

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: **A63-02904A**
Date Received: 12/18/1989
Receipt No: C013551
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LOWELL WITHINGTON
Address: 368 CORNETT AVE.
MOORPARK CA

805-485-5538

93201

AND

Name: WILLA G. WITHINGTON
Address: 368 CORNETT AVE.
MOORPARK CA

805-485-5538

93201

2. Date of Priority: JUL 14, 1952

3. Source: SCOTT DRAIN

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	06W	14		NE	SE		CANYON

5. Description of diverting works:
PUMP, 10 HP MOTOR, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		

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

A.F.A.

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	06W	14	NE	SE		IRR	35.0

SCANNED
APR 08 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	35.0
					Total Acres	35.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN
SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.
THERE HAS BEEN A TRANSFER FILED ON LICENSE 63-02904 TO ADD A
POINT OF DIVERSION. THIS CLAIM WILL NEED TO BE AMENDED TO THE
NEW POINT OF DIVERSION AFTER THE TRANSFER IS APPROVED.
POINT OF DIVERSION AND SOURCE CHANGED PER TRANSFER #3829 APPROVED
9/3/91.
POINT OF DIVERSION CORRECTED AS PER TRANSFER NO. 3829 APPROVED
09/03/1991 BY MM.

15. Basis of Claim: LICENSE

Water Right Number: 22839

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: A63-02904A
Date Received: 12/18/1989
Receipt No: C013551
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWELL WITHINGTON 805-485-5538
Address: 368 CORNETT AVE.
MOORPARK, CA 93201

AND

Name: WILLA G. WITHINGTON 805-485-5538
Address: 368 CORNETT AVE.
MOORPARK, CA 93201

2. Date of Priority: JUL 14, 1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	06W	14	SE	SW	NE		CANYON

5. Description of diverting works:
PUMP, 10 HP MOTOR, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		

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

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	06W	14	NE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	35.0
					Total Acres	35.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN
SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.

15. Basis of Claim: LICENSE

Water Right Number: 22839

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: A63-02904A
Date Received: 12/18/1989
Receipt No: CO13551
Received By: RKF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH P. BRUMBACH 208-459-0317
Address: 2205 E. LINDEN, NO. 74
CALDWELL, ID 83605

2. Date of Priority: JUL 14, 1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	06W	14	SE	SW	NE		CANYON

5. Description of diverting works:
PUMP, 10 HP MOTOR, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		

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

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	14	NE	SE		IRR	35.0

Section Acres 35.0

Total Acres 35.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN
SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.

15. Basis of Claim: LICENSE
Water Right Number: 22839

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: 1

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): X Joseph P. Brunbach. Date: X 12-18-89.

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

RECEIVED
SEP 9 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3829

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
Western Regional Office

PART 1

Name of applicant LOWELL & WILLA WITHINGTON Phone 485-5538
Post Office address 308 Cornett Ave Moorpark Ca 93201

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 Property has been split. Current owners wish to establish separate points of diversion for each parcel.

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
- | | | | | |
|------------------|----------------|----------------|-------------------|-----------------------------|
| <u>63-02904A</u> | <u>7-14-52</u> | <u>0.7 CFS</u> | <u>irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>63-02904B</u> | <u>7-14-52</u> | <u>0.7 CFS</u> | <u>irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 1.4 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water unnamed drain tributary to Snake River
SCOTT DRAIN
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	14	5N	6W	Canyon	Scott Drain - (Part B)
		NE	SE	14	5N	6W	Canyon	Scott Drain - (Part A)

5. Lands irrigated or place of use: NO CHANGE

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	
5N	6W	14																	35
5N	6W	14																	35

Total acres 70

PART 1

6. General Information:

- a. Description of diversion system PUMPS & SPRINKLE IRRIGATION
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No 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.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change
- d. Remarks:
Adjudication. Claims have been filed by both parties.
Part A has been assigned to Withington; Part B to Wagner.
The license ~~if~~ split should remain consistent.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2904And said application is hereby APPROVED, subject to the following limitations and conditions:

1. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
2. 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. 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.

Witness my hand this 3rd day of September, 19 91.J. Blum Saxton
CHIEF, WATER ALLOCATION BUREAU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-02904 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water unnamed drain tributary to Snake River

4. Date or priority 7-14-52
6-12-52

5. Water is used for the following purpose:

amount 1.4 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE 1/4	14	5N	6W	Canyon	Scott Drain

8. 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	
5N	63	14			35										35				70

Total acres 70

9. Describe any other water rights used for the same purpose as described above None

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

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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

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

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.

Lawell V Withington

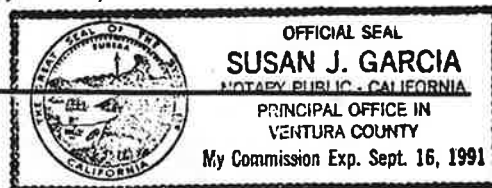
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of March, 1991.

Susan J. Garcia

(Notary Public)

My commission expires 9-16-91

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 1 attachments

Received by st Date 3-18-91

Protest filed by _____

Prelim. check by lw Fee \$150 #W013121

Receipted by JH Date 3-18-91

Published in Press-Tribune

Copies of protest forwarded by _____

Pub. dates 4/3 & 4/10/91

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by DAS

Copy of transfer sent to lien holder _____

tyf 8-29-91

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A63-02904A

RECEIVED
FEB 04 1991

[] Name and Address of
Former Claimant(s): Joseph P. Brumbach

2205 East Linden, Space 74

Department of Water Resources

Caldwell, Idaho 83605

[] New Claimant(s): Lowell & Willa G. Withington, husband and wife

[] New Mailing Address: 368 Cornett Avenue

Moorpark, California 93201

New Telephone Number: (805) 485 - 5538

[] Does the change in ownership result in a splitting of the
water right claimed? yes XXX no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copy of recorded Warranty Deed
(Proof of ownership must describe either the property
conveyed or include the claim number. Proof of ownership is
not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s):

Lowell Withington

Willa G. Withington

Date: December 10, 1990

RECEIVED
MAR 05 1991

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/28/91

By: *A. McCarthy*

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY

BOISE, IDAHO 83705

(208) 334-2130

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15

IDAHO FALLS, IDAHO 83402

(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.

STATEHOUSE MAIL

BOISE, IDAHO 83720

(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST

TWIN FALLS, ID 83301

(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814

(208) 765-4639

Inst 9/01211

PC02566

(3)

WARRANTY DEED

FOR VALUE Received, JEWELL BRUMBACH, a widow, of 2205 East Linden, Space 74, Caldwell, Idaho 83605, Grantor, does hereby grant, bargain, sell and convey unto LOWELL WITHINGTON and WILLA G. WITHINGTON, husband and wife, of 368 Cornett Avenue, Moorpark, California 93201, Grantees, the following described premises situated in Canyon County, State of Idaho, to wit:

The Northeast Quarter of the Southeast Quarter of Section 14, Township 5 North, Range 6 West, Boise Meridian, Canyon County, Idaho, also referred to as Lots 1 to 8, both inclusive, in Block 10, Roswell Park Fruit Tracts, Caldwell, Idaho, according to the plat of said tract filed May 16, 1910, in Book 3 of Plats at page 56, in the office of the County Recorder, Canyon County, Idaho;

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

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anyway appertaining;

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that she is the owner in fee simple of said premises; that said premises are free from all incumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

DATED This 3rd day of December, 1990.

Jewell Brumbach
JEWELL BRUMBACH

STATE OF IDAHO)

County of Canyon) :ss.

On this 3rd day of December, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared JEWELL BRUMBACH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Robert E. Alexander
Notary Public for Idaho
Residing at Caldwell, Idaho

9101211

RECORDED

91 JAN 18 PM 4 09

NED J KERR

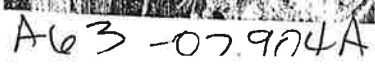
CANYON CNTY RECORDER
RY Curtis L. Kerr

REQUEST

PIONEER — CALDWELL

TYPE

Deed FEE 6.00



150 050 000 000

RECEIVED

FEB 11 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 9 2009	
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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT 63-02904A

I. FINDINGS OF FACT

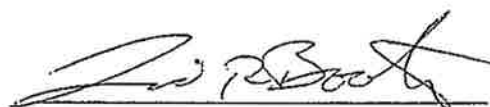
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On June 19, 2007, the Riverside Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source should be described as wastewater. On February 4, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objections. 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 63-02904A 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

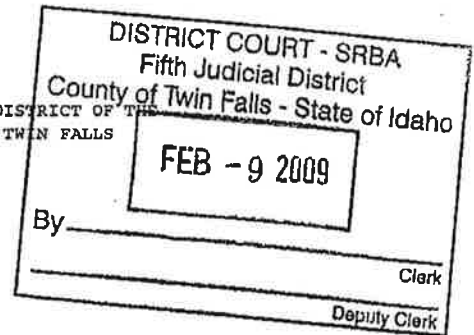


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02904A



NAME AND ADDRESS: ESTATE OF LOWELL WITHINGTON
WILLA G WITHINGTON
11925 DARLENE LN
MOORPARK, CA 93201-1022

SOURCE: SCOTT DRAIN TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.70 CFS

PRIORITY DATE: 07/14/1952

POINT OF DIVERSION: T05N R06W S14 NWSE Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.70 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T05N R06W S14 NESE 34.0 NWSE 1.0
35.0 Acres Total

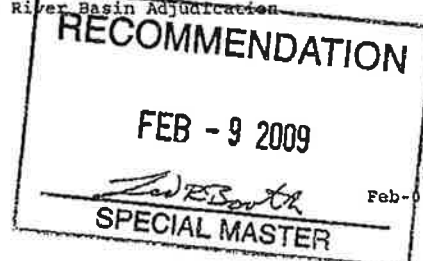
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

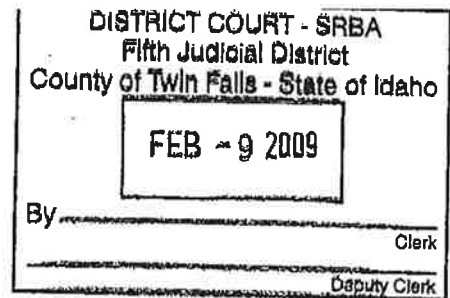
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

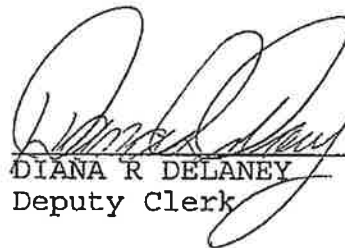
Water Right(s): 63-02904A

On February 09, 2009, 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 February 09, 2009.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 9 2009	
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): 63-02904A

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

RIVERSIDE IRRIGATION DISTRICT

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

ESTATE OF LOWELL WITHINGTON

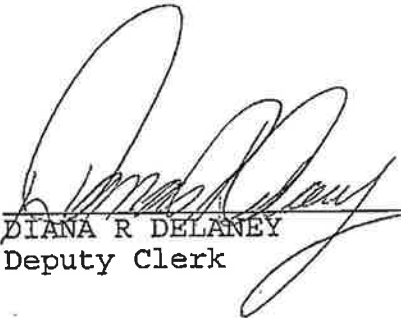
WILLA G WITHINGTON
Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
02/09/09

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

JAMES HITCH
2030 BRUMBACH RD
ADRIAN, OR 97901



DIANA R DELANEY
Deputy Clerk

2008 SEP 23 AM 09:37
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: 63-02904A

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

TUESDAY, DECEMBER 09, 2008 at 09:00 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: SEPTEMBER 23, 2008

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

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

Page 1 9/23/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 23, 2008, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

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

ESTATE OF LOWELL WITHINGTON
WILLA G WITHINGTON

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

USDI BUREAU OF RECLAMATION

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

JAMES HITCH

2030 BRUMBACH RD
ADRIAN, OR 97901

ESC 12/9/08 74/6-
9am



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 2, 2008

Willa Withington
11925 Darlene Lane
Moorpark, CA 93021-1022

Randy Joe Wagner
Suzann Wagner
27818 Pioneer Lane
Parma, ID 83660

James Hitch
2030 Brumbach Rd.
Adrian, OR 97901

Paul Arrington
Attorney for Riverside Irrigation District
1010 W. Jefferson, Ste 102
P.O. 2139
Boise, ID 83701-2139

Re: SRBA Claim Nos. 63-2904A and 63-2904B

To the above addressed:

This correspondence is sent in follow up to an informal meeting held at the IDWR state office on Tuesday, August 26, 2008. The meeting was held pursuant to a request from James Hitch, longtime friend of Lowell and Willa Withington, claimants of record for 63-2904A. Dave Tuthill, IDWR Director, James Hitch, Randy Wagner, the claimant of record for 63-2904B and me, Vicky Music, were present at the meeting. The meeting was recorded at the request of James Hitch and Mr. Wagner.

Mr. Hitch requested the informal meeting with the Director to express his concerns about various subjects, including IDWR procedures, SRBA notice and the wastewater issues. This letter summarizes only the matter discussed at the meeting that is before the SRBA Court, which is the objection filed by the Riverside Irrigation District to the source of the above-referenced water rights.

Water Right No. 63-2904 was licensed to Joseph Brumbach with a priority date of July 14, 1952, for the irrigation of 70 acres. The licensed source of the water was "drain ditch (unnamed stream)." The approved application contains the following permission statement from Riverside Irrigation District:

"Permission is given to pump water from the Scott Drain, as long as water is available in the drain ditch, however, no warranty is given that water will be present at all seasons."

In 1991, a transfer to add a point of diversion, filed by Lowell Withington, split the right into the A portion, owned by the Withingtons and the B portion, owned by the Wagners. The source was confirmed as the Scott Drain. Subsequently, the rights were claimed in the SRBA and recommended to the SRBA Court with the Scott Drain as the source. The following wastewater remark, which is a restatement of Idaho law, was added to the recommendation:

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

Riverside Irrigation District filed an objection to the source, stating that,

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

In the REASONS SUPPORTING OBJECTIONS, Riverside further states,

"There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator."

Mr. Hitch and Mr. Wagner strongly disagree with the Riverside Irrigation District characterization of the water right in the objection. Mr. Hitch and Mr. Wagner assert that the water in the Scott Drain originates from multiple sources, includes natural sources and disagree with Riverside Irrigation District that the sole source of water in the Scott Drain is wastewater. Therefore, they will not agree to the wastewater remark recommended to the SRBA Court or any version that does not recognize the multiple sources of the water in the Scott Drain.

At the conclusion of the meeting, all attendants decided that I would send you a recording of the meeting on CD and a letter providing versions of the wastewater remark with alternate language used to resolve similar objections. These examples acknowledge that the source of the water is not solely wastewater. Here are four examples:

"The source of this water right includes wastewater. The wasting of water may be discontinued at any time."

"There are multiple sources of the water diverted from the Scott Drain. To the extent that the source is waste water, the wasting of water may be discontinued at any time."

"To the extent the source of this water right includes waste water, the wasting of water may be discontinued at anytime, in compliance with state law."

"To the extent the source of the water diverted from the Scott Drain includes waste water, the wasting of water may be discontinued at any time, in compliance with state law."

As Dave Tuthill explained, the role of IDWR is as a technical advisor to the Court. IDWR cannot change the recommendation or otherwise resolve the Riverside Irrigation District objections to 63-2094A and B. The claimants must work with Riverside Irrigation District to resolve these objections. Therefore, IDWR suggests the claimants contact Paul Arrington regarding a remark that will settle the objections. If you cannot agree on a remark, the SRBA Court will set a trial and the SRBA Special Master will resolve the controversy.

Finally, Mr. Hitch, you informed IDWR that claimant Lowell Withington has passed away. As Mr. Tuthill explained, you must obtain power of attorney from Mrs. Withington to further negotiate on her behalf in this matter, and submit the power of attorney to the SRBA Court.

Please do not hesitate to contact me at 208-334-2190.

Sincerely,


Vicky Music
Sr. Water Resource Agent

cc: Nick Spencer, Deputy Attorney General, IDWR
Enclosure to James Hitch and Randy Joe Wagner: CD recording of August 26, 2008, meeting

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

RIGHT NUMBER: 63-2904A

NAME AND ADDRESS: WILLA G WITHINGTON
LOWELL WITHINGTON
11925 DARLENE LN
MOORPARK CA 93201-1022

~~368 CORNETT AVE~~
~~MOORPARK CA 93201~~

SOURCE: SCOTT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 07/14/1952

POINT OF DIVERSION:

T05N R06W S14 NWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.700 CFS
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in CANYON County

T05N R06W S14	NESE	34.00	T05N R06W S14	NWSE	1.00
---------------	------	-------	---------------	------	------

35 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 3829 is cause for the Director to rescind approval of the transfer.

**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

)
)
)
)
)

Water Rights: 63-2904A

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 23, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 23, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Willa G. Withington	☐	overnight mail
Lowell Withington	☒	regular mail
11925 Darlene Ln.	☐	hand-delivered
Moorpark CA 93201-1022	☐	facsimile

Riverside Irrigation Dist.	☐	overnight mail
Albert Barker	☒	regular mail
PO Box 2139	☐	hand-delivered
Boise ID 83701-2139	☐	facsimile

James Hitch	☐	overnight mail
2030 Brumbach Rd.	☒	regular mail
Adrian OR 97901	☐	hand-delivered



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

WILLA G WITHINGTON
LOWELL WITHINGTON
11925 DARLENE LN
MOORPARK CA 93201-1022

Re: Water Right No. 63-2904A

Dear Mr. & Mrs. Withington:

Enclosed is a copy of the above referenced water right which reflects your change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the typed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: James Hitch

Willa Withington
Property Owner

Drainage District Board

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

JUN 23 2008

WATER RESOURCES
WESTERN REGION

Water Right Number(s): 63-2904 A

Previous Mailing Address: _____

New Mailing Address:

11925 Darlene Lane
Moorpark, California
93021-1022

Telephone Number:

805-529-4046

Signature of all Claimant(s): _____

Please print your name below your signature.

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
7600 N. Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
Ph. 208/762-2800 or
FAX 208/762-2819

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098
Ph 208/287-4800
FAX 208/287-6700

Vicky
MUSIC

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:08
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
		SUBCASE NOS: 63-02630D 63-02904A
		63-02904B 63-04805 63-07429

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

THURSDAY, JUNE 19, 2008 at 09:30 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

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

CERTIFICATE OF MAILING

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

RIVERSIDE IRRIGATION DISTRICT

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

USDI BUREAU OF RECLAMATION

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

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

GJVV LLC
26257 MATTHEWS RD
PARMA, ID 83660

RANDY JOE WAGNER
SUZANN WAGNER
27818 PIONEER LANE
PARMA, ID 83660
Phone: 208-454-0397

DE HOOG PROPERTIES INC
31156 MARKER ROAD
PARMA, ID 83660
Phone: 208-722-7348

LOWELL WITHINGTON
WILLA G WITHINGTON
368 CORNETT AVE
MOORPARK, CA 93201
Phone: 805-485-5538

RECEIVED
JUN 19 2017
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-2904A
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Lowell and Willa Withington
Address: 368 Cornett Ave.
Moorpark, CA 93201

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☐ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District. Proposed waste water remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.

County of ADA)

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

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

(Signature of person filing objection)

[Handwritten Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 18, 2007

Suzanne Estes

Notary Public for Idaho

Residing at: Boise

My Commission Expires: June 1, 2012



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Lowell and Willa Withington
Address: 368 Cornett Ave.
Moorpark, CA 93201

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

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

SOURCE: SCOTT DRAIN TRIBUTARY: SNAKE RIVER
QUANTITY: 0.700 CFS
PRIORITY DATE: 07/14/1952
POINT OF
DIVERSION: T05N R06W S14 NWSE Within CANYON County
PURPOSE AND
PERIOD OF USE:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 3829 is cause for the Director to rescind approval of the transfer.



Idaho Department of Water Resources

63-2904A

05N 06W Section 14



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 35

600 0 600 Feet



IDWR
Prepared by: Lori Graves
Date: 08-30-06
1986-87 Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 8, 2008

James Hitch
2030 Brumbach Rd.
Adrian, OR 97901

Re Change of address for SRBA claim no. 63-2904A

Dear Mr. Hitch,

This letter is in follow up to the initial hearing held in this subcase on June 19, 2008. That day, I told you that I would send a change of address form to you so that IDWR could update its records for Willa Withington.

Please fill out the form and sent it back to me in the envelope I enclosed. and call me at 334-2190 if you have questions. Thank you for your attention to this matter.

Sincerely,


Vicky L. Music
Sr. Water Resource Agent

Enclosure: Change of address form

STATE OF
DEPART
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

RVICE
ED

FIRST CLASS



UNITED STATES
02 1A
0004310839
MAILED FROM ZIP CODE
\$ 00
CCT 0



Please Send back
to sender.
no longer living here

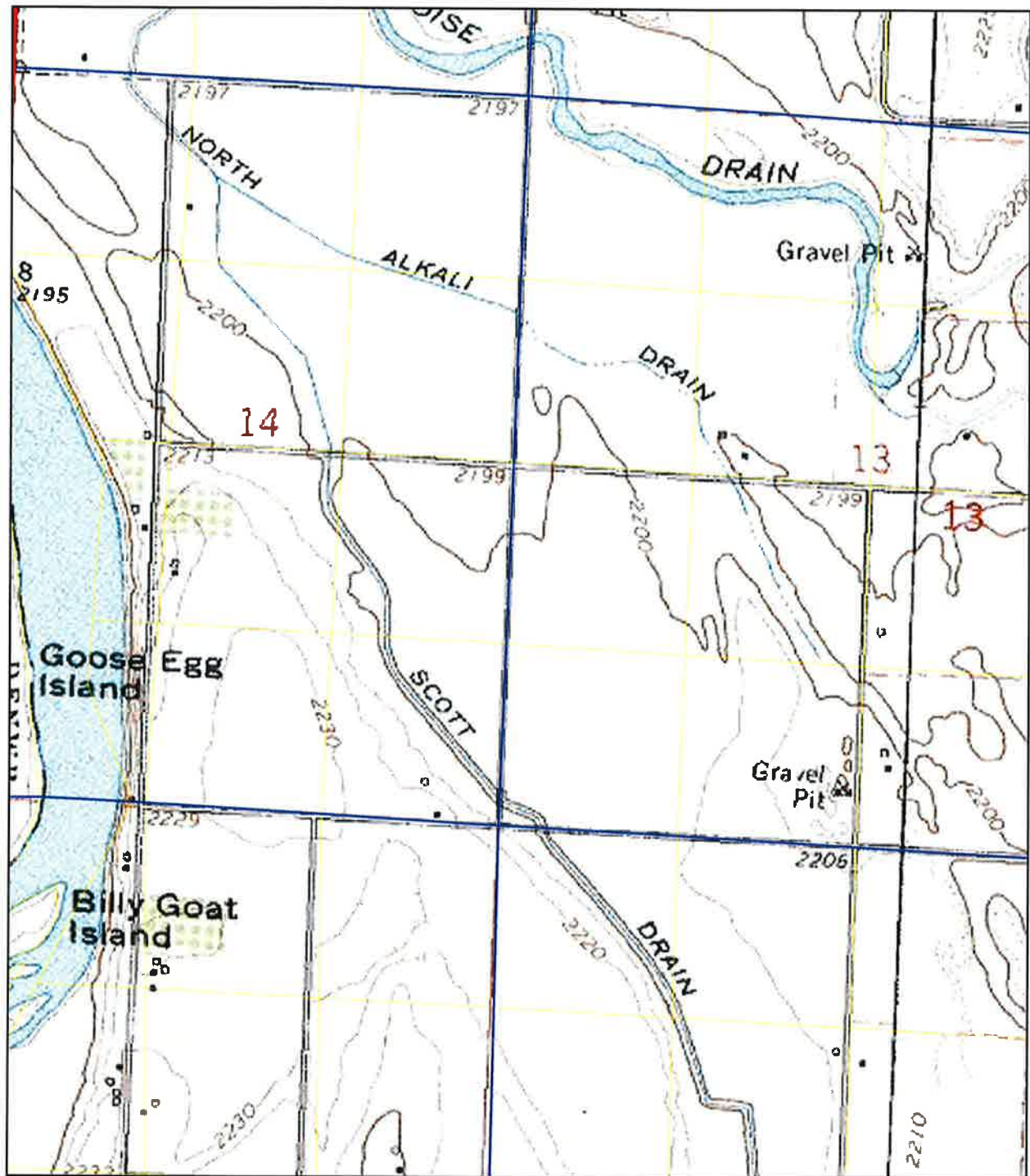
RECEIVED

NOV 02 2006

WATER RESOURCE:
WESTERN REGION

~~LOWELL WITHINGTON
WILLA C WITHINGTON
368 CORNETT AVE
MOORPARK CA 93267~~

63-2904A



Scott drain

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2904A V1

WATER RIGHT NUMBER: 63-2904A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH P BRUMBACH 2205 E LINDEN SP 74 CALDWELL, ID 83605 (208)459-0317
Current Owner	WILLA G WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538
Current Owner	LOWELL WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538

Priority Date: 07/14/1952

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SCOTT DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

SCOTT DRAIN	NW1/4SE1/4	Sec. 14, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	14														34.0	1.0		35.0

Total Acres: 35

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of transfer 3829 is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2904A V1

3. 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.
4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. Igraves 8/30/2006 Transfer

Comment: Transfer 3829 added a point of diversion and split right 63-2904 into parts A & B according to ownership.

2. Igraves 8/30/2006 Source

Comment: Scott Drain is tributary to North Alkali Drain (manmade), which is tributary to South Boise Drain (natural), which is tributary to the Snake River. Transfer 3829 changed the source from unnamed drain to Scott Drain and listed the tributary as Snake River. This recommendation will remain consistent with the approved transfer.

3. Igraves 8/30/2006 P/U

Comment: About 1 acre of the 35 licensed acres is located in the NWSE as confirmed by ArcView technology.

4. Igraves 8/30/2006 P/D

Comment: The diversion approved by transfer 3829 has been clarified to the NWSE rather than the NESE as confirmed by ArcView technology.

5. Igraves 8/30/2006 Parcel No.

Comment: Irrigation is within Parcel No. R2616600000.

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: NONE RECEIVED

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2904A

WATER RIGHT NUMBER: 63-2904A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLA G WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538
Original Owner	JOSEPH P BRUMBACH 2205 E LINDEN SP 74 CALDWELL, ID 83605 (208)459-0317
Current Owner	LOWELL WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538

Priority Date: 07/14/1952

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SCOTT DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of DiversionSCOTT DRAIN
CANYON County~~NE~~1/4SE1/4
NWSec. 14, Twp 05N, Rge 06W, B.M.
*see comments*Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	14																	35.0
																			35.0

Total Acres: 35

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2904A

1. NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.
THERE HAS BEEN A TRANSFER FILED ON LICENSE 63-02904 TO ADD A POINT OF DIVERSION. THIS CLAIM WILL NEED TO BE AMENDED TO THE NEW POINT OF DIVERSION AFTER THE TRANSFER IS APPROVED.
POINT OF DIVERSION AND SOURCE CHANGED PER TRANSFER #3829 APPROVED 9/3/91.
POINT OF DIVERSION CORRECTED AS PER TRANSFER NO. 3829 APPROVED 09/03/1991. MM.
- exp* 2. T07 The right holder shall accomplish the change authorized by ³⁸²⁹ this transfer within one (1) year of the date of this approval.
3. ~~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.
- exp* 4. T08 Failure of the right holder to comply with the conditions of ³⁸²⁹ this transfer is cause for the Director to rescind approval of the transfer.

Remarks:Comments:

add 539 - 3/1 - 11/15

Dates and Other Information:

Claim Received Date: 12/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

DATE: 08/18/95
PAGE: 1

Date: 07/25/1995 User-ID: MMINICUC Subject: ACRES
ALTHOUGH ASCS IDENTIFIES 31.5 ACRES, IT APPEARS THAT THIS NUMBER
MAY BE LOW. 4 OTHER ACRES ARE IRRIGATED IN THE QQ (NOT THIS
CLAIMANT), FOR A TOTAL OF 35.5 ACRES. IT DOES NOT APPEAR THAT

AJ0749NP
No. R63-02904A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/18/95
PAGE: 2

=====

Comments: Date: 07/25/1995 User-ID: MMINICUC Subject: ACRES
THE ROADS AND DITCH ACCOUNT FOR 4.5 ACRES, ALTHOUGH NO MEASUREMNT
OF THE LANDS WAS DONE BY IDWR. LANDS NOW IRRIGATED ARE THE SAME
LANDS AS INDICATED ON LICENSING EXAM (1956).
IN ORDER TO BE CONSISTENT WITH OTHER CLAIMS, ACRES TO BE
RECOMMENDED ARE THOSE FOUND BY ASCS IN 1987. SEE MAP IN FILE.
08/18/1995 MM.

Date: 07/25/1995 User-ID: MMINICUC Subject: COPIED FROM REMARKS
NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN
SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.
THERE HAS BEEN A TRANSFER FILED ON LICENSE 63-02904 TO ADD A
POINT OF DIVERSION. THIS CLAIM WILL NEED TO BE AMENDED TO THE
NEW POINT OF DIVERSION AFTER THE TRANSFER IS APPROVED.
POINT OF DIVERSION AND SOURCE CHANGED PER TRANSFER #3829 APPROVED
9/3/91.
POINT OF DIVERSION CORRECTED AS PER TRANSFER NO. 3829 APPROVED
09/03/1991. MM.

Audit: 08/18/95 MMINICUC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:02:02
07/10/95

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A63-02904A

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE		RM	RM			RM	RM	
	N	02/24/1995	07/14/1995	N		07/25/1995	07/25/1995	
POINT OF DIV					RM			
	X			N	07/14/1995			
SOURCE								
	N			N				
PLACE OF USE								
	XN			N				
DIV. AMOUNT CFS/VOLUME								
	N			N				
CONSUMPTIVE USE								
	N			N				
PURPOSES OF USE								
	N			N				
PERIOD OF USE								
	N			N				
BASIS OF CLAIM								
	YN			N				
REMARKS								
	Y							

BARCODE UPDATED
WHOM/DATE

RM 07/25/1995

15:03:34
07/10/95
16

CLAIM NUMBER: A63-02904A

Changes to
rec'd acres
made
08/18/1995
mm.

Other Rights: NONE

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.

To
Comments

Verified Date:

Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:02:02
07/10/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-02904A

LAST: BRUMBACH
ADDRESS: 2205 E LINDEN SPACE 74
CITY: CALDWELL
PHONE NUMBER: 208-459-0317

FIRST: JOSEPH P
STATE: ID ZIP: 83605

OWNER CODE: O

LAST: WITHINGTON
ADDRESS: 368 CORNETT AVE
CITY: MOORPARK
PHONE NUMBER: 805-485-5538

FIRST: LOWELL
STATE: CA ZIP: 93201

OWNER CODE: C

LAST: WITHINGTON
ADDRESS: 368 CORNETT AVE
CITY: MOORPARK
PHONE NUMBER: 805-485-5538

FIRST: WILLA G
STATE: CA ZIP: 93201

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

Y

FIELD
EXAMINER
Y(M) N()

CLAIM REMARKS: NAME OF DRAIN SHOWN ON MAP IS "SCOTT DRAIN".
THIS WATER RIGHT, ORIGINALLY FOR A TOTAL OF 70 ACRES, HAS BEEN
SPLIT; THE OTHER 35-ACRE TRACT NOW BELONGS TO JOE WAGNER.
THERE HAS BEEN A TRANSFER FILED ON LICENSE 63-02904 TO ADD A
POINT OF DIVERSION. THIS CLAIM WILL NEED TO BE AMENDED TO THE
NEW POINT OF DIVERSION AFTER THE TRANSFER IS APPROVED.
POINT OF DIVERSION AND SOURCE CHANGED PER TRANSFER #3829 APPROVED
9/3/91.
POINT OF DIVERSION CORRECTED AS PER TRANSFER NO. 3829 APPROVED
09/03/1991. MM.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet For
SRBA Claim Verification Field Report

A63-02904A
Adjudication Claim No.

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap yes Xno If yes: copy of claims & water rights incl?
Type of Overlap? Add acres or uses to existing system
 Increase rate of flow or volume
 Other:
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap Xyes no If yes: copy of claims & water rights incl?
Type of Overlap? Increase rate of flow or volume
 Add P/D's
 Increase number of acres within tracts
X Different source for same acres Riverside IRR? ^{A63-}02279
 Other:

- ☒ Appointment Letter Sent? 02/24/1995 nn (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached ^{Also} See CVR Page 2

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use.

C. Review and Processing:

- Claim No. submitted for weekly exam completed prog. report? Yes No
- Exam completed date data entered on claim nn 07/25/1995 (initial & date)
- Claim Verification Report completed nn 07/25/1995 (initial & date)
- Was CVR spot-checked by Supervisor? Yes No (initial & date)
- R claim file created nn 07/25/1995 (initial & date)
- Recommendations entered on R claim file nn 07/25/1995 (initial & date)

CONTACT PERSON: JAMES HITCH (Leasee)

PHONE NUMBER: (208) 722 5646

DATE OF FIELD EXAM: 07/14/1995

APPOINTMENT MADE: Y(☒) N(☐)

TIME: 11:00 A(☒) P(☐)

ACCOMPANIED BY: T.R. Hitch

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: leasee

DIRECTIONS TO PROPERTY / NOTES:

07/10/1995: Left msg on machine that I would be out to verify POD on
Fri 07/14/1995 between 11 & noon. TTH

Property is on corner of Scott Pt & Boulder (SW corner).

POD is on draw to the west. TTH

Claimant left after making sure I was in the correct location.

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT James Houch (Leasee)

PHONE NUMBER 722-5646 ADJ. AGENT TTT Micucci

DATE SET FOR EXAM 07/14/1995

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 07/10/1995 3:00 pm - left msg on machine that I
would be in area Fri 7/14 @ 11-12:00; left name & NO.
& requested call back. TTT

A. AJ CLAIM: # A63-02904A PRIORITY DATE: 07-14-1952 STAGE: L

B. WR RECORD: # 63-02904A PRIORITY DATE: 07-14-1952 STAGE: L

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

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

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

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

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

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

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

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

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

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

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

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

NOTES: 07/25/1995 : Claimed as licensed - rxc

=====

RECOMMENDED PRIORITY DATE:

07-14-1952
REVIEWED BY [Signature]

DATE 07/25/1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-02904A	05N 06W	14		NE	SE			CANYON		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SCOTT DRAIN

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-02904A	05N 06W	14		NE	SE			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: SCOTT DRAIN

TRIB: SNAKE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 07/14/1995) NAME OF EXAMINER TH. NICUCCI Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 07/25/1995: Pump is located on or near line between NESE + NWSE, but appears since it is on the east side of the drain it appears to be in the NESE. Maps ~~se~~ indicated that drain @ POD is on line between NESE + NWSE 5.14.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

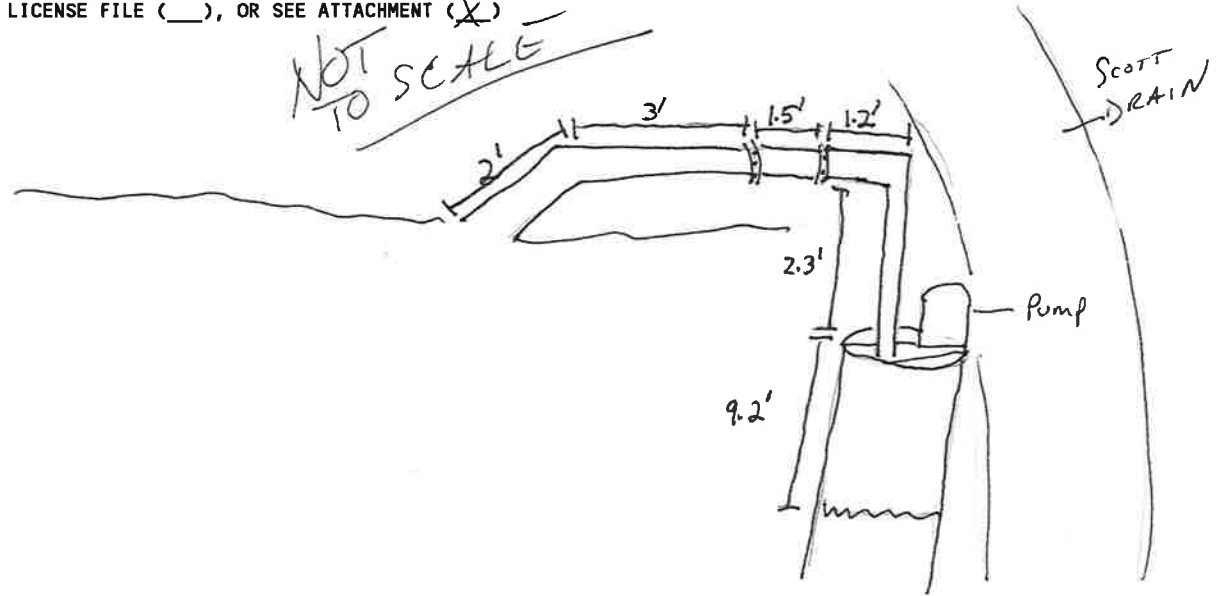
TWP. 05N	RGE. 06W	SEC. 14	1/4	1/4 NE	1/4 SE	LOT	POD FLAG	COUNTY CANYON	DIVERSION NAME	DIVERSION NBR
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: SCOTT DRAIN

TRIB: SNAKE RIVER

REVIEWED BY: [Signature] DATE: 07/25/1995

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)



SYSTEM DESCRIPTION ATTACHMENT TO CLAIM VERIFICATION REPORT

CLAIM NO. A63-02904A

Pump set on top of 4' diameter metal culvert stilling well. Powerbloc pump, no. LS 18017. Name plate very difficult to read - numbers are stamped on the plate by meaning of each number is impossible to read. Possibly 25 HP pump. Water is lifted 11.5 ft into 10' metal pipe which immediately buries (see photos). Sprinkler Riser heads are located along north edge of property but it appears that gated pipe is being used this year. 12" gated pipe runs along line between 2 fields (see ASCE map, possibly route of old ditches, see Licensing exam) Water runs through aerator before entering gated pipe.

A. ROOT WATER RIGHT NUMBERS: A63-02904A
A63-02904B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05N	06W	14	NE	SE		WITHINGTON, LOWELL	A63-02904A / 35.0	63-02904A / 35.0	41.0		25
			NE	SE		RIVERSIDE IRRIGATION DISTRICT		63-02279 / 31.0			31.5
			NE	SE		BRUMBACH, JOSEPH P.		63-02904 / 35.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A63-02904A	35.00	35.00	41.00	35 31.5
-------------	------------	-------	-------	-------	---------

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(X)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(X)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(X) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(X)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(X)

CHECK DOCUMENTS USED TO VERIFY POU: (X) ORTHOPHOTOQUAD, IDWR NO. W52; () TOPOGRAPHIC QUAD, IDWR NO. _____;
(X) NAPP, IDWR NO. W52 NE; (X) ASCS PHOTO; () OTHER _____

NOTES: 07/25/1995: IDWR licensing exam found 35 acres in 1956. It appears that the exact same land is still being irrigated. ASCS found 31.5 acres but it appears that that number may be low. ASCS found a total of 35.5 acres in the Q, which may be low even accounting for roads & the ditch. Consequently the licensed 35 acres are recommended. rrr

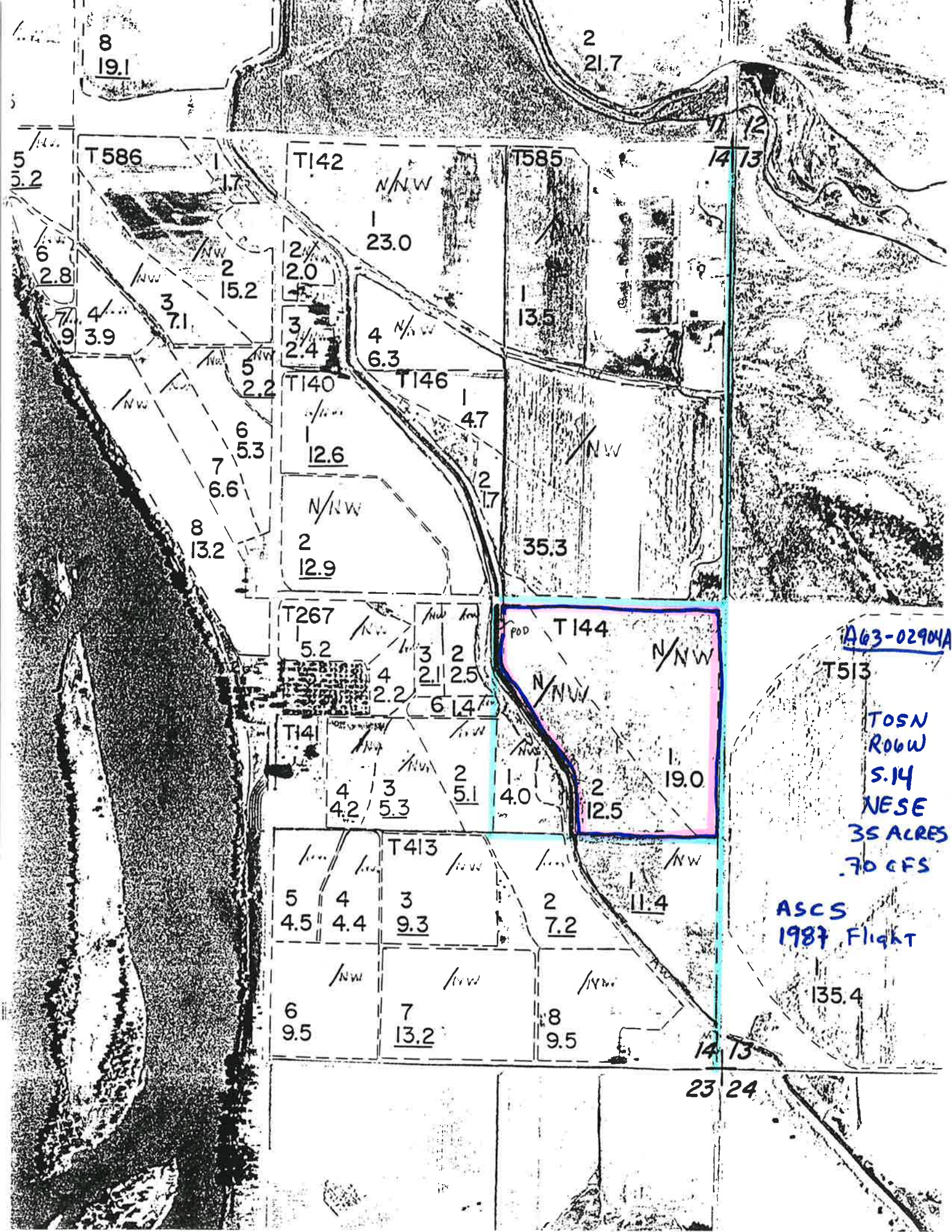
08/18/1995: In order to be consistent with other claims, acres as found by ASCS to be recommended. 31.5 acres found by ASCS. rrr See attached 1987 ASCS map. rrr

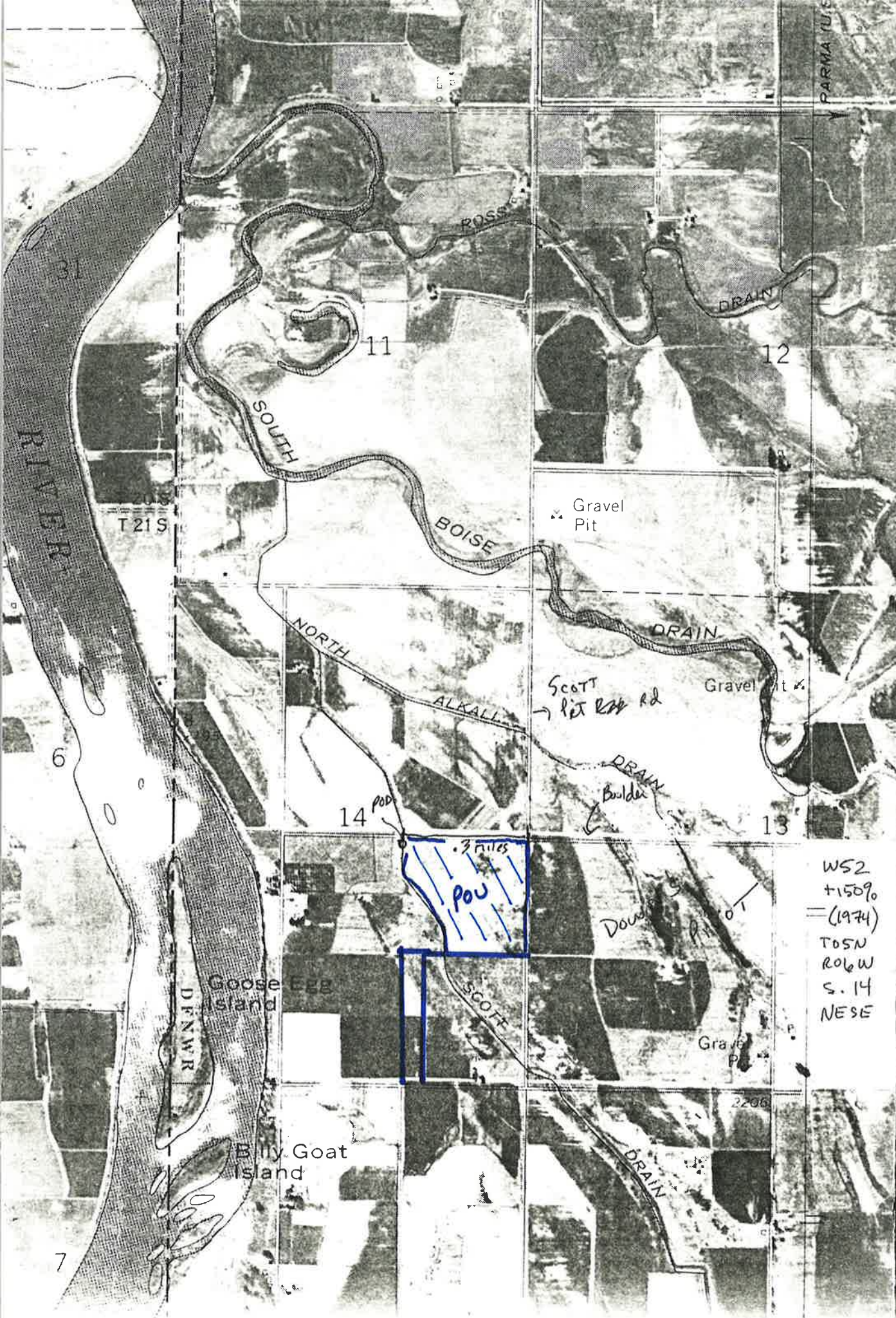
RECOMMENDATIONS:

TOTAL ACRES: 35 31.5 N/A()

REVIEWED BY: JJ Hencus

DATE: 07/25/1995

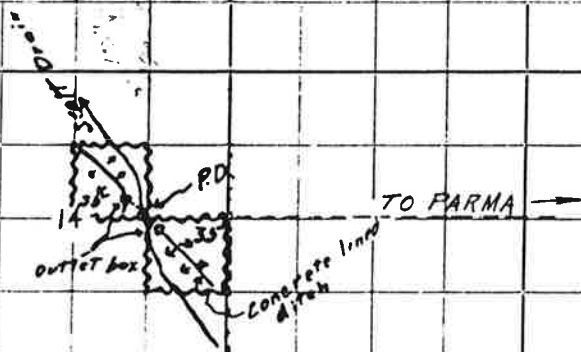




WS2
+1509
=(1974)
T05N
R06W
S. 14
NESE

R-6W.

T.
5
N.



Subdivisions = Two

Area = 70 acres

Q = 70 inches

63-02904

Field exam

02/16/1956

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-02904A IRRIGATION	FROM 03-15 TO 11-15	0.700 CFS	
TOTAL DIVERSION RATE/VOLUME		0.700 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-02904A IRRIGATION	FROM 03-15 TO 11-15	0.700 CFS	
TOTAL DIVERSION RATE/VOLUME		0.700 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(X) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N(X)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(X) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(X) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N(X)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(X) Y(/) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N(X)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.700 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.700 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 35 ^{31.5} x 0.02 CFS/ACRE = 70 ⁶³ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 35 ^{31.5} x DIVERSION VOL. AF/A FOR AREA 4.5 =
TOTAL DIVERSION VOLUME 157.5 ^{141.75} AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 122.5 AF/A
ACRES 35 ^{31.5} x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
TOTAL CONSUMPTIVE USE 122.5 ^{110.25} AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: 07/25/1995: Div. amt based on licensed rate.

WR RECORD CONDITIONS/REMARKS:

- 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.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	03-15	11-15	DATABASE 0.700	EXAMINER <u>70.63</u>	DATABASE <u>157.5</u>	EXAMINER <u>141.75</u>	DATABASE 122.5	EXAMINER <u>122.5</u> 110.25
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.700	<u>70.63</u>	<u>157.5</u>	<u>141.75</u>	122.5	<u>122.5</u> 110.25

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (N/A)

REVIEWED BY: [Signature]

DATE: 07/25/1998

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 63-02904

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.400 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-		-		63-02904	1.400
-	-		-		63-02904B	0.700
-	-		-		63-02904A	0.700
TOTAL CFS						1.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y(X) N()

NOTES:

AUTHENTICATION:

SIGNATURE: Maria Minicucci DATE: 07/25/1995
NAME OF FIELD EXAMINER: MARIA MINICUCCI TITLE: SR WATER AGENT

Maria Minicucci 08/18/1995
MARIA MINICUCCI, SR WATER AGENT

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
(X) ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974 (7150%)</u> IDWR ID NO. <u>W52</u>	Y(X) N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
(X) NAPP	DATE OF PHOTO <u>07/13/1987</u> IDWR ID NO. <u>W52SE</u>	Y() N(X)
(X) ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987 Flight</u>	Y(X) N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
(X) LICENSING FIELD EXAM	DATE OF FIELD EXAM <u>02/16/1956</u>	<u>1</u>	<u>Examiner's map only</u>
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
(X) SYSTEM DESCRIPTION	DATE ~~DRAWN~~ <u>written</u> <u>07/25/1995</u>	<u>1</u>	<u>From field notes</u>
(X) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>07/14/1995</u>	<u>2</u>	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____



PHOTOGRAPHER AND DATE OF PHOTOS TT Minicucci 07/14/1995

FILE NO. A63-02904A T05N R06W S.14 NESE



① Point of diversion

Inspected by State of Idaho,
Bureau of Labor & Industrial
Services. Permit NO. C183826

Inspected by Robinson
05/04/1990

Meter NO. 235



② Point of diversion. Pump
is located just south of
Boulder road, on or near
the line between NESE + NWSE
S.14



PHOTOGRAPHER AND DATE OF PHOTOS MYINICUCCI 07/14/1995

FILE NO. A63-02904A T05N R06W S.14 NESE



- ① Aeration stand pipe
is gated pipe.
Located on north side
of property next to
Boulder Road. Looking
south over place of use.



- ② North side of place
of use. Photo is taken
from point of diversion
looking east.

FIELD EXAM PHOTO INDEX SUMMARY

Date: 07/14/1995

Roll No.: 1

Photographer: T. MINICUCCI

PHOTO NO.	SUBJECT
1	
2	
3	
4	
5	
6	
7	
18	A63-02904A New POD (XFER 1991)
19	POD
20	POV Looking S toward Horistica (From POD)
21	POV Looking east Toward Down's Pivot
22	Bubbler TANK TO 12" gated pipe
23	Sprinkler head Piers
24	SW CORNER of Downs A63-02630D U/POD
25	A63-02630D POD
26	
17	
18	
19	
20	
21	
22	
23	
24	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2904A

WATER RIGHT NUMBER: 63-2904A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOWELL WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538
Original Owner	JOSEPH P BRUMBACH 2205 E LINDEN SP 74 CALDWELL, ID 83605 (208)459-0317
Current Owner	WILLA G WITHINGTON 368 CORNETT AVE MOORPARK, CA 93201 (805)485-5538

Priority Date: 07/14/1952

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SCOTT DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

SCOTT DRAIN	NE1/4SE1/4	Sec. 14, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	06W	14																	35.0
																			35.0

Total Acres: 35

Conditions of Approval:

1. 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.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2904A

Remarks:

Comments:

1. LUKE 8/29/1991 TRANSFER

Comment: TRANSFER NO. 3829 ADDED A POINT OF DIVERSION AND SPLIT RIGHT 63-2904 INTO PARTS A & B. SPLIT MADE ACCORDING TO OWNERSHIP.

2. MILLER 9/9/1991 TRANSFER NO. 3829

Comment: TRANSFER NO. 3829 ADDED A POINT OF DIVERSION AND SPLIT RIGHT NO. 63-02904 INTO PARTS A & B ACCORDING TO OWNERSHIP.

Dates and Other Information:

Licensed Date: 8/28/1979

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

**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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

State of Idaho
License and Certificate of Water Right

Water License No. 22839

Amount 1.4 second feet

Water District No.

Priority July 14, 1952

THIS IS TO CERTIFY that JOSEPH P. BRUMBACH
of Parma, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 12, 1952; that Permit No. 22839
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on June 18, 1954, showing that said works
were completed on the 4th day of June, 1954; and that on the 18th
day of July, 1955,

JOSEPH P. BRUMBACH

of Parma, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of drain ditch
~~and ditch~~ (un-named stream), for the purpose of irrigation use

, under Use Permit No. 22839 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
9 of Licenses at page 5700, on the 26th day of April, 1956;

The right hereby confirmed dates from July 14, 1952;

The Point of Diversion is located

in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Tp. 5 N., R. 6 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 1.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	6 W	14	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	35
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	35
			Number of Acres Actually Irrigated - - 70		

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
26th day of April, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 2954

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

Permit No. 22839

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Joseph P. Brumbach, Route 3, Parma, Idaho
2. Source of water supply: An un-named stream (drain ditch)
3. Location of point of diversion: Is in the S.E. corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14,
T. 5 N. R. 6 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: This system takes water from the Scott Drain, lifts it through approximately 12' in two ditches, one on either side of the drain, and then the land is irrigated by gravity flow from there. The motor is a $7\frac{1}{2}$ hp horizontal Squirrel Cage Motor manufactured by Allis-Chalmers Co. The pump is a large centrifugal pump approximately 2' in diameter with a 6" runner. All is mounted on a large concrete base and is in a pump house 8' by 10' by 8' high. There is an 8" pipe leading out of the house to the West and one to the North. Gate Valves on each. There is a concrete sump extending to the West from the drain approximately 20'. Intake to the pump is 8" steel pipe approximately 6' long, right angle bend and 1' down into the sump. Pipe lines to the fields are 10" concrete lines. There is a
(continued below)
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):

SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, Twp. 5 North, Range 6 West, B. M.

See the map

#4 continued - ^{stand} steel pipe on the west side of the house approximately 20' high by 8" diameter.

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

8. What large stream would the water here appropriated finally reach? Snake River
- Remarks: The field on the SE is very sandy and salty in character. He has made a concrete lined ditch or flume and irrigates both by gravity and some supplemental pumping from the ditch is by use of a tractor and portable pump. This place lays close to the Snake River and there is more than ample water in the drain.

This examination was made on the 16th day of February, 19 56

(Signed) B. H. Humphrey Examiner.

22839

Concrete ramp extends west
from drain approx. 20'
10" steel intake pipe

8" steel pipe extends
6' to East then rt & bend
and down into ramp 4' east,

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
FEB 17 1956

Department of Reclamation

Joseph P. Brumbach
Rte. 3, Parma, Idaho

Permit No. 22819

Examination for Beneficial Use

County Caren

14-5N.-6W.

$D = 1.6$ a.f.s.

D - drain ditch (M-named stream)

P.D. - SE. cor. of SW. NE, Sec. 14,
T. 5N. - R. 6W

for Scott Drain

Use a Diversion

1 April 7 22 PM

Priority - June 12, 1952
Due - June 16, 1955 (Ex)

C/W = 6-18-54

Allies Chalmers.
Squirrel Cage motor
3 ph. 220V. 800 rpm
20 amps 7.5 hp.

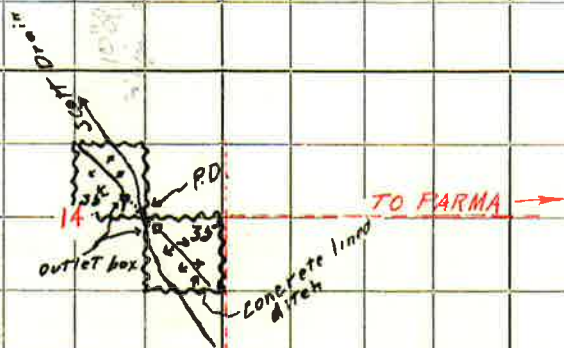
Centrifugal pump
2' d. x 6" blade.
Intd on large concrete)
platform

Pump house = 8' x 10' x 8' h.
8" pipe out of house to lot
and to N. gate valve
on each

8' x 20' stand pipe to
N.W. 6' distance

T.
5
N.

R-6W.



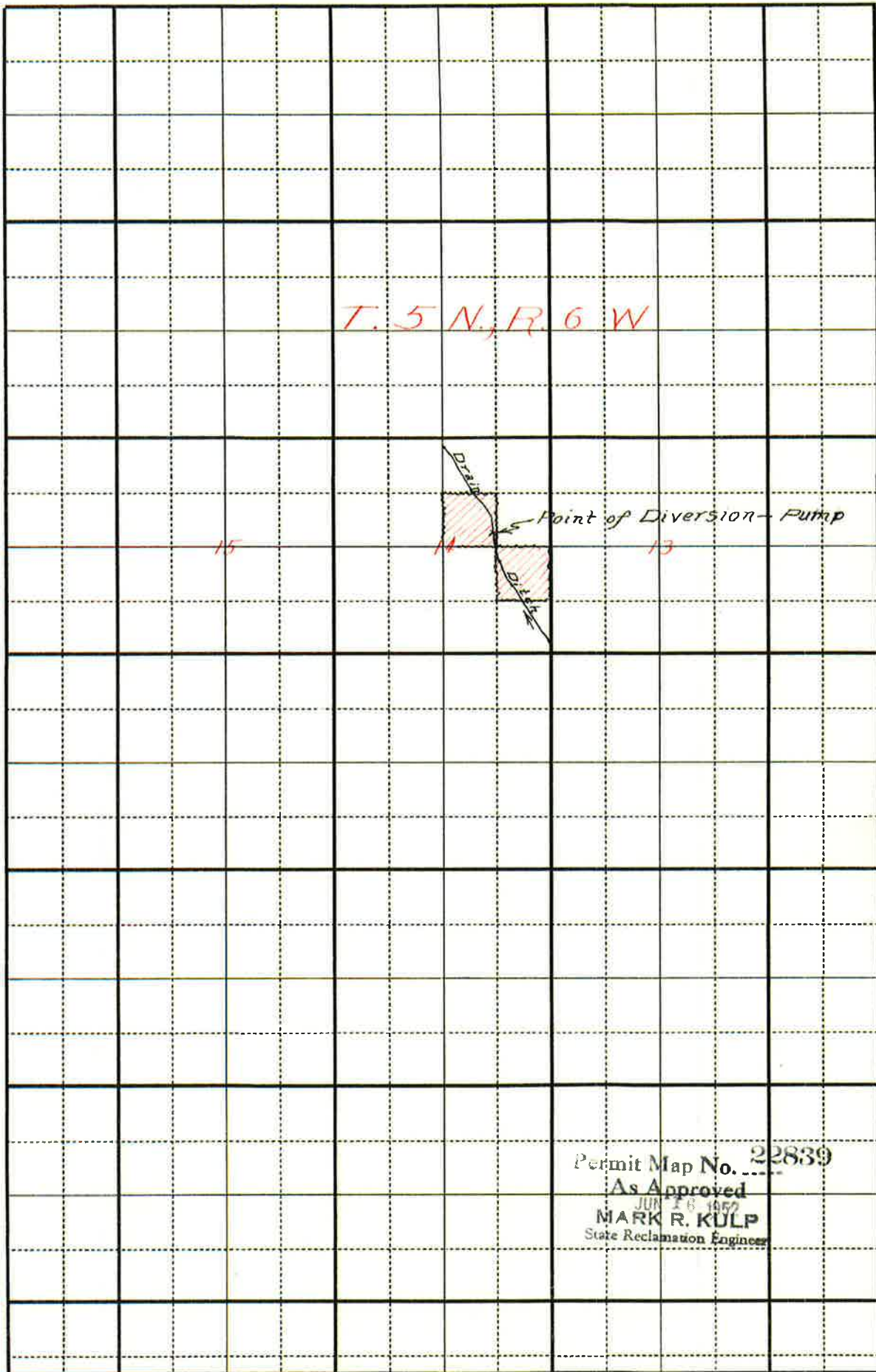
Subdivisions = Two

Area = 70 acres

Q = 70 inches.

NAME OF APPLICANT.....JOSEPH.....REUMBACH.....

Form No. 0



Permit Map No. 22839
As Approved
JUN 16 1952
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

22839

AFFIDAVIT OF HOLDER

Proof of B14

STATE OF IDAHO

County of Canyon

ss.

Joseph P. Brumbach

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No 22832, and that his postoffice address is R#3 Parma State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Drain Ditch from Riverside Irrigation District (a drainage

Third: That the point of diversion of said water is concern) Southeast corner of the SW 1/4 of the NE 1/4, Sec. 14, T. 5 N. R. 6 W. of B. M., Canyon County.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 18, 19 55

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (~~or were not~~) fully completed and consisted of the following:

- I. Kind of works: Electric Pumping System in Drain Ditch. Pumped from small check in the drain ditch. Conduit lines, one 465 feet long and one 500 feet long.
- II. Dimensions of work:

(a) Height of dam 1 feet, length of dam at top 8 feet, length of dam at bottom 8 feet. Material used in construction Wood and Cement

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir none acre feet. No reservoir.

(c) Size of headgate: Width None feet, height 8 in. suction pipe to pump. 465 feet of 10 in. cement line

(d) Conduit width at bottom feet, width at water line was 500 feet of 12 cement distribution line.

feet, depth of water See above. feet; diameter of pipe See above. inches, average grade per mile is about one foot per 200 feet. Length of conduit is writes 965 feet

Seventh: That said works are capable of conducting to the place of intended use 1.6 second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: SW 1/4 of NE 1/4 and NE 1/4 of SE 1/4, all in Sec. 14, T. 5 N. R. 6 West of Boise Meridian.

Ninth: Remarks: That Land been in cultivation for about six years, and irrigated during said time.

Joseph P. Brumbach
(Sign Here)

Subscribed and sworn to before me this 21 day of July

10 55

Permit No. 22839**Proof of Application of Water to Beneficial Use****Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Joe Wagner, Age 33 years, Rural Route #3, Parma, Idaho.

Farmer.

Ques. 2. Are you acquainted with Joseph P. Brumbach, the holder of Permit No. 22839? How long have you known him and where does he reside?

Ans. Known him all my life, 33 years.

He resides on Route #3, Parma, Idaho.

Ques. 3. Have you read or heard read said Permit No. 22839, and are you familiar with its provisions and conditions?

Ans. I have heard it read, I am.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of Water Supply: Drain Ditch; Place of Diversion: the Southeast Corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 14, T. 5 N. R. 6 W. of B. M., Canyon Co. Works: There is a 7 $\frac{1}{2}$ H. P. Allis-Chalmers motor, Allis-Chalmers Type "S" pump; Length of Conduit-465 feet of 10" concrete pipe, and 500 feet cement pipe in ditch (this in addition to above 465 feet)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 80 inches, or 1.6 feet (cubic). In actual practice the system carries 120 inches.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount? Actual measurement 100 miner's inches

Ans. --I have actually seen the pump in operation

Permit No. 22839

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Charles V. Hayton, age 63 years. Route #3. Parma, Idaho.

Farming

Ques. 2. Are you acquainted with Joseph P. Brumbach, the holder of Permit No. 22839? How long have you known him and where does he reside?

Ans. I have known him 35 years. He resides on Route #3, Parma, Idaho.

Ques. 3. Have you read or heard read said Permit No. 22839, and are you familiar with its provisions and conditions?

Ans. Yes, I am.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Drain Ditch which runs through the Riverside Irrigation Dist. a drainage concern; Pt. of Diversion Southeast Cor. of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 14, T. 5 N. R. 6 W. of B. M., Canyon Co., Description: 7 $\frac{1}{2}$ H. P. Allis-Chalmers Motor, with an Allis-Chalmers Type #8 pump; Length of conduit from pump to top of lift 465 feet 10" concrete pipe, and thence conveyed over land in an additional 500 feet of 12 inch pipe (cement)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 80 inches, or 1.6 cubic feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount? About 100 miner's inches, measured by portable weir.

Ans. _____

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-2904

APPLICATION No. 30585
 PERMIT No. 22839
 DISTRICT No.

1. Name of Applicant: **JOSEPH P. BRUMBACH**

Postoffice address: **Rt. 3, Parma**

County: **Canyon**

State: **Idaho**

I. If applicant is a corporation, give:

(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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **80 inches or 1.6**

cubic feet per second.

3. Source of water supply: **Drain ditch (Un-named stream)**

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the **Southeast corner SW $\frac{1}{4}$ NE $\frac{1}{4}$**

of Section **14** , T. **5 N.** , R. **6 W.** , B.M., County of **Canyon**

5. Water is to be used for **Irrigation**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

T. , R. , B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

T. , R. , B.M., in the

of Section

T. , R. , B.M.

7. Estimated cost of works: \$ **1,500.00**

8. Kind of works: **Electric pump, pipe and open ditch**

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is **Two (2)** years.

13. The time required for the complete application of the water to the proposed use is **None**

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

JOSEPH P. BRUMBACH Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 1:45 P. M. June 12, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22839

Recorded in Book 81 Page 22839 Approved June 16, 1952

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 August 16, 1952

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 16, 1953

The whole of said work to be completed on or before June 16, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before June 16, 1954

WITNESS My hand this 16th day of June, 1952

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS

, 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 16th

day of June, 1952

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By

LEN JORDAN

Governor.

By Jessie Wanlass
Assistant Secretary

Secretary of State.

REMARKS:

14.

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	
5 N.	6 W.	14	40												40				80
RIVERSIDE IRRIGATION DISTRICT, ROSWELL, IDAHO																			
The Riverside Irrigation District, by authority of its directors, grants Joseph Brumbach permission to pump water from the Scott Drain, to his property described as the SW 1/4 NE 1/4 and NE 1/4 NE 1/4 and the NE 1/4 SE 1/4, all in Section 14, Township 5 North, Range 6 West, Boise Meridian.																			
Permission is given to pump water from the Scott Drain, as long as water is available in the drain ditch, however, no warranty is given that water will be present at all seasons.																			
Signed by O. H. ABBOTT Secretary																			
RALPH STARK President																			
(Received in Dept. Reclamation July 25, 1952)																			
Permit No. 22839 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN: This is to certify that JOSEPH P. BRUMBACH of Parma, County of Canyon, and State of Idaho, the holder of Permit No. 22839, issued upon Application No. 30585 bearing date of priority of June 12, 1952, authorizing the diversion of 1.6 second feet of the waters of an un-named stream (drain ditch) 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 the 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 two (2) second feet of the waters of said un-named stream; that the point of diversion of said waters is in the Southeast corner of the SW 1/4 NE 1/4 Section 14, Township 5 North, Range 6 West B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW 1/4 NE 1/4 and NE 1/4 SE 1/4 Section 14, Township 5 North, Range 6 West, B.M.																			
Witness my hand this 18th day of June, A.D. 1954.																			
MARK R. KULP State Reclamation Engineer																			
Proof of completion of works made June 4, 1954 Certificate of Completion of Works issued June 18, 1954																			