

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: A63-02152

Date Received: ~~4/10/1989~~ 6/13/89

Receipt No: 0007407

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C N S FARMS 208-336-7400
Address: 410 SOUTH ORCHARD, SUITE 128
BOISE, OR 83705

2. Date of Priority: DEC 23, 1910

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	18	SW	SE			CANYON

5. Description of diverting works:
SPRING FEEDING UNNAMED STREAM, DIVERSION BOX, GRAVITY IRR. SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOUSEHOLD, LAWN, GARDEN, & DOMESTIC STOCK.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05W	18	SE	NW		IRR	25.0
			NE	SW		DOMEST	

Section Acres 25.0

A63-02152

Page 1

Date: 04/10/89

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Total Acres 25.0

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:

LICENSED RIGHT FROM WASTE WATER CLAIMED 63-2889.

14. Remarks:

DALE F. NAGY, KATHY L. NAGY, DONALD W. CHAPMAN, DELORES SCOTT
CHAPMAN ARE DOING BUSINESS AS C N S FARMS.

15. Basis of Claim: LICENSE

Water Right Number: 7029

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: 0

For Organizations:

I do solemnly swear or affirm that I am MANAGING PARTNER of
Title
CNS FARMS, that I have signed the foregoing
Organization
document in the space below as MANAGING PARTNER of
Title
CNS FARMS and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

MAN. PARTNER, CNS FARMS
Title and Organization

6-13-89

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13TH day
of JUNE 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

Receipt Details for ID C007407

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/13/1989 8:55:00 AM	6/13/1989	State	\$185.00	Check
Payer		COMMUNITY PROPERTIES		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
409			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$185.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2889		\$110.00	Claim
63	2152		\$50.00	Claim
63	15194		\$25.00	Claim

[Print Report](#)

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

RIGHT NUMBER: 63-2152

NAME AND ADDRESS: DALE NAGY
7609 W EMERALD
BOISE ID 83704

KATHY NAGY
7609 W EMERALD
BOISE ID 83704

~~C N S FARMS~~
~~410 S ORCHARD STE 128~~
~~BOISE ID 83705~~

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

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

The rights listed below are limited to a total combined diversion rate of 1.2 cfs. Combined Right Nos.: 63-2152 and 63-2889.

PRIORITY DATE: 12/23/1910

POINT OF DIVERSION:

T06N R05W S18 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.500 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home and up tp one-half acre irrigation.

PLACE OF USE: IRRIGATION in CANYON County

T06N R05W S18 SENW 25.00

DOMESTIC in CANYON County

T06N R05W S18 NESW

25 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 60 acres in a single irrigation season. Combined Right Nos.: 63-2152 and 63-2889.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**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: 63-2152, 63-2889

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐

Address change

XX

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: April 6, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 6, 2007, 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Dale Nagy
Kathy Nagy
7609 W Emerald
Boise ID 83704

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 6, 2007

DALE NAGY
KATHY NAGY
7609 W EMERALD
BOISE ID 83704

Re: Water Right No. 63-2152, 63-2889

Dear Mr. & Mrs. Nagy:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. 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 rights, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-2152					
63-2889					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

DALE F. NAGY, KATHY L. NAGY dba CNS Farms
410 S. ORCHARD #128

4. New Owner/Claimant(s)

BOISE, IDAHO 83705

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

DALE + KATHY NAGY

City, State and ZIP Code

7609 W. EMERALD, BOISE, ID. 83704

New Telephone Number

(208) 336-1205

5. Date you acquired the property

11 / 83

RECEIVED

APR 02 2007

**WATER RESOURCES
 WESTERN REGION**

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

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

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

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

For Office Use Only

Received by AD Date 4-2-07 Fee N/A
 Received by AD Date 4-4-07 Receipt No. _____
 Processed by AD AJ Date _____ WR _____ Date _____

RECEIVED

APR 13 2007

WATER RIGHTS DIVISION

REAL PROPERTY INQUIRY

+++++

01 6R23097-000- -0 049-00	SCH137+	01	40,300	44.80
+++++		05	670	18.20
NAGY DALE	+	15	26,000	1.00
NAGY KATHY L H/W	+	18	26,000	1.00
	+	32	7,500	
	+	37	162,800	
	+			

7609 W EMERALD ST

BOISE ID 83704

+++++

18-6N-5W SW IDAHO LAND CO 3965 + TOTAL 263,270

ALL BLKS 7&8, LTS 2-7 INC BLK 9

+++++

+ SURVEY INST 9001679

+ DRAIN DR VALUE APPR MKB

+ CLASS R3 REAP 06 MAN 97 UNIT 2

33234 FORT LN, PA

Pg 39

+ PARCEL 6R03965007002A H/O N C/B N

+ PRIOR ACCOUNT 5R23097-000- -0

+ 02 MH on Property NO

MODE:F ACTION:

COMPANION SHEET INQUIRY

TRQK361

01 ACCOUNT: 6R23097-000- -0 AREA 049-00 DRAIN VALUE CLASS R3 H/O N

SEC 18 TWN 6N RNG 5W QTR SW

CITY/SUB 03965 BLK 007 LOT 002A

OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS

OWNERSHIP C

OWNERSHIP P

NAGY, DALE & KATHY L H/W

CNS FARMS

% NAGY, DALE F %

MAILING ADDRESS

7609 W EMERALD ST

BOISE ID 83704

SITE ADDRESS

33234 FORT LN PA

COMMENTS

LEGALS

18-6N-5W SW IDAHO LAND CO 3965

ALL BLKS 7&8, LTS 2-7 INC BLK 9

REMARKS

PRIOR ACCOUNT 5R23097000 0

PARCEL 03965007002A SRVY

INSTR 9001679 ACRES 65.00

SPLIT YR DOCUMENT UN



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 30, 2007

DALE NAGY
7609 W EMERALD
BOISE ID 83704

RE: Snake River Basin Adjudication (SRBA)
Water Right Nos. 63-2152, 63-2889

Dear Mr. Nagy:

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

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

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

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:1
Enclosures

REAL PROPERTY INQUIRY

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+++++
01 6R23097-000- -0 049-00 SCH137+ 01 40,300 44.80
+++++ 05 670 18.20
NAGY DALE + 15 26,000 1.00
NAGY KATHY L H/W + 18 26,000 1.00
+ 32 7,500
+ 37 162,800
+
7609 W EMERALD ST +
BOISE ID 83704 +
+++++
18-6N-5W SW IDAHO LAND CO 3965 + TOTAL 263,270
ALL BLKS 7&8, LTS 2-7 INC BLK 9 ++++++
+ SURVEY INST 9001679
+ DRAIN DR VALUE APPR MKB
+ CLASS R3 REAP 06 MAN 97 UNIT 2
33234 FORT LN, PA Pg 39 + PARCEL 6R03965007002A H/O N C/B N
+ PRIOR ACCOUNT 5R23097-000- -0
+ 02 MH on Property NO
+ 03 Traits 04 Companion Sheet

```

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

```

01 ACCOUNT: 6R23097-000- -0 AREA 049-00 DRAIN VALUE CLASS R3 H/O N
SEC 18 TWN 6N RNG 5W QTR SW CITY/SUB 03965 BLK 007 LOT 002A
OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS
OWNERSHIP C OWNERSHIP P
NAGY, DALE & KATHY L H/W CNS FARMS
% NAGY, DALE F %

```

MAILING ADDRESS

7609 W EMERALD ST
BOISE ID 83704

SITE ADDRESS

33234 FORT LN PA

COMMENTS

PRIOR ACCOUNT 5R23097000 0
PARCEL 03965007002A SRVY
INSTR 9001679 ACRES 65.00
SPLIT YR DOCUMENT UN
DATE DONE INITIALS

LEGALS

18-6N-5W SW IDAHO LAND CO 3965
ALL BLKS 7&8, LTS 2-7 INC BLK 9

REMARKS

02 Ownership Tract Record

UNITED STATES POSTAL SERVICE
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2755 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$01.11
0004389393 FEB 02 20
MAILED FROM ZIP CODE 837

RETURN TO
ORDER
UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE

RETURN TO
ORDER
UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE

RECEIVED

FEB 12 2007

WATER RESOURCES
WESTERN REGION

C N S FARMS
410 S ORCHARD STE 128
BOISE ID 83705

Dale Nagy
7607 W Emerald
Boise 83704

UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE
RETURN TO
ORDER
UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE
CNS 410

63-2152

63-2889

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

ADDRESS SERVICE
REQUESTED

FIRST CLASS



RECEIVED

OCT 13 2006

G N S FARMS
410 S ORCHARD STE 128
BOISE ID 83705

WATER RESOURCES
WESTERN REGION

63-2152

63-2889

UNDELIVERABLE TO ADDRESSEE
UNABLE TO FORWARD

UNDELIVERABLE TO ADDRESSEE
UNABLE TO FORWARD

NO FORWARD ORDER ON FILE

RETURN TO POSTMASTER
OF ADDRESSEE FOR REVIEW



06/12/2006

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

RIGHT NUMBER: 63-2152

NAME AND ADDRESS: C N S FARMS
410 S ORCHARD STE 128
BOISE ID 83705

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

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

The rights listed below are limited to a total combined diversion rate of 1.2 cfs. Combined Right Nos.: 63-2152 and 63-2889.

PRIORITY DATE: 12/23/1910

POINT OF DIVERSION:

T06N R05W S18 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.500 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for 1 home and up tp one-half acre irrigation.

PLACE OF USE:

IRRIGATION Within CANYON County

T06N R05W S18 SENW 25.00

DOMESTIC Within CANYON County

T06N R05W S18 NESW

25 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 60 acres in a single irrigation season. Combined Right Nos.: 63-2152 and 63-2889.

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

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

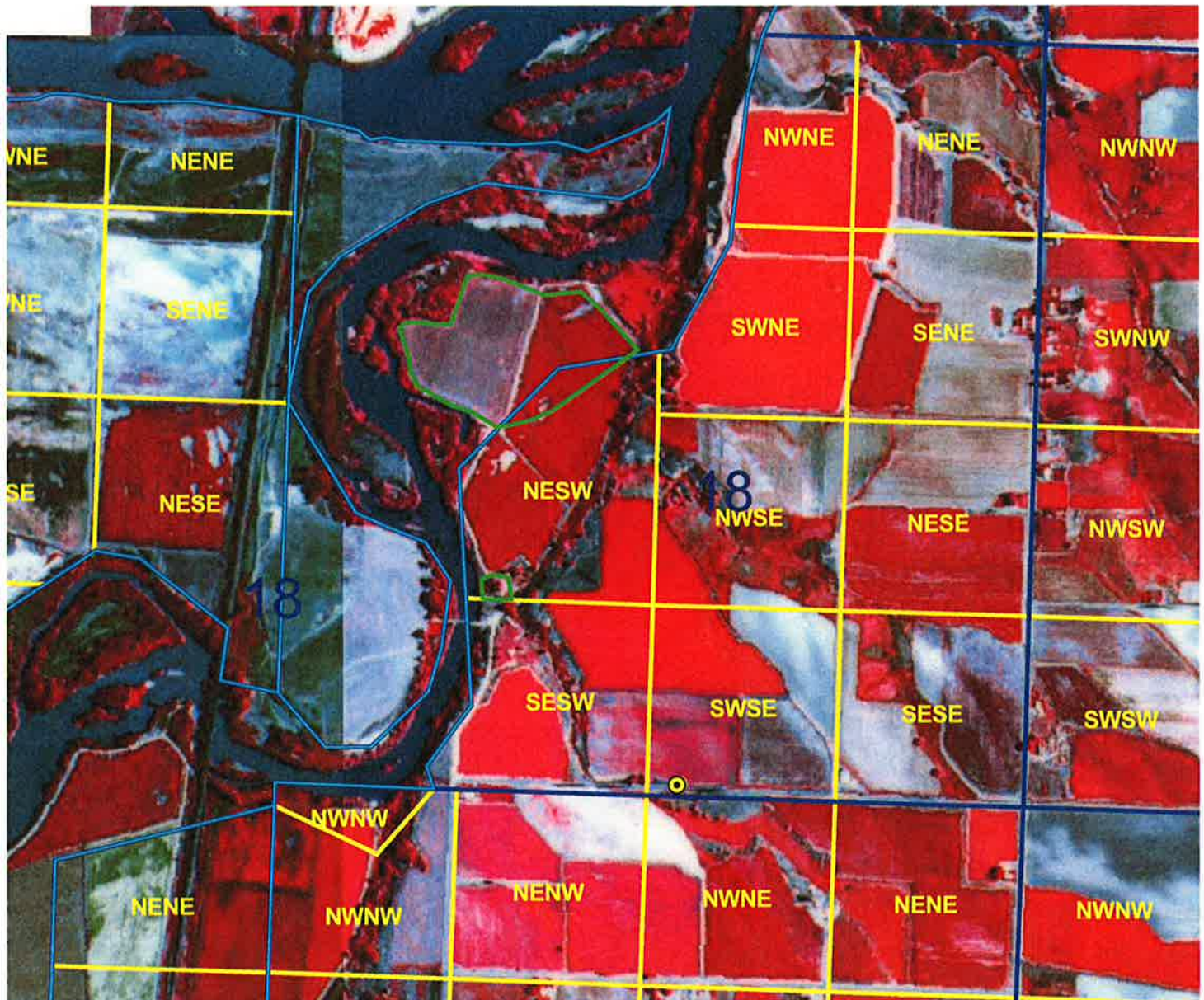
The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R5W SECTION 18
Water Right (s): 63-2152



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 25



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: June 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 03-2152

1. No Change NAME IS SAME
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted 1/1/1941
Incomplete - Claimant should be asked during the exam when was water first NA
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. No Change — SAME SOURCE
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

$$(25)(4.5) = 112.5 \text{ afa or } (.5)(1.9835)(260) = 257.86 \text{ afa}$$

6. No Change - WATER USES
Different uses, (list uses found):

Use <u>irr</u>	From <u>3-1</u>	To <u>11-15</u>	Amount <u>.5</u>	CFS <u>112.5</u>	AFA
Use <u>dom</u>	From <u>1-1</u>	To	Amount	CFS	AFA
Use	From	To	Amount	CFS	AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount .5 CFS 112.5 AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: 1 Stock # _____ List types: _____

Additional comments: overlaps: 63-2889. combined use remarks

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED
Shown on GIS Layout

NA

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 6-9-06

FIELD EXAMINER: Vicky Music

Print Name

Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2152 V1

WATER RIGHT NUMBER: 63-2152 V1

Owner Type

Current Owner

Name and Address

C N S FARMS
410 S ORCHARD STE 128
BOISE, ID 83705
(208)336-7400

Priority Date: 12/23/1910

Basis:

Status: Active

Source

SPRING

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

DOMESTIC

FromToDiversion RateAnnual Volume

3/15 to 11/15

0.500 CFS

1/01 to 12/31

0.040 CFS

Total Diversion:

0.500 CFS

Location of Point(s) of Diversion

SPRING

SW1/4SE1/4

Sec. 18, Twp 06N, Rge 05W, 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	
06N	05W	18														25.0

Total Acres: 25

DOMESTIC

Twp Rge Sec

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05W	18														X

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.

DALE F. NAGY, KATHY L. NAGY, DONALD W. CHAPMAN, DELORES SCOTT CHAPMAN ARE
DOING BUSINESS AS C N S FARMS.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Mitigation Plan: False

Combined Use Limits:

110 ✓ a for dam not a det of hist w/ly.
112 ✓ a for dam not to > 13k apd.
x01 ✓ dam use is for 1 house and up to 1/2 ac irr.
and dam stock
156 ✓ limited to 60 acres w/ 63-2089
152 ✓ limited to 1.2 cfs & 315 afa w/ 63-2089

claimed as licensed

3/11 - no subdivider

12.5
12.5

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2152

06/09/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2152	Claim	06N	05W	18	SW	SE		SPRING SNAKE RIVER	C N S FARMS
63-2152	Water Right	06N	05W	18	SW	SE		SPRING	ROBERT R CLARK

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2152

06/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2152	Claim	06N	05W	18	SE	NW		IRRIGATION	25/25	C N S FARMS
2889	Claim	06N	05W	18	SE	NW		IRRIGATION	30/60	C N S FARMS
2152	Water Right	06N	05W	18	SE	NW		IRRIGATION	25/25	ROBERT R CLARK
2889	Water Right	06N	05W	18	SE	NW		IRRIGATION	40/70	LULA M STANDAL
138C	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
-188	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
-189	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
-190	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
-191	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
-296	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
2889	Claim	06N	05W	18	NE	SW		IRRIGATION	30/60	C N S FARMS
4851	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
4852	Claim	06N	05W	18	NE	SW		IRRIGATION	15/16111	FARMERS COOPERATIVE DITCH CO
2889	Water Right	06N	05W	18	NE	SW		IRRIGATION	30/70	LULA M STANDAL
303A	Claim	06N	05W	18	NE	SW		IRRIGATION FROM STORAGE	15/16031	FARMERS COOPERATIVE DITCH CO
2152	Claim	06N	05W	18	NE	SW		DOMESTIC		C N S FARMS
15194	Water Right	06N	05W	18	NE	SW		DOMESTIC		CNS FARMS

Idaho Dept. of Water Resources Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Claim	63 303A	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	38	30	40	40					15			20	40	40	40	40	343
Rec	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0
Rec	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0
Rec	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0
Rec	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0
Rec	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0
Rec	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W18	X	X	X	X					X			X	X	X	X	X	0

Idaho Dept. of Water Resources Place of Use Comparison Report

Claim	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N05W18	38	30	40	40						15			20	40	40	40	40	343
Rec	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N05W18	X	X	X	X					X				X	X	X	X	X	0
Claim	63 2889	C N S FARMS,	FARMERS DITCH, WASTE WATER	06N05W18									30	30								60
Rec	63 2889	C N S FARMS,	FARMERS DITCH, WASTE WATER	06N05W18									30	30								60
Claim	63 8590	KENNETH B NELSON, NORMA I NELSON,	GROUND WATER	06N05W18																35	20	55
Rec	63 8590	KENNETH B NELSON, NORMA I NELSON,	GROUND WATER	06N05W18																35	20	55
Right	63 15194	CNS FARMS,	GROUND WATER	06N05W18									X									0
Right	63 21320	EMBASSY INC,	GROUND WATER	06N05W18										X								0
Right	63 26461	CHARLES E JOHNSON, ROBERT A JOHNSON,	GROUND WATER	06N05W18													X					0
Right	63 30164	JAMES E GREENWAY, NANCY A GREENWAY,	GROUND WATER	06N05W18													X					0
Right	63 8590	CHARLES E JOHNSON, ROBERT A JOHNSON,	GROUND WATER	06N05W18																35	20	55
Claim	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	06N05W18	38	30	40	40						15			20	40	40	40	40	343
Rec	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	06N05W18	X	X	X	X					X				X	X	X	X	X	0
Claim	3 2045	EMBASSY INC,	SNAKE RIVER	06N05W18					8	15												23
Claim	3 2051	EMBASSY INC,	SNAKE RIVER	06N05W18												30						30
Rec	3 2045	EMBASSY INC,	SNAKE RIVER	06N05W18					8	15												23
Rec	3 2051	EMBASSY INC,	SNAKE RIVER	06N05W18												30						30
Right	3 2051	EMBASSY INC,	SNAKE RIVER	06N05W18												30						30

Idaho Dept. of Water Resources

Place of Use Comparison Report

Claim	63 2152	C N S FARMS,	SPRING	06N05W18									X							0
Claim	63 2152	C N S FARMS,	SPRING	06N05W18								25								25
Rec	63 2152	C N S FARMS,	SPRING	06N05W18								25								25
Rec	63 2152	C N S FARMS,	SPRING	06N05W18									X							0
Right	63 2152	ROBERT R CLARK,	SPRING	06N05W18								25								25
Right	63 4291	C GRANT PETERSON,	UNNAMED DITCH	06N05W18	40	40	40	40												160
Claim	63 4291	MYRON GRANT PETERSON,	UNNAMED STREAM	06N05W18	30	13	5	2												50
Rec	63 4291	MYRON GRANT PETERSON,	UNNAMED STREAM	06N05W18	30	13	5	2												50
Permit	63 31142	FLOYD STUTHEIT,	WASTE WATER	06N05W18													14			14
Right	63 2889	LULA M STANDAL,	WASTE WATER	06N05W18								40	30							70

 Canyon County
 Unnamed Spring
 Irrigation and domestic
 $\frac{1}{2}$ of 1 cu. ft. per second
 Priority 12-23-1910

S T A T E O F I D A H O.

Water License No. 7029

WHEREAS, On the 23rd day of December, A.D. 1910, ROBERT R. CLARK, of Nyssa, County of Malheur, State of Oregon, duly made application (No. 10094) to me for a permit to use 8/10 of one cubic foot per second of the waters of an unnamed spring, County of Canyon, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 21st day of January, A. D. 1911, Permit No. 7029 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of July, A. D. 1911, and for the application to beneficial use of said water on or before the 21st day of July, A. D. 1911, and

WHEREAS, On the 21st day of July, A. D. 1911, ROBERT R. CLARK, the holder of said permit duly made proof of the completion of adequate works for the diversion of 8/10 of one cubic foot per second of said waters, as evidenced by my Certificate No. 7029 dated November 4th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8/10 of one cubic foot per second of water, with date of priority of December 23rd, 1910, and,

WHEREAS, On the 21st day of July, A. D. 1911, ROBERT R. CLARK, the holder of said permit duly made proof of the application to beneficial use of $\frac{1}{2}$ of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ROBERT R. CLARK, of Nyssa, County of Malheur, State of Oregon, the holder and owner of said Permit No. 7029, a perpetual right, dating from December 23rd, 1910, to the use of $\frac{1}{2}$ of one cubic foot per second of the waters of an unnamed spring, in the County of Canyon, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 18, Township 6 North, Range 5, West of the Boise Meridian, and conducted to and upon 25 acres in the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 6 North, Range 5, West of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 4th day of November, A. D. Nineteen hundred and eleven.

A. E. Robinson,

State Engineer

(SEAL)

63 2152

PURPOSE: IRR, D
 Q = .5 cfs
 Pdate: 12-23-1910
 SOURCE: spring
 PDD:
 6N 5W 18 SWSE
 PDD: 25 acres
 S18 9E NW

Report of Engineer

Copied up

1. State name of applicant and number of permit: Robt. R. Clark - Permit 7029
2. State source of water supply: Unnamed Spring
3. Location of point of diversion: At the spring in Sec. 18, Tp. 6 N., R. 5 WBM
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 2 ft.
 - (b) Width at water line: 3 ft.
 - (c) Depth of water: 6 in
 - (d) Grade per mile: 6 ft
6. State whether or not water has been turned into works of diversion and if so, to what extent: About 40 inches
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: About 25 acres in SE⁴ of NW⁴ of Sec 18 Tp 6 N R 5 W B M.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: _____

John W. Cagle

*Water Com.
Div. #3*

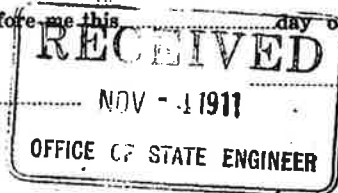
STATE OF IDAHO, } ss.
County of _____

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1911

My Commission Expires _____

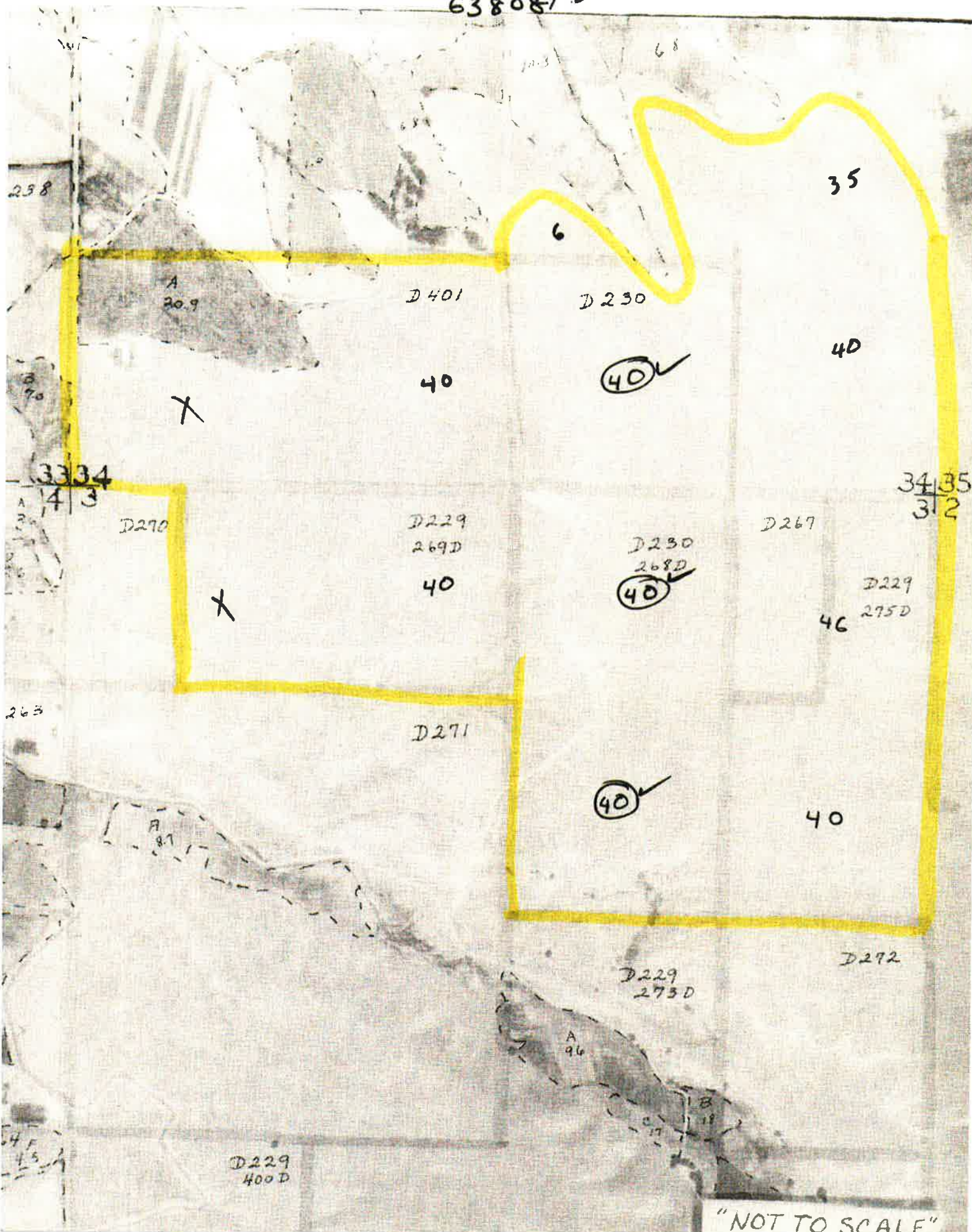
Notary Public.



7029

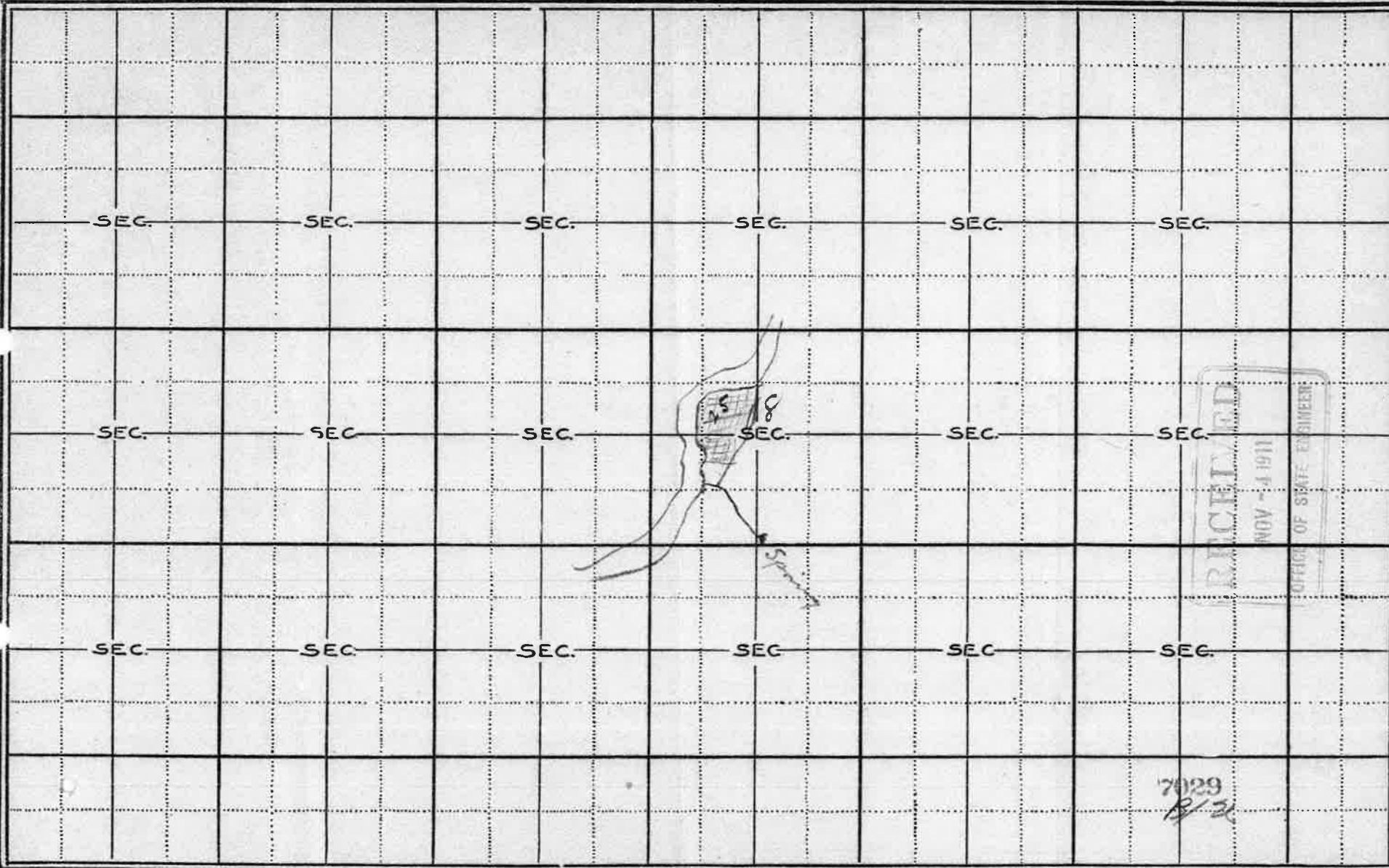
3/2

638081 ✓



"NOT TO SCALE"

Name of Applicant



7029
B/3

RECEIVED
NOV - 4 1911
OFFICE OF STATE ENGINEER

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Shop, Boise, Idaho.

Transfer No. 2348Water Right No. 63-8081

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

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant PHILLIPS ENTERPRISES INC Phone 376-4661
Post office address 4774 Chinden Boise, Id 83704

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-8081 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____4. Date of priority 2/4/75

5. Water is used for the following purposes:

amount 2.40 for Irrigation purposes from 3/15 to 10/31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 2.40 cubic feet per second
b. _____ &/or
acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34
Township 7N Range 5W, B.M., in Payette County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>6N</u>	<u>SW</u>	<u>3</u>		<u>L+2</u>	<u>40</u>	<u>40</u>													<u>80</u>
<u>7N</u>	<u>SW</u>	<u>34</u>																	<u>40</u>

Total number of acres to be irrigated 120

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

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.24 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 Township 7N
Range SW, B.M., Payette County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>7N</u>	<u>SW</u>	<u>34</u>															<u>2</u>		<u>2</u>
<u>6N</u>	<u>SW</u>	<u>3</u>		<u>4 1/2</u>	<u>8</u>	<u>2</u>													<u>10</u>

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

12

1. Change in point of diversion

- a. Amount of water to be diverted 0.24 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 Township 7N
Range SW, B.M., _____ County
Additional points _____

- c. Description of diverting works 16" well, 150 HP MOTOR -

- d. Describe the reasons for applying for a change in the point(s) of diversion most of land was sold except for land identified herein under item B.3.

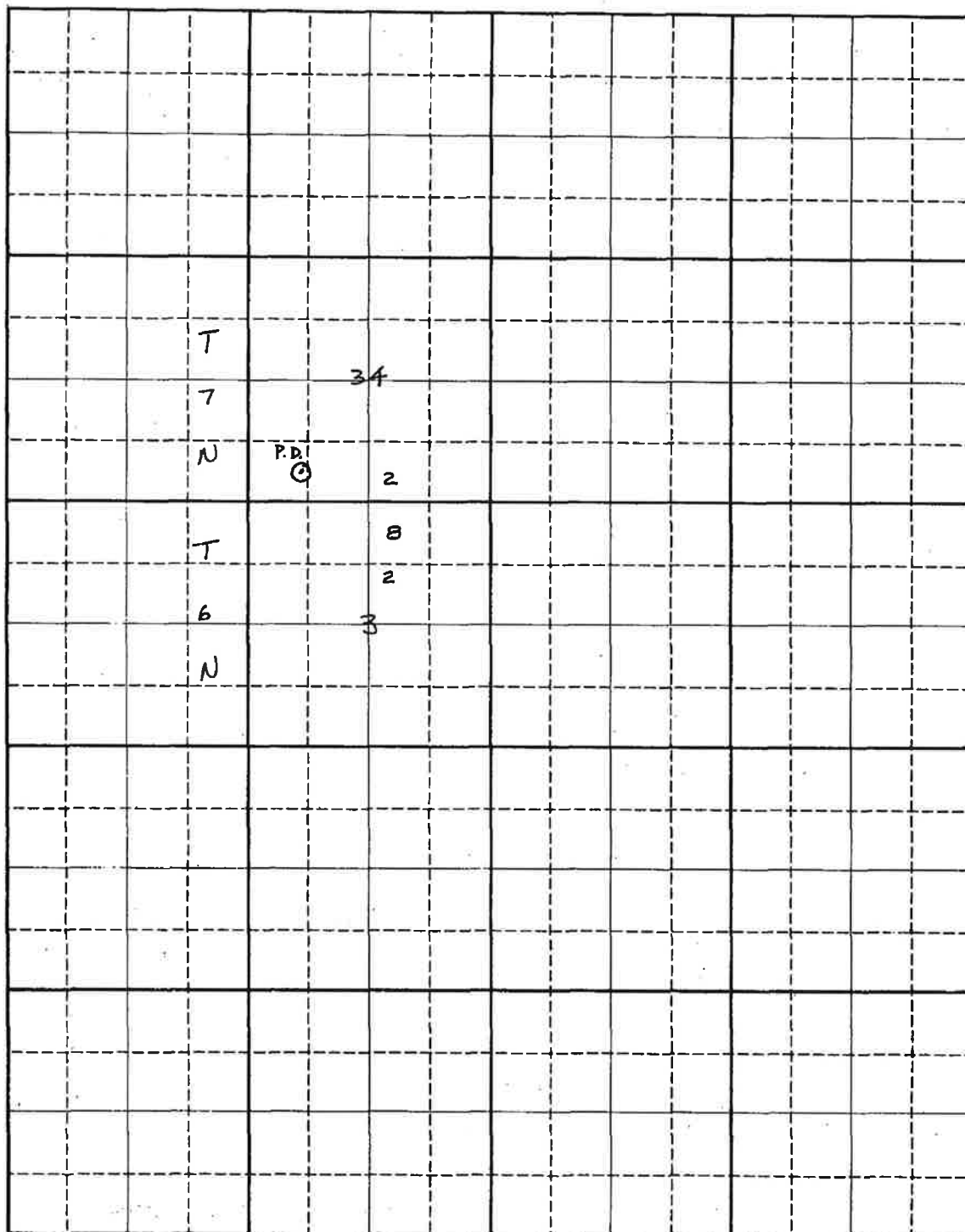
2. Change in place of use No change

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Ind. Enterprise, Inc. R. R. Hill
(Signature of applicant) (PRESIDENT)

Subscribed and sworn to before me this 20 day of JULY, 19 79.

David R. Tuttle
(Notary public)

My commission expires Sept 10, 1980

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63- 8081 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 15 day of September, 19 79.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>EW</u> Date <u>7/23/79</u>	Protest filed by _____
Prelim. check by <u>J.J.</u> Fee <u>35.00</u>	_____
Receipted by <u>CWB</u> Date <u>7/27/79</u> # <u>14475</u>	_____
Published in <u>Ind. Enterprise</u>	Copies of protest forwarded by _____
Pub. dates <u>8/6 + 8/23/79</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial
_____ rec'd. _____	by <u>DBS</u> <u>Jim</u>