

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: A63-02904B
Date Received: 12/26/1989
Receipt No: C013686
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RANDY JOE WAGNER 208-454-0397
Address: 17806 LOWELL RD.
CALDWELL ID 83605

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	SE	SW	NE		CANYON

5. Description of diverting works:
15 HP ALLIS-CHALMER LOW-HEAD HIGH VOLUME 8" ELECTRIC PUMP

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	SW	NE		IRR	35.0

Section Acres 35.0

Total Acres 35.0

SCANNED
APR 08 2008

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:

WORK PHONE NO. 459-3981

PROPERTY IS LOCATED AT THE CORNER OF PIONEER AND BOULDER ROADS.

SOURCE IS ALSO KNOWN AS SCOTT DRAIN.

PLACE OF USE IS LOTS 9 TO 16, BOTH INCLUSIVE LYING SOUTHWEST OF
THE RIGHT-OF-WAY OF SCOTT DRAIN DITCH, IN BLOCK 6 OF ROSWELL PARK
FRUIT TRACT.

SOURCE NAME CHANGED PER TRANSFER #3829 APPROVED ON 9/3/91.

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: A63-02904B

Date Received: 12/26/1989

Receipt No: CO/3686

Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RANDY JOE WAGNER
Address: 17806 LOWELL RD.
CALDWELL, ID 83605 208-454-0397

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:
15 HP ALLIS-CHALMER LOW-HEAD HIGH VOLUME 8" ELECTRIC PUMP

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	SW	NE		IRR	35.0
Section Acres							35.0
Total Acres							35.0

A63-02904B

Page 1

Date: 12/26/89

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:
WORK PHONE NO. 459-3981
PROPERTY IS LOCATED AT THE CORNER OF PIONEER AND BOULDER ROADS.
SOURCE IS ALSO KNOWN AS SCOTT DRAIN.
PLACE OF USE IS LOTS 9 TO 16, BOTH INCLUSIVE LYING SOUTHWEST OF
THE RIGHT-OF-WAY OF SCOTT DRAIN DITCH, IN BLOCK 6 OF ROSWELL PARK
FRUIT TRACT.
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): Bandy Joe Wagner Date: 12-26-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of December 19 89 Carter Fritschle
Notary Public

Seal.

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

Page

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 5

3829

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

Western Regional Office **PART 1**

Name of applicant LOWELL & WILLA WITHERINGTON Phone 485-5538

Post Office address 368 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 |
|--|----------|------------------------|------------------|---------------|
| Q3-02904A | 7-14-52 | 0.7 ~~1.4~~ cfs | irrigation | 3/15 to 11/15 |
| Q3-02904B | 7-14-52 | 0.7 cfs | irrigation | 3/15 to 11/15 |
| | | | | |
| | | | | |
| | | | | |
| 2. Total amount of water being transferred <u>1.4</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3. Source of water <u>unnamed drain</u> tributary to <u>Snake River</u> | | | | |
| 4. Point(s) of Diversion: <u>SCOTT DRAIN</u> | | | | |

[illegible]

5. Lands irrigated or place of use: NO CHANGE

[illegible]

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? _____ Yes No 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. 63-2904

And 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.

A. 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

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:

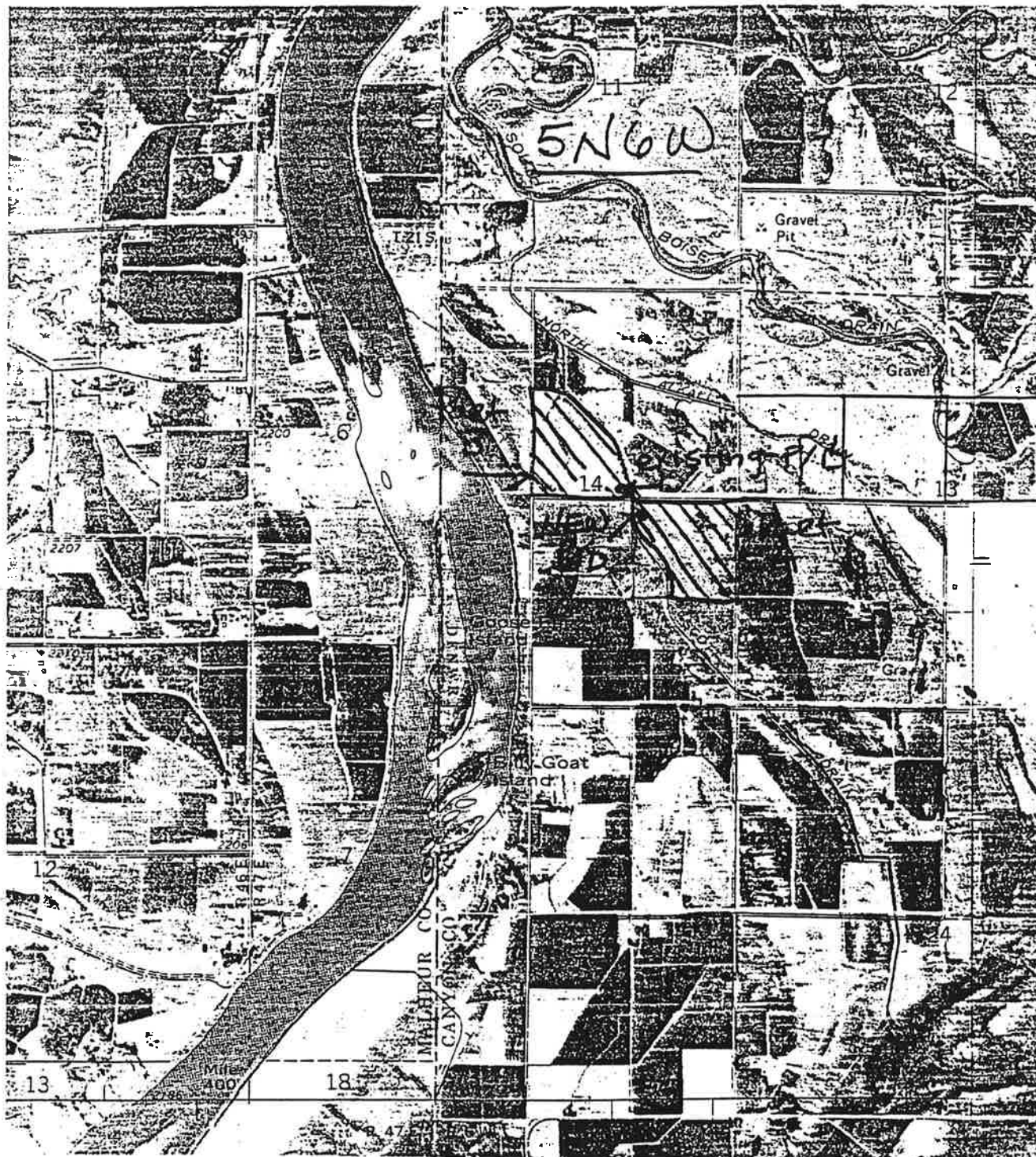
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	63	14			35										35				70

Total acres 70

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

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.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

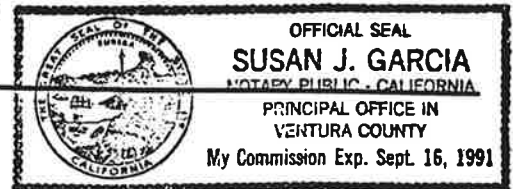
I understand that any willful misrepresentations made in this application may result in voiding its approval.

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

Prelim. check by W Fee \$50 #W013121

Receipted by JD Date 3-18-91

Published in Press-Tribune

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

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by DW

tyf 8-29-91

Water Right Number - 63-029048

Prefix Translation: WATER RIGHT

Old (D) Number - 22839

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

*** C - CURRENT OWNER ***

WAGNER

RANDY JOE

1 - 17806 LOWELL RD.

2 -

3 -

City- CALDWELL

State- ID Zip- 83605

Phone - 208-454-0397

*** O - ORIGINAL OWNER ***

BRUMBACH

JOSEPH P.

1 -

2 -

3 -

City-

State- Zip-

Phone - 208-000-0000

+ - - Priority Date - - +
07/14/1952+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +
SCOTT DRAIN+ - - - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

05N 06W 14 SW NE (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.700+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.700+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

05N 06W 14 SW NE 35.0 01 IRRIGATION (27) CANYON

Total Acres: 35.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WATER RIGHT DATA ENTRY
AFTER TRANSFER WAS APPROVED

Water right number - 63-029048

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

- 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.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

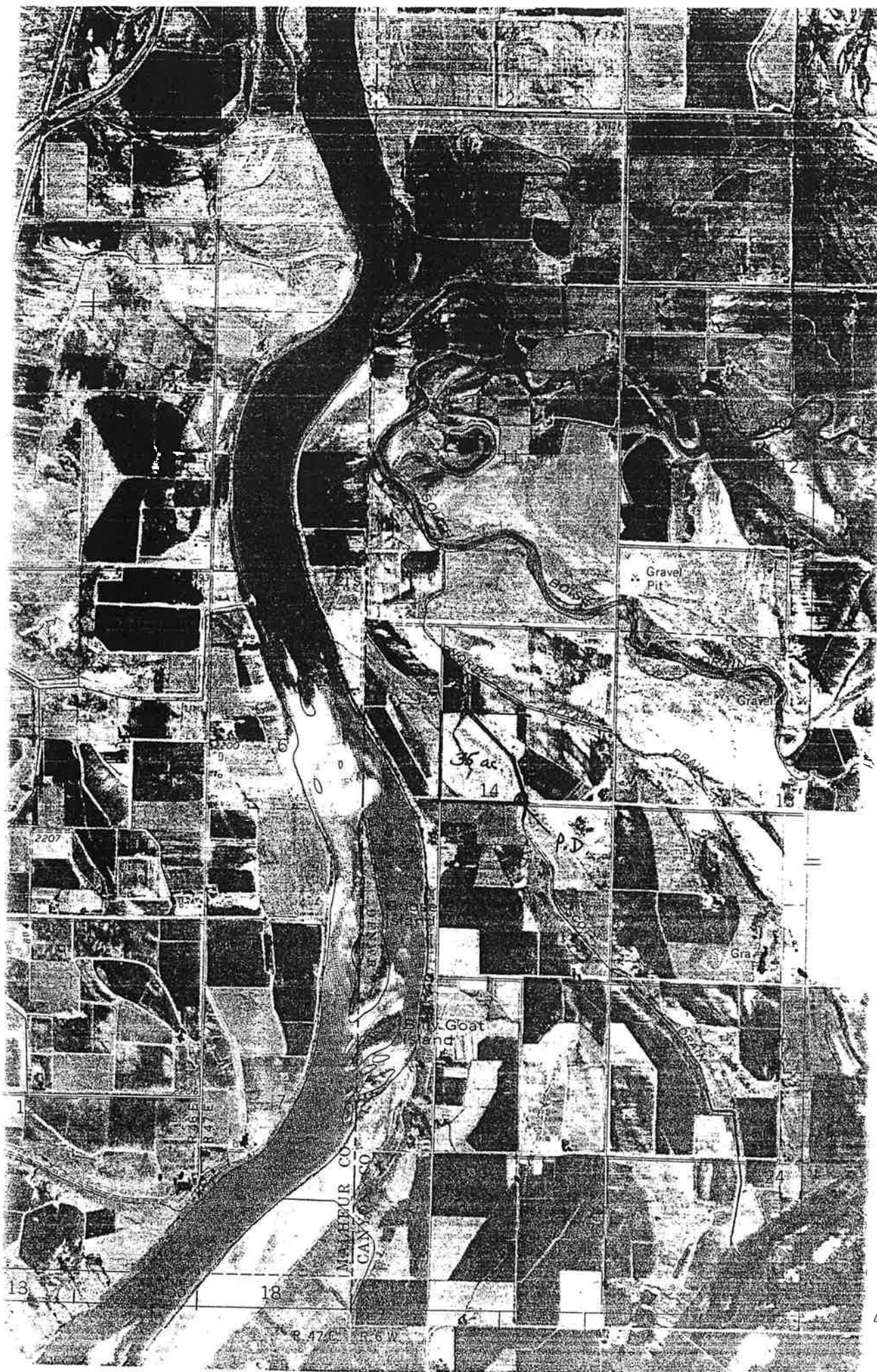
+ - - - - Comments - - - - - +

Date: 08/29/1991 User Id: LUKE Subject: TRANSFER
TRANSFER NO. 3829 ADDED POINT OF DIVERSION AND SPLIT RIGHT 63-2904 INTO PARTS A AND B. RIGHT SPLIT ACCORDING TO OWNERSHIP.
Date: 09/09/1991 User Id: MILLER Subject: TRANSFER NO. 3829
TRANSFER NO. 3829 ADDED A POINT OF DIVERSION AND SPLIT RIGHT NO. 63-02904 INTO PARTS A & B ACCORDING TO OWNERSHIP.

+ - - Audit Fields - 08/29/91 LUKE 09/09/91 MILLER

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

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 08/28/1979	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 00/00/0000	Presumption Flag -	



T 5 N
R 6 W

770 000 FEET
(IDAHO)

AG3-D2904B

48 45000m.N.

43°45'

160 000 FEET (IDAHO)

4 99000m.E.

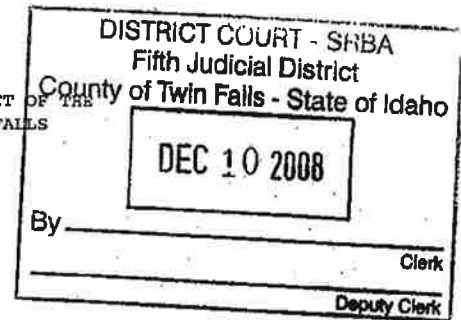
117°00'

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 63-02904B



NAME AND ADDRESS: RANDY JOE WAGNER
27818 PIONEER LANE
PARMA, ID 83660

SOURCE: SCOTT DRAIN TRIBUTARY: SNAKE RIVER

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

QUANTITY: 0.60 CFS

PRIORITY DATE: 07/14/1952

POINT OF DIVERSION: T05N R06W S14 SWNE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.60 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 SWNE 27.0 LOT 2 (SENW) 3.0
30.0 Acres Total

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

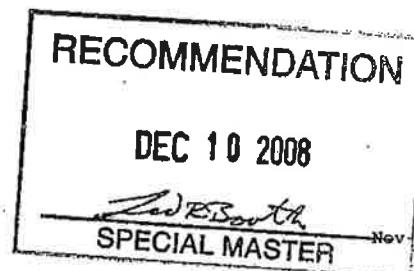
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-02904B File Number: 02035



PAGE 1
Nov 25-2008

2008 SEP 23 AM 09:42
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-02904B 63-04805

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

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

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



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

RECEIVED

JUL 02 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUN 30 PM 01:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
		SUBCASE NOS: 63-02904B 63-04805

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

TUESDAY, SEPTEMBER 23, 2008 at 09:30 AM (MT)

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

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

IT IS SO ORDERED.

Dated: JUNE 30, 2008

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

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

Page 1 6/30/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 30, 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

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

RECEIVED

JUL 02 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUN 30 PM 01:43
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, SEPTEMBER 23, 2008 at 09:00 AM (MT)

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

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

IT IS SO ORDERED.

Dated: JUNE 30, 2008

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

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

Page 1 6/30/08

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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

JAMES HITCH
2030 BRUMBACH RD
ADRIAN, OR 97901

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

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 1 1997

DEPARTMENT OF
INTERIOR

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 63-2904B
(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: Randy Joe Wagner
Address: 27818 Pioneer Lane
Parma, ID 83660

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **I object because:**

☐ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

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

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

(Signature of person filing objection)

(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, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

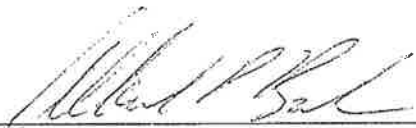
Name: Randy Joe Wagner
Address: 27818 Pioneer Lane
Parma, ID 83660

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-2904B

NAME AND ADDRESS: RANDY JOE WAGNER
27818 PIONEER LANE
PARMA ID 83660

SOURCE: SCOTT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 07/14/1952

POINT OF

DIVERSION: T05N R06W S14 SWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.600 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

SWNE

27.00

T05N R06W S14 Lot 2 SENW

3.00

30 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

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

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



Idaho Department of Water Resources

63-2904B

05N 06W Section 14



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 30

400 0 400 Feet



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2904B V1

WATER RIGHT NUMBER: 63-2904B 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	RANDY JOE WAGNER 17806 LOWELL RD CALDWELL, ID 83605 (208)454-0397

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	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

SCOTT DRAIN	SW1/4NE1/4	Sec. 14, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	06W	14	27.0	3.0			30.0

Total Acres: 30

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 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.
3. T07 The right holder shall accomplish the change authorized by transfer 3829 within one year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2904B V1

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: 35 acres were licensed west of Scott Drain, however the parcel only consists of 30 acres. Three of the 30 acres are located in the SENW S14.

4. Igraves 8/30/2006 Parcel No.

Comment: Irrigation is for Parcel No. R2616200000.

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:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2904B

WATER RIGHT NUMBER: 63-2904B

Owner Type Name and Address
 Original Owner JOSEPH P BRUMBACH
 2205 E LINDEN SP 74
 CALDWELL, ID 83605
 (208)459-0317
 Current Owner RANDY JOE WAGNER
 17806 LOWELL RD
 CALDWELL, ID 83605
 (208)454-0397

Priority Date: 07/14/1952 ✓
 Basis: License ✓
 Status: Active ✓

Source Tributary
 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 ✓	
		.60	

Location of Point(s) of Diversion
 SCOTT DRAIN ~~SE1/4SW1/4NE1/4~~ Sec. 14, Twp 05N, Rge 06W, B.M.
 CANYON County *as licensed*

Place of Use ✓
 IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	06W	14	NE	NW	SW	SE	
					35.0		
					30		
							30

Total Acres: ~~35~~
 30 ✓

*additional 5 acres never
 existed, only 30 acre area*

Conditions of Approval:

- exp* 1. 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.
 ✕ WORK PHONE NO. 459-3981 PROPERTY IS LOCATED AT THE CORNER OF PIONEER AND BOULDER ROADS. SOURCE IS ALSO KNOWN AS SCOTT DRAIN.
 PLACE OF USE IS LOTS 9 TO 16, BOTH INCLUSIVE LYING SOUTHWEST OF THE RIGHT-OF-WAY OF SCOTT DRAIN DITCH, IN BLOCK 6 OF ROSWELL PARK FRUIT TRACT. SOURCE NAME CHANGED PER TRANSFER #3829 APPROVED ON 9/3/91.
- ✕ 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2904B

- exp* 4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 12/26/1989
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:

add: 539 - 3/1-11/15

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2904B

WATER RIGHT NUMBER: 63-2904B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RANDY JOE WAGNER 17806 LOWELL RD CALDWELL, ID 83605 (208)454-0397
Original Owner	JOSEPH P BRUMBACH 2205 E LINDEN SP 74 CALDWELL, ID 83605 (208)459-0317

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	SW1/4NE1/4	Sec. 14, Twp 05N, Rge 06W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2904B

Comments:

1. LUKE 8/29/1991 TRANSFER

Comment: TRANSFER NO. 3829 ADDED POINT OF DIVERSION AND SPLIT RIGHT 63-2904 INTO PARTS A AND B. RIGHT SPLIT 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
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 4' down into the sump. Pipe lines to the fields are 10" concrete lines. There is a
5. Water is used for: Irrigation (continued below)
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) E. H. Humphrey Examiner.

22839

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

8" steel pipe extends
6' to East then rd & bend
and down into scum 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. Rumbach
Rte. 3, Parma, Idaho

Permit No. 22639

Examination for Beneficial Use

County.....Canyon

14-5N.-6W.

$Q = 1.6$ c.f.s.

D - Drain ditch (An-named stream)

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

to Scott Drain

Use = Irrigation

100 ft 722 Ph.

Priority - June 12, 1952

Due - June 16, 1955 (2x)

C/W = 6-18-54

Alles Chalmers

Squirrel Cage motor

3 ph. 220V. 800 rpm

20 amps 7.5 hp.

Centrifugal pump

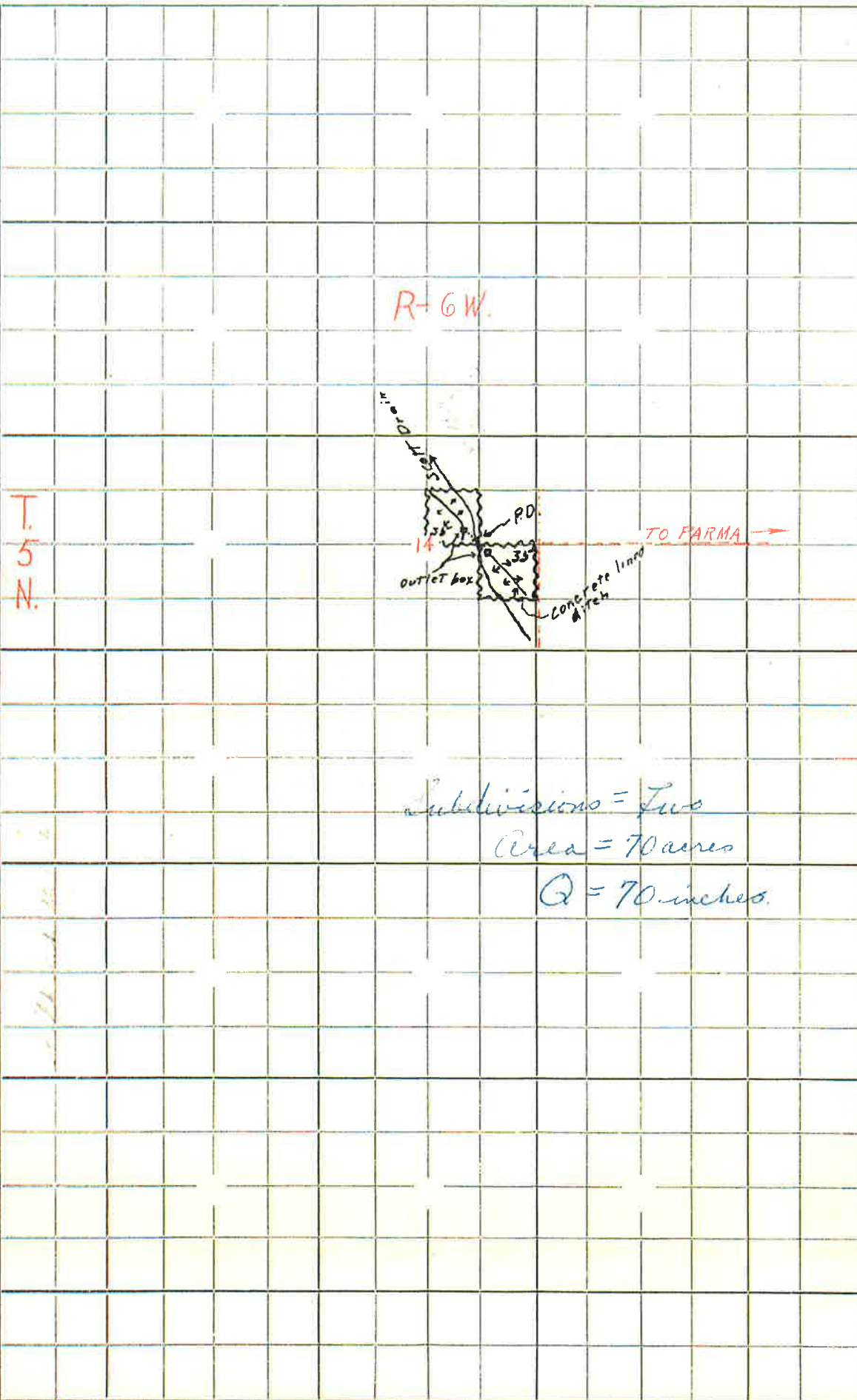
2' d. x 6" blade.

Intd on large concrete
platform

Pump house = 8' x 10' x 8' h.

8" pipe out of house to W.
and to N. gate valve
on each

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



NAME OF APPLICANT.....JOSEPH.....BRUMBACH.....

Form No. 0

T. 5 N. R. 6 W.

15 *13*

Drain

Point of Diversion - Pump

Drain

Permit Map No. *22839*
As Approved
JUN 16 1967
MARK R. KULP
State Reclamation Engineer

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

22839

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RANDY JOE WAGNER 17806 LOWELL RD CALDWELL ID 83605 (208) 454-0397	07/14/1952	IRRIGATION	03-15 11-15	0.51 CFS	114.75 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.51 CFS	114.75 AFA 89.20 AFA

Water Source: SCOTT DRAIN

Tributary to: NORTH ALKALI DRAIN

Stage: LICENSE

Point(s) of Diversion: T05N R06W S14 SESWNE

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE											
T	R	S	:	Lt	Ac	Lt	Ac	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
05N	06W	14	:					25		:					:					:						:	SUM
			:							:					:					:						:	25.5
			:							:					:					:						:	25.5
			:							:					:					:						:	TOTAL ACRES
			:							:					:					:						:	25.5

POU County: CANYON

Other Rights: NONE

Dates: Exam Made Date: 08/11/1995 Verified Date:

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

Comments: Date: 01/22/1996 User-ID: MMINICUC Subject: COPIED FROM REMARKS
WORK PHONE NO. 459-3981
PROPERTY IS LOCATED AT THE CORNER OF PIONEER AND BOULDER ROADS.
SOURCE IS ALSO KNOWN AS SCOTT DRAIN.
PLACE OF USE IS LOTS 9 TO 16, BOTH INCLUSIVE LYING SOUTHWEST OF
THE RIGHT-OF-WAY OF SCOTT DRAIN DITCH, IN BLOCK 6 OF ROSWELL PARK
FRUIT TRACT.
SOURCE NAME CHANGED PER TRANSFER #3829 APPROVED ON 9/3/91.

Date: 01/22/1996 User-ID: MMINICUC Subject: ACRES
THE RECOMMENDED ACRES ARE BASED ON THE 1987 ASCS MAP.

Audit: 01/22/96 MMINICUC

15:11:16
08/09/95
16

CLAIM NUMBER: A63-02904B

old No: 22839

CANYON County

Tributary to: SNAKE RIVER NORTH
SESWE ALKALI
DRAIN

01/22/1996

To
Comments
Could not confirm
Block II or subd. name.
Neither in Canyon County
plat map book. 77

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:08:51
08/09/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-02904B

LAST: BRUMBACH
ADDRESS:
CITY: PARMA
PHONE NUMBER: 208-000-0000

FIRST: JOSEPH P
STATE: ID ZIP: 83660

OWNER CODE: O

LAST: WAGNER
ADDRESS: 17806 LOWELL RD
CITY: CALDWELL
PHONE NUMBER: 208-454-0397

FIRST: RANDY JOE
STATE: ID ZIP: 83605

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: WORK PHONE NO. 459-3981
PROPERTY IS LOCATED AT THE CORNER OF PIONEER AND BOULDER ROADS.
SOURCE IS ALSO KNOWN AS SCOTT DRAIN.
PLACE OF USE IS LOTS 9 TO 16, BOTH INCLUSIVE LYING SOUTHWEST OF
THE RIGHT-OF-WAY OF SCOTT DRAIN DITCH, IN BLOCK 6 OF ROSWELL PARK
FRUIT TRACT.
SOURCE NAME CHANGED PER TRANSFER #3829 APPROVED ON 9/3/91.

CONTACT PERSON: Randy Wagner

PHONE NUMBER: (258) 454 0397 (H) 459-3981 (w)

DATE OF FIELD EXAM: 08/11/1995

APPOINTMENT MADE: Y() N(X)

TIME: ____:____ A() P()

ACCOMPANIED BY: Mr. Wagner

PHONE NUMBER: () ____-____

RELATIONSHIP TO CLAIMANT: Same

DIRECTIONS TO PROPERTY / NOTES:

Visited pool w/ claimant after field exam at his parents' home (A63-04805).
Roswell area has been having some controversy between neighbors about water
use; a field exam was conducted for most of the claims in the area.

A. AJ CLAIM: # A63-029048 PRIORITY DATE: 07-14-1952 STAGE: L

B. WR RECORD: # 63-029048 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: 01/22/1996: Claimed as licensed. No evidence of non-use. n/n

=====

RECOMMENDED PRIORITY DATE:

07-14-1952

REVIEWED BY TTM

DATE 01/22/1996

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
A63-02904B	05N 06W	14	SE	SW	NE			CANYON		

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

WR RECORDS IN SAME 40 ACRE TRACT
63-02904

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
63-02904B	05N 06W	14		SW	NE			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

63-02904 ✓

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 02/16/1956) Y(☒) N()

AJ FIELD EXAM (DATE OF FIELD EXAM 08/11/1995 NAME OF EXAMINER Tim M. Vucelja) Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: 01/22/1996: Pump house is located on north side of Boulder road, on the west bank of Scott Drain. Original diversion system. Pump may also have served G3-02630C, POV on the east side of Scott Drain. G3-02630C has not been claimed in the SRBA. ~~See~~ See photos, Attachment (A) - ~~TTT~~

The source is Scott Drain. The source was licensed as an Unnamed Drain, but the field exam (1956) clearly shows Scott Drain. WR records corrected in Trans. No. 3829. TTT

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

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

SOURCE: SCOTT DRAIN

TRIB: ~~SNAKE RIVER~~ NORTH ALKALI DRAIN

REVIEWED BY: TTT DATE: 01/22/1996

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

ATTACHMENT (A), 2 pgs

FIELD EXAM PHOTO INDEX SUMMARY

Date: 08/11/1995

Roll No.: 1

Photographer: TJ MINICUCCI

PHOTO NO.	SUBJECT
1	Wagner POD #2 1977 pump
2	POD Field #1 from NE corner
3	"
4	POD #1 from X (east) of ditch
5	Wagner - Randy POD and ditch
6	Pump - 15 HP motor (Brook Co) Wagner - Randy
8/14/1995 7	POD Lewman / Chaney
8	Measurement Location
9	POU w of home
10	Chaney's POU
11	Helper
12	
13	Lewman POU from road, looking N
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	



PHOTOGRAPHER AND DATE OF PHOTOS TTTinicucci 08/11/1995

FILE NO. A63-02904B T05N R06W S. 14 SW NE



① Intake
from Scott
Drain. SE SW NE
On north side
of Boulder Lane,
on west bank of
Scott Drain.



② Pump & motor.
Intake is on
right side of
photograph.
Pipe to the
north no longer
used. Was once
used to deliver
water to east
side of ~~drain~~
Scott Drain.
See B/V exam
for system
description -
one outlet
originally went
south to south
side of Boulder
Lane.

ATTACHMENT ③

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: In 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 4' 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, E. 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, 1956

(Signed) E. H. Thompson
Examiner.

22839

State of Idaho

License and Certificate of Water Right

Water License No. 22839Amount 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 14th 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
~~subdivided~~ (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

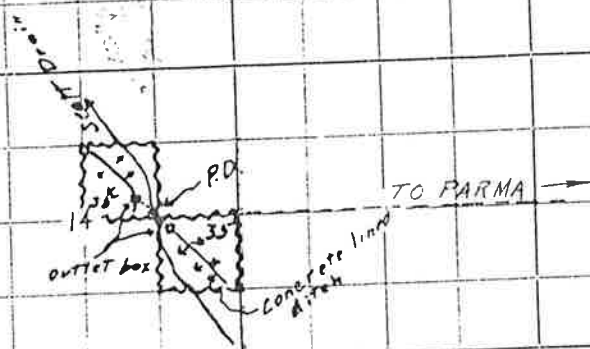
State Reclamation Engineer.

(SEAL)

63 2804

R-GW.

T.
5
N.



Subdivisions = Two
Area = 70 acres
Q = 70 inches.

A. ROOT WATER RIGHT NUMBERS: A63-02904A
A63-02904B
R63-02904A

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	SW	NE		WAGNER, RANDY JOE	A63-02904B / 35.0	63-02904B / 35.0	37.0	25.5	25.5
			SW	NE		RIVERSIDE IRRIGATION DISTRICT		63-02279 / 33.0			
			SW	NE		STEEL, ALVIN A.		63-02630C / 10.0			
			SW	NE		BRUMBACH, JOSEPH P.		63-02904 / 35.0			

ADDITIONAL POU FOUND

TOTAL ACRES A63-02904B 35.00 35.00 37.00 25.5 25.5

POU COUNTY: CANYON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y() N(☒)

* 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(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

01/22/1996: No IRR DISTRICT H₂O, as per claimant

E. IS THE CLAIMED POU 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 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(☒) 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: () ORTHOPHOTOQUAD, IDWR NO. W52; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. W52 SE; (X) ASCS PHOTO; () OTHER _____

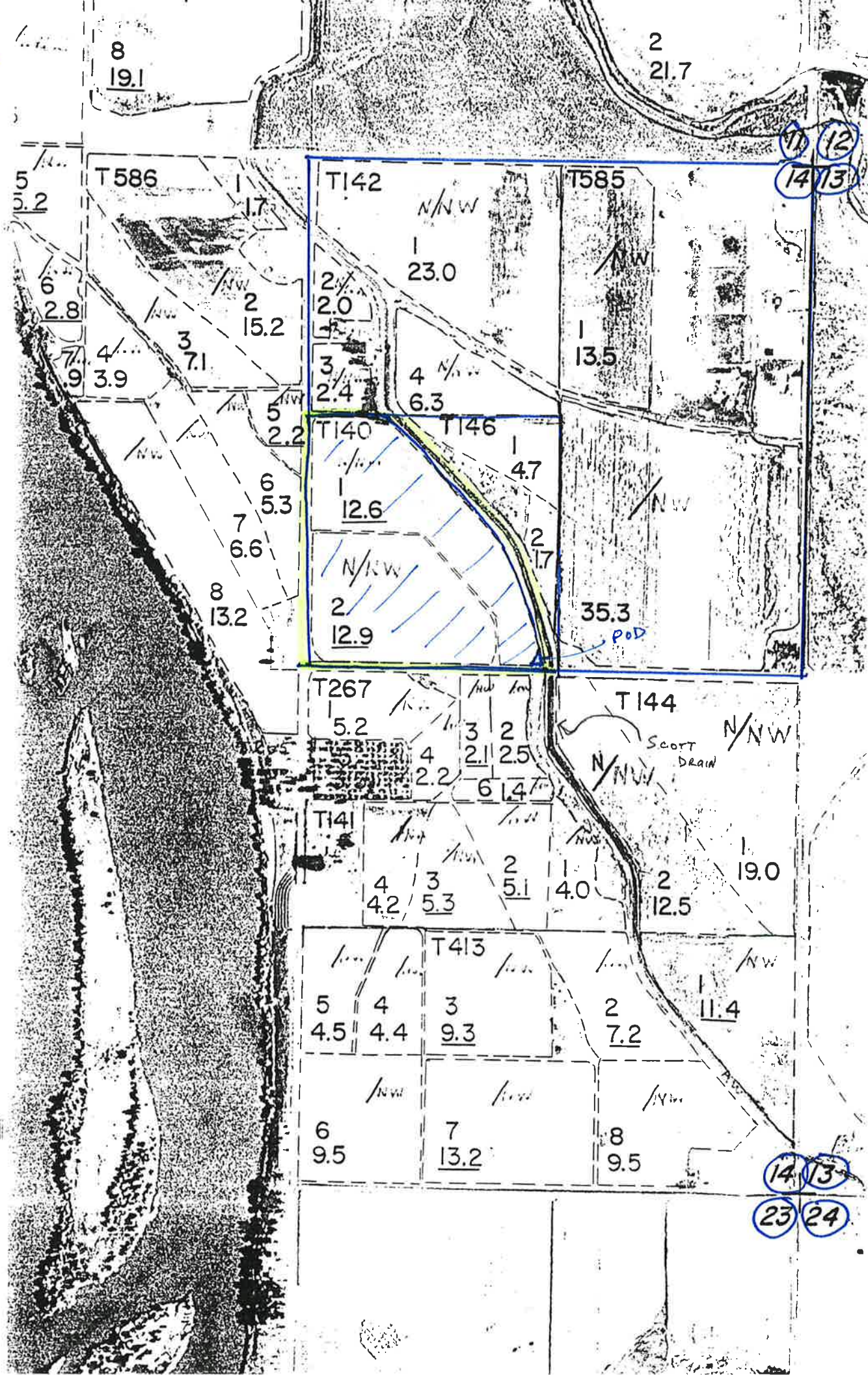
NOTES: 01/22/1996: Acres determined using 1987 ASCS map. Same acres as licensed, but license overstated number of acres. ~~But~~ No overlap w/ Riverside IRR District. 777

RECOMMENDATIONS:

TOTAL ACRES: 25.5 N/A()

REVIEWED BY: J. M. Munn

DATE: 01/22/1996



CLAIM	A63-02904B		INIT	nn
T. R. S.	Q/Q			
P/D	05N	06W	14	SESWNE
SCALE	1:24,000			
PHOTO	ID. W52	DATE	1974	

ATTACHMENT E

CLAIM	Ab3-02904B		INIT	nn
T. R. S.	Q/Q			
P/D	05N	06W	14	SESWNE
SCALE	1:24,000			
PHOTO	ID.W52	DATE	1974	

ATTACHMENT E

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-02904B 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
63-02904B 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(☒) N(☐)

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

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

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

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

NOTES: 01/22/1996: Div. volume Not licensed or claimed. Rate + volume recommended to
IDWR standard for no. of acres irrigated. T21

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 See Blu exam - ATTACHMENT (A)., SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 25.5 x 0.02 CFS/ACRE = .51 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 25.5 x DIVERSION VOL. AF/A FOR AREA 4.5 =

TOTAL DIVERSION VOLUME 114.75 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 122.5 AF/A

ACRES 25.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 89.25 AF/A

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

NOTES:

WR RECORD CONDITIONS/REMARKS:

- 000/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. |

01/22/1996

Pertains to other
half of original
water right. POD
was added by other
owner. TT

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 0.51	DATABASE	EXAMINER	DATABASE 122.5	EXAMINER
<u>IRR</u>	<u>03-15</u>	<u>11-15</u>		<u>0.51</u>		<u>114.75</u>		<u>89.25</u>
TOTAL FOR THIS RIGHT			0.700	<u>0.51</u>		<u>114.75</u>	122.5	<u>89.25</u>

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: THANANUCCI

DATE: 01/22/1996

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 _____	()	()
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

777

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A63-02904	A63-02904A	0.700	R63-02904A	0.630	63-02904	1.400
-	A63-02904B	0.700	R63-02904B	0.510	63-02904A	0.700
-	-	-	-	-	63-02904B	0.700
TOTAL CFS		1.400	0.630 0.940 rec.		1.400 WR	

DIVERSION RATE REVIEW

SRBA

DATABASE
N Y

FIELD
EXAMINER
Y(777) N()

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 ()?

NOTES:

01/22/1996: Totals of splits of both the WR record and the SRBA claims add up to the Root Right rate of diversion. The recommended rates will not match the licensed rates, as the number of acres has been reduced in the SRBA recommendation. This page was reprinted 01/22/1996 due to problems with the data base information extraction from the data base which was corrected after the original CVR was printed. 777

AUTHENTICATION:

SIGNATURE: Tania Minicucci DATE: 01/22/1996

NAME OF FIELD EXAMINER: TANIA MINICUCCI TITLE: SR H₂O 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?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974</u> IDWR ID NO. <u>W52</u>	Y(☒) N(☐) <u>(E)</u>
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>07/13/1987</u> IDWR ID NO. <u>W52SE</u>	Y(☐) N(☒)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987 ATTACHMENT (D)</u>	Y(☒) 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
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM <u>02/16/1956</u>	<u>2</u>	<u>ATTACHMENT (A)</u>
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>04/26/1956</u>	<u>1</u>	<u>ATTACHMENT (B)</u>
☒ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED <u>09/03/1991</u>	<u>6</u>	<u>IN claim STACK</u>
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>08/11/1995</u>	<u>1</u>	<u>ATTACHMENT (C)</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 <u>IDWR CORR.</u>	DATE <u>Various</u>	<u>4</u>	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:08:51
08/09/95

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A63-029048

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	N	MM 02/24/1995	MM 03/11/1995	N		MM 01/22/1996	MM 01/22/1996	
POINT OF DIV	N			N				
SOURCE	N			N				
PLACE OF USE	YN			Y				
DIV. AMOUNT CFS/VOLUME	N			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES OF USE	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	YN			N				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

MM 01/22/1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 24, 1995

[]

RANDY JOE WAGNER
17806 LOWELL RD
CALDWELL ID 83605

[]

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

Claim Nos. A63-02904B

Dear Claimants:

The Department of Water Resources will be conducting claim verification field exams in your area beginning in March. An examination is needed to verify your water use in order to complete our report for the court's decree.

The field exams are conducted to gather information about your water right. This information may include the source of water, type of usage, amount of water used, number of acres irrigated, and the legal description of the point of diversion and/or place of use.

Please contact this office by March 10, 1995, in order to make an appointment at a time which is convenient for you. Although it is not mandatory that you accompany IDWR's examiner, it is helpful if someone familiar with the water delivery system is present during the exam. This will help insure that your water right is described accurately for the report to the court.

To make an appointment, or if you have any questions or concerns about the field exam, please contact me at your earliest convenience.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

To FILE AG3-2904B



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 8, 1991

Randy Joe Wagner
17806 Lowell Rd.
Caldwell, ID 83605

Dear Mr. Wagner:

Enclosed is a copy of a letter sent to Lowell and Willa Withington concerning the addition of a point of diversion to water right license 63-02904.

The letter is for your information only; no action will be required on your part. If you have any questions, please don't hesitate to contact me at 334-2190.

Sincerely,

Cindy Hodges

Cindy Hodges
Water Resource Agent

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

March 8, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

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

RE: Application for Transfer of water right 63-02094.

Dear Mr. and Mrs. Withington:

James Hitch visited our office in your behalf yesterday and spoke with me concerning water rights on property you own in Section 14, Township 5N Range 6W, Canyon County, Idaho. The nature of our discussion was the procedure to add a second point of diversion in Scott Drain (possibly known to you as Alkali Drain) from which Mr. Hitch could irrigate your 35 acre parcel. The vehicle for this type of change is a water right transfer.

The water right transfer provides current holders of water rights the opportunity to modify those rights in terms of points of diversion, places of use, and occasionally nature of use. When a parcel is split, the transfer can also be used to divide the licensed acreage and corresponding flow rates or volumes into portions based on ownership. We will use the transfer in this case to add a point of diversion and to split the license.

I would like to emphasize at this point the priority date of June 12, 1952 on this license will not be affected by this transfer. Likewise, the same priority date which was carried over to the adjudication claims filed by yourself and Mr. Wagner will also be unaffected.

I located the original license for the water right, issued in the name of Joseph Brumbach, as well as the Snake River Basin Adjudication claims filed by both yourself and Randy Joe Wagner verifying that ownership of the original 70 acre parcel had been split. Mr. Hitch showed me where the second point of diversion will be located, and I have completed most of the Application for Transfer. Following is a list of a few items on the transfer which need your attention.

1) Page 2, item 6b. Mr. Hitch thought the answer to this question was "no", but I will let you fill in the appropriate answer. Answer only for your own parcel.

2) Page 3, item A2. You will need to return some proof of ownership of your parcel only along with the application.

Page 2, Withington, 3-8-91

3) Page 6. The application needs your notarized signature.

4) There is an application fee of \$50.00 which must be returned with the application to cover processing and advertising. Checks or money orders may be made payable to Idaho Department of Water Resources.

5) Please return the signed transfer form and fee to:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

attn: Cindy

Time is of the essence in this matter, as Mr. Hitch will not be able to begin development of the new point of diversion until the transfer is approved. *He can, however, continue to divert from the shared point of diversion until that time. *At this time, there will not be any amendments made to your adjudication filing to reflect the change in point of diversion. There will be no adverse effect to the claim; the needed changes will be made after the transfer has been approved, or during the examination period.

Please don't hesitate to contact me at 208-334-2190 if you have any questions. At Mr. Hitch's request, I am sending copies of this letter to Mr. Hitch and to Mr. Wagner in order to keep them informed of the changes which are about to occur.

Sincerely,

Cindy Hodges

Cindy Hodges
Water Resource Agent

Enclosures

cc: James Hitch
Randy Joe Wagner

*As per telecon with Mr Wagner, the Split of P/D was to occur at the time of Sale - Mr Hitch has still not removed the pump.