authorized by Transfer 4234 within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of Transfer 4234 is cause for the Director to rescind approval of the transfer.

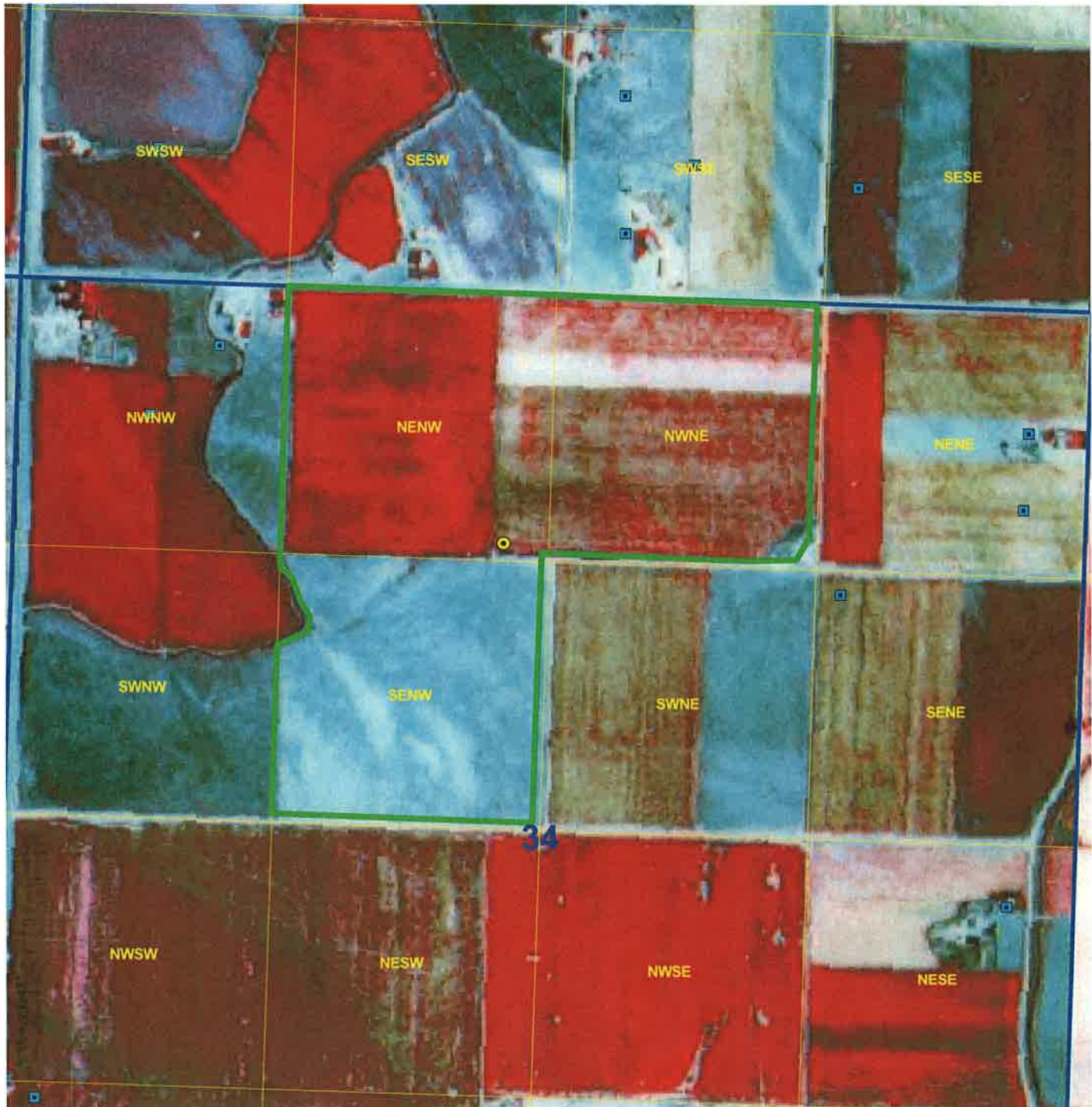
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.



# Idaho Department of Water Resources

## 63-3181

T02N R02W S34



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter

Total irrigated  
acres = 105



400 0 400 800 1200 Feet

IDWR  
Prepared by: Sandy Egbert  
Date: March 31, 2006  
1987 NAAP Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3181 V1

WATER RIGHT NUMBER: 63-3181 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
|-------------------|----------------------------------------------------------------------------------|
| Original Owner    | ERCIL BOWMAN<br>240 WINDSHIP DR<br>PORT TOWNSHIP, WA 98368<br>(206)385-7589      |
| Original Owner    | COLLEEN BOWMAN<br>240 WINDSHIP DR<br>PORT TOWNSEND, WA 98368<br>(206)385-7589    |
| Original Owner    | WESLEY R SCHOBBER<br>422 W LOCUST LN<br>NAMPA, ID 83651<br>(208)466-2965         |
| Current Owner     | LARRY WHEATON<br>4101 GEKELER<br>PO BOX 5346<br>BOISE, ID 83705<br>(208)385-0223 |

Priority Date: 02/11/1960

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 1.220 CFS             | 472.50 AF            |
| HEATING               | 03/15 to 11/15          | 0.020 CFS             | 9.70 AF              |
| COMMERCIAL            | 03/15 to 11/15          | 0.140 CFS             | 13.20 AF             |
|                       | <u>Total Diversion:</u> | 1.380 CFS             | 495.40 AF            |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NE1/4NW1/4 | Sec. 34, Twp 02N, Rge 02W, B.M. |
| CANYON County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |    |    |    | NW   |    |    |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 02W | 34  |      |    |    |    |      |    |    |      |    |    |    |    |    |    |    |    | 105.0  |
|     |     |     | 26.0 |    |    |    | 40.0 |    |    | 39.0 |    |    |    |    |    |    |    |    |        |

Total Acres: 105

HEATING same as IRRIGATIONCOMMERCIAL same as IRRIGATION

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3181 V1

COMMERCIAL same as IRRIGATIONConditions 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. T07 The right holder shall accomplish the change authorized by Transfer 4234 within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of Transfer 4234 is cause for the Director to rescind approval of the transfer.
4. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:Comments: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:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 03/30/2006                | Igagnon         | Active        |
| Priority Date  | 3/31/2006 2:22:40 PM      | segbert         |                           |                 | Active        |
| POD            | 3/31/2006 2:23:00 PM      | segbert         |                           |                 | Active        |
| Source         | 3/31/2006 2:23:33 PM      | segbert         |                           |                 | Active        |
| POU            | 3/31/2006 2:23:48 PM      | segbert         |                           |                 | Active        |
| Use            | 3/31/2006 2:24:35 PM      | segbert         |                           |                 | Active        |
| Season         | 3/31/2006 2:32:00 PM      | segbert         |                           |                 | Active        |
| Quantity       | 3/31/2006 2:33:03 PM      | segbert         |                           |                 | Active        |
| Summary        |                           |                 | 03/31/2006                | segbert         | Active        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-3181 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General        | 3/31/2006 2:22:41 PM   | segbert         | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required? |
| POD            | 3/31/2006 2:23:01 PM   | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                       |
| POD            | 3/31/2006 2:23:17 PM   | segbert         | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Source         | 3/31/2006 2:23:34 PM   | segbert         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                     |
| POU            | 3/31/2006 2:23:48 PM   | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                     |
| POU            | 3/31/2006 2:24:11 PM   | segbert         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                     |
| Use            | 3/31/2006 2:24:36 PM   | segbert         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                      |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-3181 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 3/31/2006 2:35:55 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| Summary  | 3/30/2006 1:49:02 PM | lgagnon | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Season   | 3/31/2006 2:32:01 PM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                            |
| Quantity | 3/31/2006 2:33:03 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 10 - 4.5 x acres</p>                                                                              |

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-3181

WATER RIGHT NUMBER: 63-3181

| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
|-------------------|----------------------------------------------------------------------------------|
| Original Owner    | ERCIL BOWMAN<br>240 WINDSHIP DR<br>PORT TOWNSHIP, WA 98368<br>(206)385-7589      |
| Original Owner    | COLLEEN BOWMAN<br>240 WINDSHIP DR<br>PORT TOWNSEND, WA 98368<br>(206)385-7589    |
| Original Owner    | WESLEY R SCHOBBER<br>422 W LOCUST LN<br>NAMP, ID 83651<br>(208)466-2965          |
| Current Owner     | LARRY WHEATON<br>4101 GEKELER<br>PO BOX 5346<br>BOISE, ID 83705<br>(208)385-0223 |

Priority Date: 02/11/1960 ✓

Basis: License ✓

Status: Active ✓

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| GROUND WATER ✓ |                  |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION ✓            | 3/15 to 11/15 ✓       | 1.220 CFS ✓           | 472.50 AF ✓          |
| HEATING ✓               | 3/15 to 11/15 ✓       | 0.020 CFS ✓           | 9.70 AF ✓            |
| COMMERCIAL ✓            | 3/15 to 11/15 ✓       | 0.140 CFS ✓           | 13.20 AF ✓           |
| <u>Total Diversion:</u> |                       | 1.380 CFS             | 495.40 AF ✓          |

Location of Point(s) of Diversion

|               |              |                                 |
|---------------|--------------|---------------------------------|
| GROUND WATER  | NE1/4NW1/4 ✓ | Sec. 34, Twp 02N, Rge 02W, B.M. |
| CANYON County |              |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE     | NW     | SW     | SE | Totals  |
|-----|-----|-----|--------|--------|--------|----|---------|
| 02N | 02W | 34  | 26.0 ✓ | 40.0 ✓ | 39.0 ✓ |    | 105.0 ✓ |

Total Acres: 105

HEATING same as IRRIGATIONCOMMERCIAL same as IRRIGATION

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3181

WATER RIGHT NUMBER: 63-3181

| <u>Owner Type</u> | <u>Name and Address</u>                                                          |
|-------------------|----------------------------------------------------------------------------------|
| Original Owner    | WESLEY R SCHOBBER<br>422 W LOCUST LN<br>NAMPA, ID 83651<br>(208)466-2965         |
| Current Owner     | LARRY WHEATON<br>4101 GEKELER<br>PO BOX 5346<br>BOISE, ID 83705<br>(208)385-0223 |

Priority Date: 02/11/1960

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| COMMERCIAL              | 3/15 to 11/15         | 0.140 CFS             | 13.20 AF             |
| IRRIGATION              | 3/15 to 11/15         | 1.220 CFS             | 472.50 AF            |
| HEATING                 | 3/15 to 11/15         | 0.020 CFS             | 9.70 AF              |
| <u>Total Diversion:</u> |                       | 1.380 CFS             | 495.40 AF            |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | NE1/4NW1/4 | Sec. 34, Twp 02N, Rge 02W, B.M. |
| CANYON County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |      |    |    | NW |      |    |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|----|------|----|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW   | SW | SE | NE | NW   | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 02W | 34  |    | 26.0 |    |    |    | 40.0 |    | 39.0 |    |    |    |    |    |    |    |    | 105.0  |

Total Acres: 105

COMMERCIAL same as IRRIGATIONHEATING same as IRRIGATIONConditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Commercial use is for greenhouses.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

# Receipt Details for ID W009801

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received         | Date Deposited | Region  | Total Amount | Payment Type |
|-----------------------|----------------|---------|--------------|--------------|
| 2/28/1990 11:11:06 AM | 2/28/1990      | Western | \$332.00     | Check        |
| <b>Payer</b>          | BOWMAN, ERCIL  |         |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 1389                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION FEE

## Fee Detail:

| Amount   | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------|--------|------|-------------|------------|--------|
| \$332.00 | ADJUDICATION 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           | 21287           |              | \$25.00  | Claim |
| 63           | 3181            |              | \$169.00 | Claim |
| 63           | 8732            |              | \$113.00 | Claim |
| 63           | 21286           |              | \$25.00  | Claim |

Print Report

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-3181**

03/30/2006

1

| Water Right #       | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name          |
|---------------------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|---------------|
| <del>63-3181</del>  | Claim       | 02N | 02W | 34  | NW | NE |     | IRRIGATION     | 26/105      | LARRY WHEATON |
| <del>63-3181</del>  | Water Right | 02N | 02W | 34  | NW | NE |     | IRRIGATION     | 26/105      | LARRY WHEATON |
| <del>63-12004</del> | Water Right | 02N | 02W | 34  | NW | NE |     | HEATING        |             | LARRY WHEATON |
| <del>63-3181</del>  | Claim       | 02N | 02W | 34  | NE | NW |     | IRRIGATION     | 40/105      | LARRY WHEATON |
| <del>63-3181</del>  | Water Right | 02N | 02W | 34  | NE | NW |     | IRRIGATION     | 40/105      | LARRY WHEATON |
| <del>63-3181</del>  | Claim       | 02N | 02W | 34  | SE | NW |     | IRRIGATION     | 39/105      | LARRY WHEATON |
| <del>63-3181</del>  | Water Right | 02N | 02W | 34  | SE | NW |     | IRRIGATION     | 39/105      | LARRY WHEATON |

| OWNER<br>CODE    | NAME & ADDRESS                                                                   | PRIORITY<br>DATE | WATER USE                           | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE                   | DIVERSION<br>VOLUME                 |
|------------------|----------------------------------------------------------------------------------|------------------|-------------------------------------|-------------------------------------------|-------------------------------------|-------------------------------------|
| C                | LARRY WHEATON<br>4101 GEKELER<br>PO BOX 5346<br>BOISE ID 83705<br>(208) 385-0223 | 02/11/1960       | IRRIGATION<br>COMMERCIAL<br>HEATING | 03-15 11-15<br>03-15 11-15<br>03-15 11-15 | 1.220 CFS<br>0.140 CFS<br>0.020 CFS | 472.50 AFA<br>13.20 AFA<br>9.70 AFA |
| TOTAL DIVERSION: |                                                                                  |                  |                                     |                                           | 1.380 CFS                           | 495.40 AFA                          |
| CONSUMPTIVE USE: |                                                                                  |                  |                                     |                                           |                                     | 416.50 AFA                          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R02W S34 NEWN

CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | :     | SUM   |
| 02N | 02W | 34 | : |    |    | 26 |    |    |    | 40 |    |    |    |    |    |    |    |    |             | :     | 105.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 105.0 |       |

Place of use location for COMMERCIAL is the same location as described for: IRRIGATION

Place of use location for HEATING is the same location as described for: IRRIGATION

POU County: CANYON

Non-Irrigation Uses: COMMERCIAL & HEATING, GREENHOUSES.

Other Rights: IRRIGATION DISTRICT WATER

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN CLAIM AMENDED PER TRANSFER NO. 4234 APPROVED 4/4/1994.  
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE  
COPY OF APPROVED TRANSFER NO. 4234 IN FILE. KW 6/7/1995

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

AJ5809NP  
No. A63-03181

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00  
PAGE: 38

Audit: 02/28/90 GIBSON 03/30/95 KWALKER 03/30/95 POST-STD 06/07/95 KWALKER

FIELD EXAM  
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT Larry Wheaton  
PHONE NUMBER 385-0223 ADJ. AGENT TTTTINICUCCI  
465-7019  
DATE SET FOR EXAM NONE  
LOCATION/DIRECTIONS \_\_\_\_\_

Diverting at full rates? \_\_\_\_\_

Type of measuring devices? \_\_\_\_\_

Places to make measurements? \_\_\_\_\_

Type of System? (pipelines, ditches) \_\_\_\_\_

How many laterals are used? \_\_\_\_\_

Length and size of mainline? \_\_\_\_\_

Size of motor used for each P/D? \_\_\_\_\_

Estimate of depth to water? \_\_\_\_\_

Pressure at well? \_\_\_\_\_

Pressure at sprinkler heads? \_\_\_\_\_

COMMENTS Transfer of 14 irrigated acres to comm/heating  
as per Trans. No. 4234. See also appl. 63-12064  
for use during Non-irrigation season. left msg on machine  
that I would be stopping by to confer comm/heating  
use. TTTT

WR5809NP  
No. 63-03181

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/20/95  
PAGE: 19

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE                                 | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE                         | DIVERSION<br>VOLUME                       |
|------------------|----------------------------------------------------------------------------|------------------|-------------------------------------------|-------------------------------------------|-------------------------------------------|-------------------------------------------|
| C                | LARRY WHEATON<br>4101 GEKELER BOX 5346<br>BOISE ID 83705<br>(208) 385-0223 | ✓ 02/11/1960     | ✓ IRRIGATION<br>✓ COMMERCIAL<br>✓ HEATING | 03-15 11-15<br>03-15 11-15<br>03-15 11-15 | ✓ 1.220 CFS<br>✓ 0.140 CFS<br>✓ 0.020 CFS | ✓ 472.50 AFA<br>✓ 13.20 AFA<br>✓ 9.70 AFA |
| TOTAL DIVERSION: |                                                                            |                  |                                           |                                           | ✓ 1.380 CFS                               | ✓ 495.40 AFA                              |

Water Source: GROUNDWATER ✓

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02W S34 ✓

NENW ✓

CANYON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |         |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|---------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM     |
| 02N | 02W | 34 | : |    |    | 26 |    |    |    | 40 |    |    |    |    |    |    |    |    |    | :           | 105.0   |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 105.0 ✓ |

*Deeded 14 acres*

Place of use location for COMMERCIAL is the same location as described for: IRRIGATION

Place of use location for HEATING is the same location as described for: IRRIGATION

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:  
63-12064

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: Commercial use is for greenhouses.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 02/11/1960 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  | 08/28/1979         |            |

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/06/1993 User-ID: HODGES Subject: TRANSFER NO. 4234  
Transfer filed to change the nature of use of 14 acres in NWNE  
Section 34 from irrigation to commercial and heating uses.  
P/D and P/U will not be altered. Right as changed will be used  
in conjunction with new application for permit for winter use  
(11/16 to 3/14) on same project.

Audit: 05/06/85 05/01/88 CONVERT 10/06/93 HODGES 03/31/94 SKAGGS

# ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-03181

| WR ELEMENT            | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD                                  |
|-----------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|---------------------------------------------|
| PRIORITY*             | <u>N</u>                                              |                                                         |                                             |                        |                                    |                                  |                                             |
| PT. OF DIV.           |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| SOURCE                |                                                       |                                                         |                                             |                        |                                    |                                  | DATA ENTRY COMPLETED<br>BY _____ DATE _____ |
| PL. OF USE            | <u>Y</u>                                              |                                                         |                                             |                        |                                    |                                  | FINAL RECOMMENDATION<br>BY _____ DATE _____ |
| DIV. AMOUNT<br>CFS/AF |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| CONSUMPTIVE<br>USE    |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| NATURE OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| PERIOD OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| BASIS OF<br>CLAIM     |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |
| REMARKS               |                                                       |                                                         |                                             |                        |                                    |                                  |                                             |

\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES \_\_\_\_\_ NO \_\_\_\_\_.

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

COMMENTS: 14 acres returned from NWNE. Deed by to confirm.

## VERIFICATION CODES

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

# State of Idaho

## License and Certificate of Water Right

Water License No. G-28465

Amount 1.38 c.f.s.

Water District No. \_\_\_\_\_

Priority Feb. 11, 1960

THIS IS TO CERTIFY that WESLEY R. SCHOBBER  
of Nampa, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated February 11, 19 60; that Permit No. G-28465  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
1.38 second feet, was issued thereunder on June 19, 19 63, showing that said works  
were completed on the 28th day of March, 19 63; and that on the 28th  
day of March, 19 63,

WESLEY R. SCHOBBER

of Nampa, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow , for the purpose of irrigation  
, under Use Permit No. G-28465 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
12 of Licenses at page 7596, on the 19 day of June, 19 63;  
The right hereby confirmed dates from February 11, 19 60;

The Point of Diversion is located  
in the NE 1/4 NW 1/4, Sec. 34, Tp. 2 N., R. 2 W., B. M. Canyon County  
That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed 1.38 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 2 N. | 2 W.  | 34   | NW 1/4 NE 1/4                          | 40                               | 40                              |
|      |       |      | NE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | SE 1/4 NW 1/4                          | 40                               | 39                              |
|      |       |      | Total number of acres to be irrigated: |                                  | 119                             |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
19th day of June, 19 63.

RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

63 434

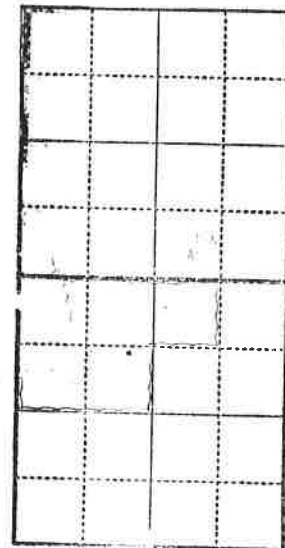
62-3181

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36442  
Permit No. G- 28465  
District No.

1. Name of Applicant: Wesley R. Schöber  
Postoffice address: Rt. #4, Nampa County: Canyon State: Idaho
2. Quantity of water claimed:
  - (a) Rate of withdrawal in cubic feet per second 3.0 or Idaho  
Miners' inches 150 or gallons per minute
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 34  
Twp. 2 N , Rge. 2 W , B.M., County of Canyon
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and sprinkler system
8. Estimated cost of works: \$ 20,000
9. (a) Is reservoir to be used? No  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash onhand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
  - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) 3.0 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

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

s/ Wesley R. Schober Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:30 P.M. February 11, 1960

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G- 28465

Recorded in Book 100 Page 28465 Approved February 17, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 17, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 17, 1965

Witness my hand this 17th day of February, 1960

s/ GEO. N. CARTER  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of February, 1960.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE  
Governor

Secretary of State.

12.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 2 N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2 W   | 34   | 40     |        |        |        | 40     | 11     | 24     | 40     |        |        |        |        |        |        |        | 155    |        |
| <p>APPLICATION FOR AMENDMENT<br/>POINT OF DIVERSION<br/>Permit No. G-28465</p>                                                                                                                                                                                                                                                                                                                                                                                                           |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>Comes now WESLEY R. SCHOBBER and represents to the State Reclamation Engineer of the State of Idaho:</p>                                                                                                                                                                                                                                                                                                                                                                              |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28465.</p>                                                                                                                                                                                                                                                                                                                                                                    |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>That the point of diversion is described in said permit as being located: SE 1/4 NW 1/4, Sec. 34, Twp. 2 N., R. 2 W.</p>                                                                                                                                                                                                                                                                                                                                                              |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>E. M. That he now requests that the point of diversion be changed to a point located NE 1/4 NW 1/4, Sec. 34, Twp. 2 N., R. 2 W., B. M.</p>                                                                                                                                                                                                                                                                                                                                            |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>That the reason for desiring to make such change is as follows: This location was much closer to the power line.</p>                                                                                                                                                                                                                                                                                                                                                                  |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.</p>                                                                                                                                                                                                                                                                                                                                                                        |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>Signed at Boise, Idaho, this 24th day of June, 1960.</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>s/ WESLEY R. SCHOBBER</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>Date of Receipt at Department of Reclamation: June 24, 1960.</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>APPROVAL OF STATE RECLAMATION ENGINEER</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28465. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.</p> |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>s/ GEO. N. CARTER<br/>State Reclamation Engineer</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| <p>Recorded: July 5, 1960</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Permit No. G-28465 ✓  
CERTIFICATE OF COMPLETION OF WORKS

✓  
TO ALL WHOM IT MAY CONCERN:

This is to certify that WESLEY R. SCHOBBER of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-28465, issued upon Application No. G-36442, bearing date of priority of February 11, 1960, authorizing the diversion of 3.0 second feet of waters of a well, County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.38 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 34, T. 2 N., R. 2 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

119 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , Sec. 34, T. 2 N., R. 2 W., B. M.

Witness my hand this 19th day of June, A. D. 1963.

s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer

Proof of Completion of Works Made: March 28, 1963

LICENSE ISSUED FOR 1.38 SEC. FT.

*page 7596*

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. G-28465

This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Wesley R. Schober

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the \_\_\_\_\_ NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 34

T. 2 N R. 2 W.B.M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 75 HP U.S. Hollowshaft

Motor #1216567, Layne-Bowler Pump # 27514 (680 GPM @ 360' @ 1770 RPM)

Well 3.5' x 12' / 30' x 12' casing 6.135' - 6" discharge to 6" Gate Valve and 6" Check Valve to 3' x 12' steel horizontal tank - sand trap - 4" tee with 4" Gate Valve

in discharge pipe between pump & 6" Gate Valve. This 4" pipe discharges into a 30' dia pond as sand trap when pump first starts. (d.d. - 50') - 200' x 6" culvert 10" bowl. 7' stage

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Sec. 34., Twp. 2 N., Rge. 2 W.B.M.

Making a total of 155 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: Mr. Wesley R. Schober along

P.D. [Signature]

This examination was made on the 30<sup>th</sup> day of April, 1963

(Signed) Layne Johnson Examiner.

28465

Wesley R. Schober  
Rt. #4, Nampa, Idaho

Permit No. G-28465

Examination for Completion of Works & Beneficial Use

County Canyon

Quantity: 3.0 a.k. Sec. 34 T.2N R2 WBM

Source: Well

P. D.: BEH, Sec 34, T2N - R2 WBM

Use: Irrigation

Filed: BEH

Due: 7/1/65

Extension: —

Protest: —

Completion of Works: —

Other Rights: none

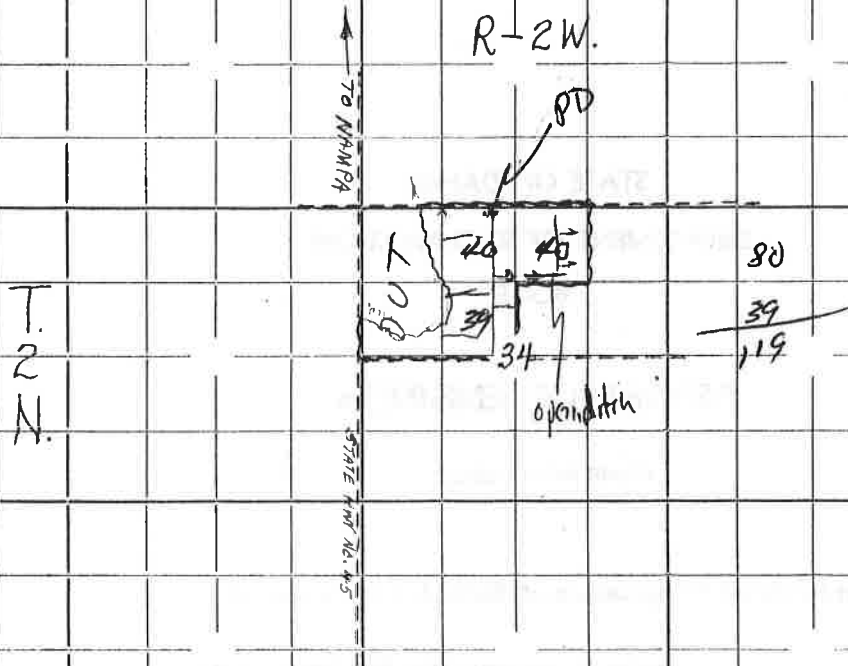
### INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
MAY 1 1965  
WATER DIVISION

0.2' ft. over 1' capping stone value = 0.30 cfs or 15 inch.

82-3/4" reg. @ 35th downy pressure = 489.56 PM = 54 inch  
 (5976M) 1.2' over 1' capping 102-  
 15  
 69 inch  
 138 cfs



|              |                    |
|--------------|--------------------|
| Subdivisions | 3                  |
| AREA         | 119                |
| Q            | 138 cfs or 69 inch |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28465

REPORT ON PROOF OF Completion of Works & Beneficial Use

Wesley R. Schober, Rt. #4, Nampa, Idaho