

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

RECEIVED

OCT 25 1989

Ident. Number: A63-04623

Date Received: 10-25-89

Receipt No: W006556

Received By: _____

Department of Water Resources **NOTICE OF CLAIM TO A WATER RIGHT**
Western Regional Office **ACQUIRED UNDER STATE LAW**

1. Name: C. EDGAR GRIFFITHS 208-459-6325
Address: 21027 NOTUS RD.
CALDWELL, ID 83605

OR

Name: VIRGINIA W. GRIFFITHS 208-459-6325
Address: RT. 2
CALDWELL, ID 83605

2. Date of Priority: APR 15, 1960

3. Source: PIPE GULCH Trib. to: DIXIE DRAIN
(RENSHAW CANAL)

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	22	NE	NW			CANYON

5. Description of diverting works:
CONC. DAM, DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.900		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-04623

Page 1

Date: 07/13/89

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	15	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	15.0
						Section Acres	95.0
						Total Acres	95.0

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:
A63-04621, A63-04622, A63-04624

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): C Edgar Griffiths Date: 7-13-89

Date: _____

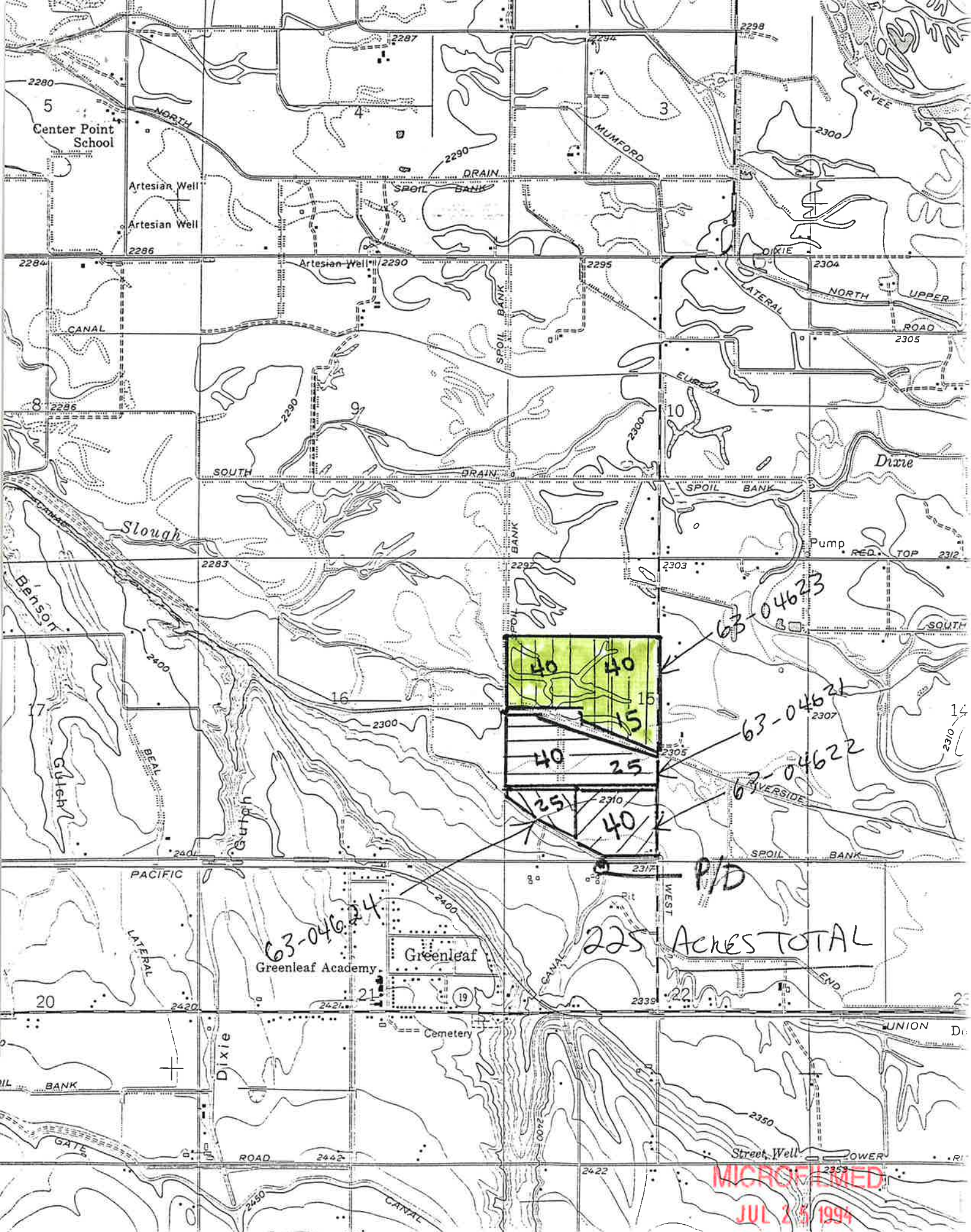
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of July 19 89

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 8, 1994



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-4623
Date Received: 10/26/1989
Receipt No: W006556
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DJK LLC Phone: (208) 459-3696
824 DEARBORN
CALDWELL ID USA 83605

2. Date of Priority: 04/15/1960

3. Source: PIPE GULCH CREEK , RENSHAW CANAL Trib. to: DIXIE DRAIN ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	22	NE NW	CANYON	
04N	04W	22	NE NW	CANYON	

5. Description of diverting works:

CONC. DAM, DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.9	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	15	SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	15
					Section Acres	95
					Total Acres	95

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by kw 9/21/2006.

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

RECEIVED

AUG 16 2006

DEPARTMENT OF
WATER RESOURCES

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4621 AJ			63-16304 PD		
63-4622 AJ			63-16305 PD		
63-4623 AJ			63-16306 PD		
63-4624 AJ					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Virginia W. Griffiths
4. New Owner/Claimant(s) DJK, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 824 Dearborn
- City, State and ZIP Code Caldwell, ID 83605
- New Telephone Number ()
5. Date you acquired the property January 25, 2006

ORIGINAL

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

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

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

7. Signature of New Owner(s) or Claimant(s) *TMJ Felt, Member*
(include title if applicable)

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

For Office Use Only

Received by _____ Date _____ Fee N/A
 Receipted by _____ Date _____ Receipt No. _____
 Processed by CEW AJ Date 9-21-06 WR _____ Date _____

WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor **Virginia Griffiths**, hereby grants, bargains, sells and conveys unto Grantee, **DJK, LLC** an Idaho limited liability company, whose address is 824 Dearborn, Caldwell, Idaho, all of Grantor's right, title, and interest in and to the following ground water rights, claims and/or decrees:

63-4621
63-4622
63-4623
63-4624
63-16304
63-16305
63-16306

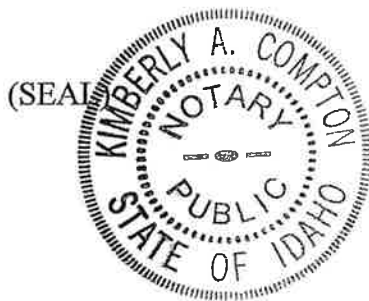
The water rights conveyed by this Deed are subject to all conditions and limitations specified on said licenses or that may be imposed by the Snake River Basin Adjudication Court.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths
Virginia W. Griffiths

STATE OF IDAHO)
 :SS
County of Canyon)

On this 25th day of January, 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS, individually, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



[Signature]
Notary Public for Idaho

Commission expires: 1-27-11

P200600211

INSTRUMENT NO. 200605543

A

WARRANTY DEED

FOR VALUE RECEIVED, Virginia W. Griffiths, ("Grantor") hereby grants, bargains sells and conveys unto DJK, LLC, an Idaho limited liability company ("Grantee") whose current address is 824 Dearborn, Caldwell, Idaho the following described real property located in Canyon County Idaho (the "Property"):

See Attached Exhibit "A" incorporated herein by this reference

TOGETHER with all appurtenant shares of water from the Wilder or other Irrigation District, and all water rights located on or appurtenant to the Property, including but not limited to all rights to use ground or surface water on the property whether evidenced by any permit, license, transfer, order, exchange, claim, decree or otherwise, or pursuant to any lease or other agreement, wells and other improvements, well rights, and all mineral rights.

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the Property.

Grantor covenants to Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths
Virginia W. Griffiths

STATE OF IDAHO)
)
County of Canyon)

On this 25th day of January, 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS, individually, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

(SEAL)



[Signature]
Notary Public for Idaho

Commission expires: 1-27-11

WARRANTY DEED

EXHIBIT A**PROPERTY DESCRIPTION
(Virginia W. Griffiths Property)**

Residence and parcel consisting of 144.43 acres, more or less, located at 21027 Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW ¼ lying South and West of Riverside Canal of Section 15.

200605543

RECORDED

2006 JAN 25 PM 4 27

NOEL HALES
CANYON CNTY RECORDER
by *Jack. Hales*

PIONEER-CALDWELL

REQUEST
FEE 16.00

PC200600211

201605544

TRUSTEE'S WARRANTY DEED

FOR VALUE RECEIVED, Virginia W. Griffiths Trustee of Trust B of the Griffiths Family Trust ("Grantor") hereby grants, bargains sells and conveys unto DJK, LLC, an Idaho limited liability company ("Grantee") whose current address is 824 Dearborn, Caldwell, Idaho the following described real property located in Canyon County Idaho (the "Property"):

See Attached Exhibit "A" incorporated herein by this reference

TOGETHER with all appurtenant shares of water from the Pioneer or other Irrigation District, and all water rights located on or appurtenant to the Property, including but not limited to all rights to use ground or surface water on the property whether evidenced by any permit, license, transfer, order, exchange, claim, decree or otherwise, or pursuant to any lease or other agreement, wells and other improvements, well rights, and all mineral rights.

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the Property.

Grantor covenants to Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

The Grantor executes this instrument solely in her fiduciary capacity. Any further recourse hereunder is to be only against the above-named trust.

IN WITNESS WHEREOF, the Grantors executed this instrument on this 25th day of January, 2006.

Virginia W. Griffiths
 Virginia W. Griffiths
 Trustee of Trust B of the Griffiths Family Trust

PIONEER-CALDWELL

QUEST

JAN 25 2006

C. NGEL JAMES

CANYON CNTY RECORDER

JUN 25 PM 4 27

RECORDED

200605544

TRUSTEE'S WARRANTY DEED - 1

STATE OF IDAHO)

County of Canyon)

:55

On this 25th day of January 2006, before me, a notary public, personally appeared VIRGINIA W. GRIFFITHS as Trustee of TRUST B OF THE GRIFFITHS FAMILY TRUST, known to me to be the person whose name is subscribed to the within instrument as Trustee of Trust B of the Griffiths Family Trust, and acknowledged to me that she executed the same as Trustee of Trust B of the Griffiths Family Trust, and was so authorized to do so on behalf of said trust.

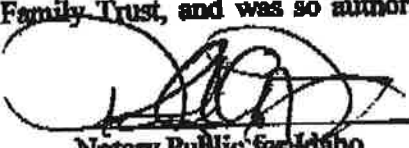

Notary Public for IdahoCommission expires: 1-27-11

EXHIBIT A**PROPERTY DESCRIPTION**
(Trust B of Griffiths Family Trust Property)**PARCEL 1:**

Parcel consisting of 15.57 acres, more or less, located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The SW $\frac{1}{4}$ lying North and East of Riverside Canal of Section 15.

PARCEL 2:

Parcel consisting of 80 acres located at Notus Road, Greenleaf, Idaho, in Canyon County, more particularly described as follows, to wit:

Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

The S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15.

PARCEL 3:

Parcel consisting of 69.55 acres, more or less, located at Notus Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The East one-half of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, of the Boise Meridian;

Excepting therefrom that part of the Northeast Quarter of the Northwest Quarter of said Section 22 which lies West of the center line of the right-of-way of the Pipeline Gulch Drain (same as the Pipe Gulch Drain).

Also excepting therefrom: A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. S-SG-3712(3) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian, described as follows, to wit:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 22, Township 4 North, Range 4 West, Boise Meridian;
Thence South 88°58'02" East along the South line of said Southeast Quarter of the Northwest

Quarter a distance of 1316.0 feet, more or less, to the Southeast corner thereof;
Thence Northerly along the East line of said Southeast Quarter of the Northwest Quarter a distance of 64.0 feet, more or less, to a point in a line parallel with and 50.0 feet Northerly from the centerline of said State Highway No. 19, Project No. S-SG-3712(3) Highway Survey;
Thence North $89^{\circ}09'24''$ West along said parallel line 1316.0 feet, more or less, to a point in the West line of said Southeast Quarter of the Northwest Quarter;
Thence Southerly along said West line 60.0 feet, more or less, to the Place of Beginning.

PARCEL 4:

Parcel consisting of 50 acres located at Peckham Road, Caldwell, Idaho, in Canyon County, more particularly described as follows, to wit:

The Northwest Quarter of the Northeast Quarter, and that part of the Southwest Quarter of the Northeast Quarter lying north of the Pioneer Drain, in Section 22, Township 4 North, Range 4 West of the Boise Meridian.

RECEIVED

AUG 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 18 2008	
By _____	Clerk _____
Deputy Clerk _____	

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-04621,
) 63-04622, 63-04623, and 63-04624

I. FINDINGS OF FACT

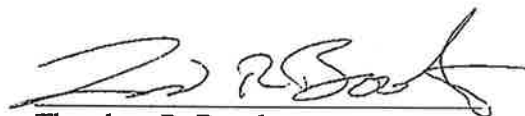
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On June 20, 2007, the State of Idaho, Department of Lands, through Deputy Attorney General David Barber, filed an objection to the *Director's Report*, asserting that the place of use should not include land owned by the State of Idaho. Water right claims 63-04622, 63-04623, and 63-04624 were identified by IDWR as uncontested water right claims that may be affected by the outcome of a contested matter. An initial hearing was held on May 30, 2008, at which the claimant failed to appear. An *Order to Show Cause* was issued, and a hearing thereon was held July 29, 2008. Again the claimant failed to appear. Pursuant to the terms of the *Order to Show Cause*, the objection was granted, resulting in the recommendation herein that the right be proportionally reduced in quantity and acreage, and a remark be added stating that the place of use does not include land owned by the State of Idaho.

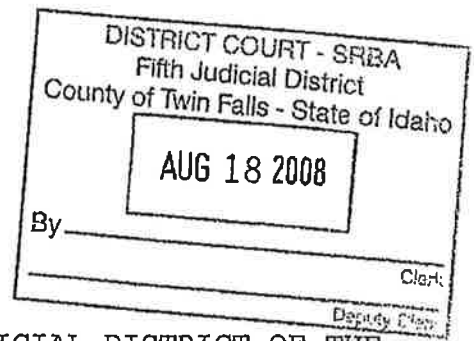
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-04621, 63-04622, 63-04623, and 63-04624 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Aug 18, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication



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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

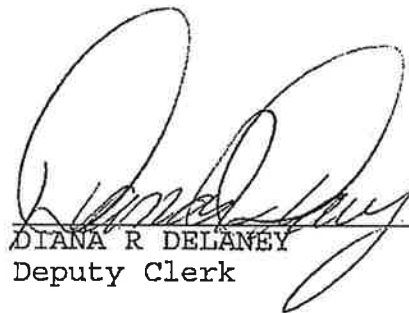
Water Right(s): 63-04621
63-04622 63-04623 63-04624

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

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

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

DATED August 18, 2008.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 18 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04621
63-04622 63-04623 63-04624

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 August 18, 2008, with sufficient first-class postage prepaid to the following:

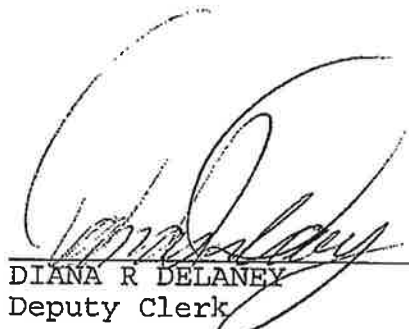
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DJK LLC
824 DEARBORN
CALDWELL, ID 83605
Phone: 208-459-3696

CERTIFICATE OF MAILING

PAGE 1
08/18/08

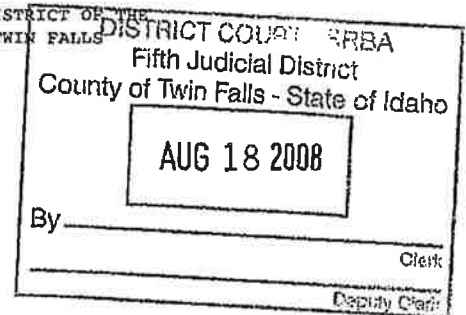

DIANA R DELANEY
Deputy Clerk

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)
)

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

Water Right 63-04623



NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL, ID 83605

SOURCE: PIPE GULCH CREEK TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.78 CFS

PRIORITY DATE: 04/15/1960

POINT OF DIVERSION: T04N R04W S15 SESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.78 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R04W S15	SWNW 37.0 SESW 38.0 NWSW 1.0
	89.0 Acres Total	

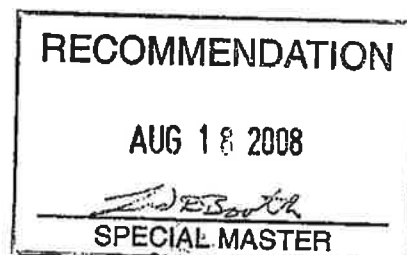
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



RECEIVED

APR 27 2008

DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 06:31
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-04621	63-04622
		63-04623	63-04624

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

FRIDAY, MAY 30, 2008 at 02:15 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
MAY 27, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: APRIL 18, 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 APRIL 18, 2008,
with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DJK LLC

824 DEARBORN

CALDWELL, ID 83605

Phone: 208-459-3696

MEMORANDUM

TO: Files 63-4621, 63-4622, 63-4623 and 63-4624

FROM: KAY WALKER *Kay*

RE: Notice of Error forms

Date: November 4, 2006

.....

Notice of Error forms submitted for these recommendations discusses bolded items addressed below.

Claimant states the **location of point of diversion** is in error. The location for diversion point was determined through GPS reading by Sandy Hemenway during field exam conducted on 7/4/2006. Sandy was accompanied by Randy Million and Virginia Griffiths during exam, therefore no change will be made to point of diversion location unless they have better information in their records. Mr. Million states point of diversion is located on south side of Peckham Road which is where the diversion is located on GIS image mailed to claimant. Sandy found that both claimed points of diversion were at the same location. Diversion dams piped the water to different locations.

Source: Claim was filed for use of water from Pipe Gulch Creek and Renshaw Canal. However, in review of topographical map X4, the creek and canal appear to be the same water source. Since we cannot recommend man made structures as sources (Renshaw Canal) I have recommended the source as Pipe Gulch Creek for each of these claims.

No changes will be made to recommendations due to NOE. If claimant does not agree with recommendations they can file objection with SRBA court.

10/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 02 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4623
DJK LLC
824 DEARBORN
CALDWELL ID 83605
Telephone Number: (208) 459-3696

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Per my review of the historical water rights, I believe the diversion should be designated as in T04N R04W S22 NENW.

2. Describe the changes you wish to make in the proposed recommendation:

Diversion should be designated as from: T04N R04W S22 NENW

3. Give a brief explanation as to why you disagree with these portions:

Per my review of historical records: Note - the actual diversion is on the south side of Peckham Rd.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-27-06

SIGNATURE:

Randy S. Million, member

Please print your name:

Randy Million

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

10/14/2006

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

RIGHT NUMBER: 63-4623

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

SOURCE: PIPE GULCH CREEK

TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.780 CFS

PRIORITY DATE: 04/15/1960

POINT OF DIVERSION:
T04N R04W S15 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

RECEIVED

NOV 03 2006

DEPARTMENT OF WATER RESOURCES

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	1.780 CFS
PLACE OF USE:	<u>IRRIGATION Within CANYON County</u>		
	T04N R04W S15 SWNW 37.00	T04N R04W S15 SENW 38.00	
	T04N R04W S15 NESW 13.00	T04N R04W S15 NWSW 1.00	
	89 ACRES TOTAL		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4621, 63-4622 and 63-4624 are also diverted through point of diversion described above.

10/14/2006

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

RIGHT NUMBER: 63-4623

NAME AND ADDRESS: DJK LLC
824 DEARBORN
CALDWELL ID 83605

SOURCE: PIPE GULCH CREEK

TRIBUTARY: DIXIE DRAIN

QUANTITY: 1.780 CFS

PRIORITY DATE: 04/15/1960

POINT OF DIVERSION:

T04N R04W S15 SESW 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	1.780 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S15	SWNW	37.00	T04N R04W S15	SESW	38.00
T04N R04W S15	NESW	13.00	T04N R04W S15	NWSW	1.00

89 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4621, 63-4622 and 63-4624 are also diverted through point of diversion described above.



Idaho Department of Water Resources

SRBA Recommendation:

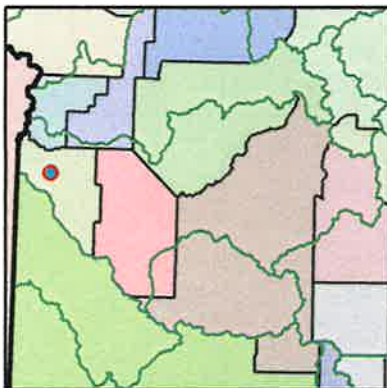
63-4623

(Irrigation)

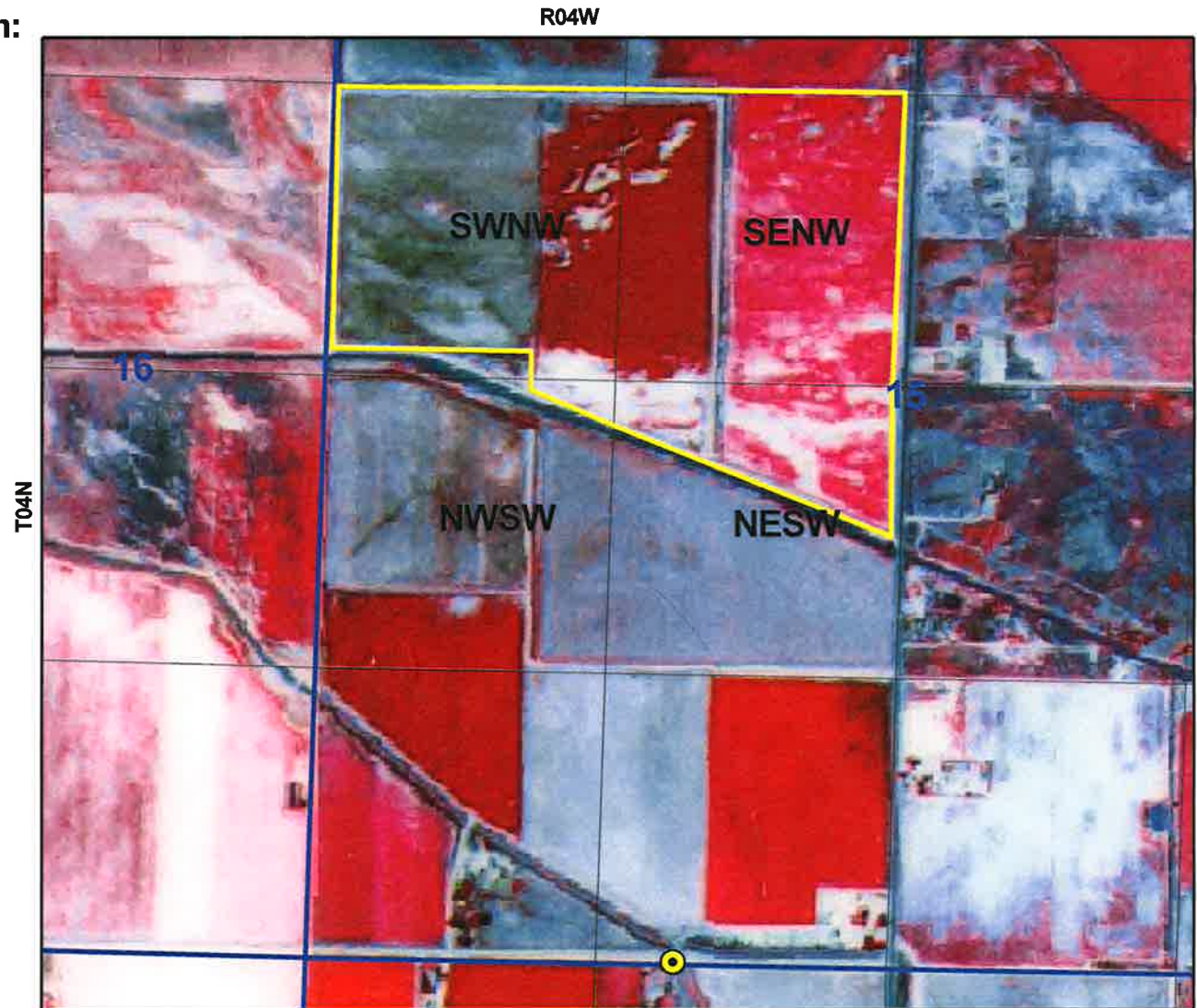
Acres = 89

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

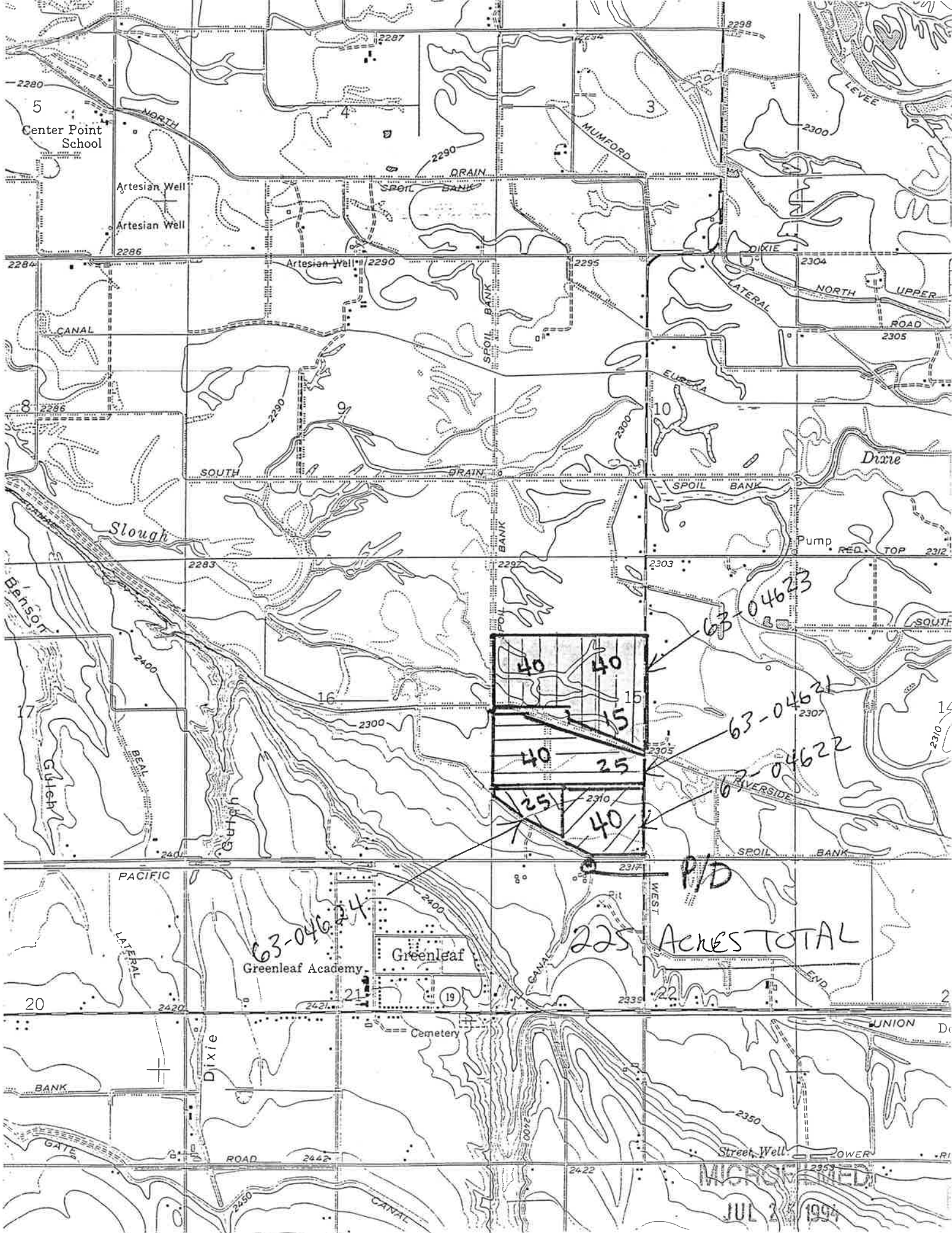


Canyon County
IDWR Basin 63



0 0.3 0.6 Miles

Prepared by K. Walker
On Saturday, October 14, 2006
1987/88 Aerial Photography



5
Center Point
School

Artesian Well
Artesian Well

2286

Artesian Well

2290

2295

DIXIE

2304

NORTH

UPPER

ROAD

2305

Slough

SOUTH

DRAIN

BANK

EUR

Dixie

Pump

RED. TOP

2312

SOUTH

40

40

15

40

25

25

40

P/D

225 Acres TOTAL

63-04624
Greenleaf Academy

Greenleaf

21

Cemetery

19

Street Well

MICHAEL MED

JUL 3 1994

ALB-04623

PD under road (Peckham) pipe crossed canal
to concrete ditch gravity flow ^{to} north
tilled ditch to each (gravity flow south to north)
tilled south to north + piped under Riverside +
tilled & goes to lined ditches (concrete) gravity
flow. east to west, concrete ditch runs thru
80.28 acres south to north w/ gravity flow
east to west

Sandy

A63-4621/4622/4623/4624 and A63-16302 Field Exam Request:
EDGAR & VIRGINIA GRIFFITHS

Contact:

05/08/2006

Contact **Ed or Virginia Griffiths** at **459-6235** (per 06/07 phone directory) or 459-6325 (per claims) to set up a field exam. Claims show address as Caldwell but the county assessor's office shows their address as Greenleaf. **Verify mailing address and phone number when conducting exam, please.**

Note: If you cannot get a hold of the claimants at above numbers please let me know and I will contact attorneys office for more information and get that information back to you...

Property Address:

Get directions from claimant when setting up appointment.

Requests:

*Please verify **all the elements** of these rights. I have attached copies of each of the claims, 2004 photo (1) and 1987 aerial photos (3) that are for lands in Section 15. I have attached additional photos (2004 & 1987) for the land under 63-16302.

In addition, please verify:

- GPS the location of the diversion points.
- **1987 Aerial Photo:** Please draw the **acres** that were irrigated from Pipe Gulch in 1987 on the enclosed **1987 aerial photographs**. Draw the **diversion works** on the 1987 aerial photo along with the **point(s) of diversion**.
- **Also, for 63-16302: I have not received any evidence of priority date for this claim. Please remind claimants that they must submit evidence of the first date of use of the wastewater they are using under this claim. If no evidence is submitted the claim may be disallowed.**
- **Capacity of System:** Verify that the claimed **amounts** are possible/applicable.

Kay Walker
287-4953
Sr. Water Resource Agent
IDWR – State Office via Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 22, 2006

DJK LLC
824 DEARBORN
CALDWELL ID 83605

RE: Snake River Basin Adjudication (SRBA)
Notice of Claims to Water Right Nos. 63-4621, 63-4622, 63-4623 & 63-4624

Gentlemen:

We have processed the change in ownership for the above referenced claims to water rights. Enclosed are copies of the claims for your files.

If your mailing address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water rights. If you have any questions concerning this matter, please do not hesitate to contact me at (208) 287-4953.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4623

WATER RIGHT NUMBER: 63-4623

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C EDGAR GRIFFITHS 21027 NOTUS RD CALDWELL, ID 83605 (208)459-6325
Current Owner	VIRGINIA W GRIFFITHS 21027 NOTUS RD CALDWELL, ID 83605 (208)459-6325

Priority Date: 04/15/1960

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
PIPE GULCH CREEK	DIXIE DRAIN

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.900 CFS	
	<u>Total Diversion:</u>	1.900 CFS	

Location of Point(s) of Diversion

PIPE GULCH CREEK	NE1/4NW1/4	Sec. 22, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

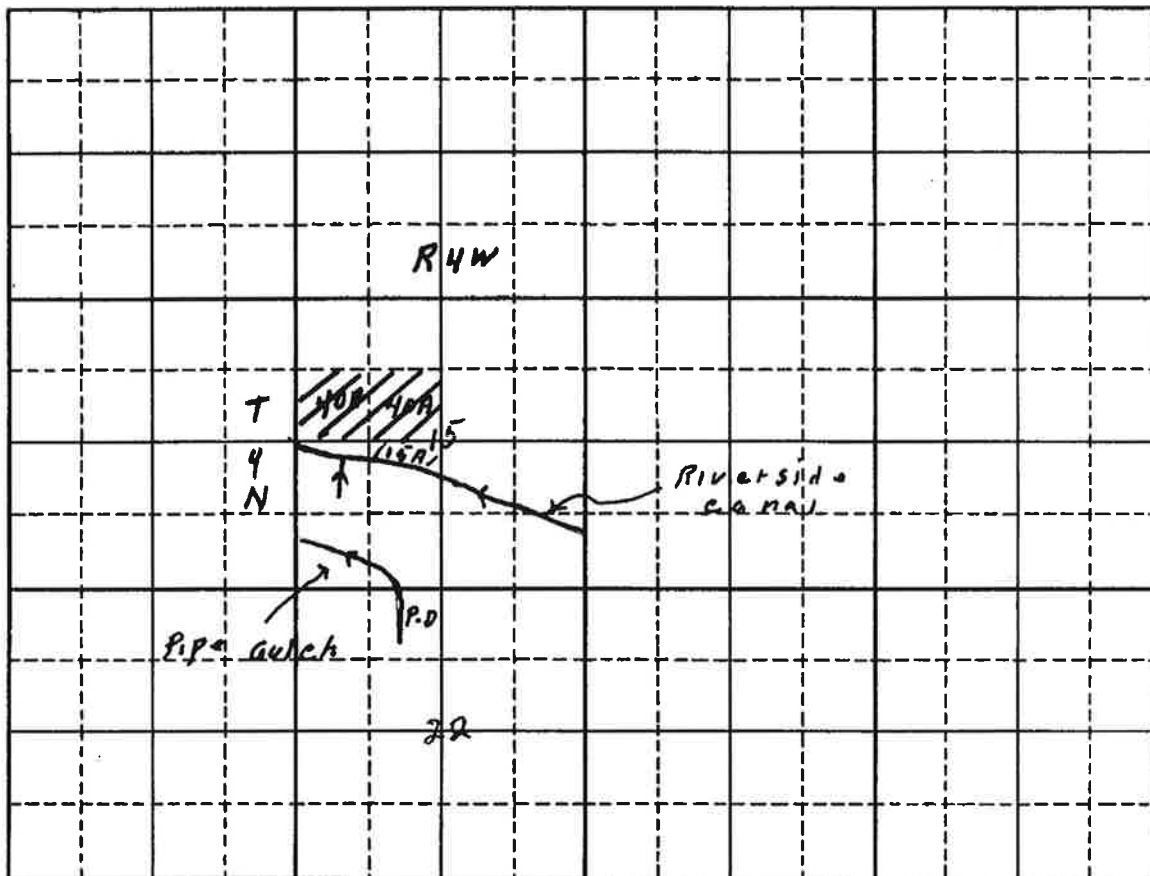
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	15							40.0	40.0	15.0								95.0

Total Acres: 95

Conditions of Approval:Remarks:Comments:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 30 day of June, 19 78.

C. Polgar
(Claimant)

Notary Public

Residing at

David R. Tuttle
Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>SKN</u>	Date <u>6/30/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SKN</u>	Date <u>7-5-78</u>		claimant by:	
\$10.00 fee received by <u>SKN</u>	Date <u>6-30-78</u>	<u>11157</u>		
Approved for publication by				
Published in <u>Water Law News, Nampa & Caldwell</u>				
Dates <u>7-13 - 7-20-78</u>				

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

ALVIN L. BLACK, being first duly sworn upon oath, deposes and says:

That he is a resident of Canyon County, Idaho, and makes this Affidavit in support of an Application by Ed and Virginia Griffiths to the Department of Water Resources, State of Idaho, for a determination of water rights affecting certain described real properties. This affiant was born in 1905 in Canyon County, State of Idaho. That this affiant was acquainted with the property which originally patented to John W. Newland on January 23, 1901. The property is described as the SE 1/4 of SW 1/4 Section 15, T. 4 N., R. 4 W., B.M. consisting of 40 acres. That this affiant has been well acquainted with the property between 1905 and 1911 because this affiant traveled with his family across the 40 acres described to the community to secure supplies and go to church. That at all times during irrigation season, this affiant knows the 40 acres described herein was irrigated for every year from 1911 to the date of this affidavit.

This affiant further states that he at all times from 1921 to the time of this affidavit, has been well acquainted with property that was deeded from the State of Idaho to W. H. Curtis on March 31, 1921. The property is described as the SW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County and lies North of the West End Drain, containing approximately twenty (25) acres. That your affiant knows of his own knowledge that from 1921 to the

AFFIDAVIT - 1

MICROFILMED

date of this affidavit the property, during the crop season, has continuously been irrigated.

This affiant has been acquainted with property deeded by the State of Idaho to Elisha N. Hanson, on May 5, 1934, and described as the NW 1/4 of SW 1/4 of Section 15, T. 4 N., R. 4 W, B.M., Canyon County, lying south of the Riverside Canal, and property deeded by the State of Idaho to Elisha Hanson, on March 22, 1935, described as the NE 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying South of the Riverside Canal all being in Canyon County, Idaho, and totaling approximately 65 acres. This affiant has been well acquainted with the 65 acres described in this paragraph and knows of his own knowledge that the property has been irrigated continuously since 1935.

63-4623 { This affiant has been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on May 5, 1934, and described as the NW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying North of the Riverside Canal in Canyon County, Idaho. That affiant has also been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on March 22, 1935, described as the NE 1/4 of SW 1/4 Section 15, T. 4 N., R 4 W. B.M. lying North of the Riverside Canal, and the property deeded from the State of Idaho to Elisha N. Hanson on August 26, 1935, described as the S 1/2 of the NW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County, totaling 95 acres. That this affiant knows of his own knowledge that

the properties described in this paragraph have been irrigated
continuously since 1960.

Alvin L. Black
Alvin L. Black

SUBSCRIBED AND SWORN to before me this 28 day of
April, 1978.

Gerrard Erwin
Notary Public for Idaho
Residing at: Boise, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4623

04/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
4623	Claim	04N	04W	15	SW	NW		IRRIGATION	40/95	C EDGAR GRIFFITHS
4623	Water Right	04N	04W	15	SW	NW		IRRIGATION	40/95	C EDGAR GRIFFITHS
4623	Claim	04N	04W	15	SE	NW		IRRIGATION	40/95	C EDGAR GRIFFITHS
4623	Water Right	04N	04W	15	SE	NW		IRRIGATION	40/95	C EDGAR GRIFFITHS
4621	Claim	04N	04W	15	NE	SW		IRRIGATION	25/65	C EDGAR GRIFFITHS
4623	Claim	04N	04W	15	NE	SW		IRRIGATION	15/95	C EDGAR GRIFFITHS
4621	Water Right	04N	04W	15	NE	SW		IRRIGATION	25/65	VIRGINIA W GRIFFITHS
4623	Water Right	04N	04W	15	NE	SW		IRRIGATION	15/95	C EDGAR GRIFFITHS
~~16306~~	Water Right	04N	04W	15	NE	SW		STOCKWATER		VIRGINIA W GRIFFITHS

Ø OL w/63-4621
kw

Receipt Details for ID W006556

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/26/1989 1:36:20 PM	10/26/1989	Western	\$584.00	Check
Payer		GRIFFITHS, ED		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
231			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$584.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	16304		\$25.00	Claim
63	16305		\$25.00	Claim
63	16306		\$25.00	Claim
63	4624		\$75.00	Claim
63	4623		\$145.00	Claim
63	4622		\$90.00	Claim
63	4621		\$115.00	Claim
63	16302		\$84.00	Claim