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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: A63-04717
Date Received: 6/19/1990
Receipt No: T017346
Received By: _____

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

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 01, 1917

3. Source: SAND HOLLOW DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	8		SE	NE		CANYON

5. Description of diverting works:
RIVER FLAT DITCH CO. CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	6	NE	NW		IRR	7.0
			NW	NW		IRR	39.0
			SE	NW		IRR	15.0

A63-04717

Page 1

Date: 07/06/90

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	61.0
	06W	1	NE	NE	IRR	36.0
			NW	NE	IRR	3.0
					Section Acres	39.0
06N	05W	31	SW	SW	IRR	23.0
			SE	SW	IRR	9.0
					Section Acres	32.0
	06W	36	SW	SE	IRR	1.0
			SE	SE	IRR	5.0
					Section Acres	6.0
					Total Acres	138.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=137.4.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

\$188⁰⁰

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: A63-04717
Date Received: 6-19-90
Receipt No: 7017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83720
07

2. Date of Priority: JAN 01, 1917

3. Source: SAND HOLLOW DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	8	SE	NE			CANYON

5. Description of diverting works:
RIVER FLAT DITCH CO. CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	6	NE	NW		IRR	7.0
			NW	NW		IRR	39.0
			SE	NW		IRR	15.0

Section Acres 61.0

A63-04717

Page 1

Date: 02/14/89

MICROFILMED

AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	06W	1	NE	NE		IRR	36.0
			NW	NE		IRR	3.0
					Section Acres		39.0
06N	05W	31	SW	SW		IRR	23.0
			SE	SW		IRR	9.0
					Section Acres		32.0
	06W	36	SW	SE		IRR	1.0
			SE	SE		IRR	5.0
					Section Acres		6.0
					Total Acres		138.0

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:

14. Remarks:

AC. IRR.=137.4.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Chief, Field Operations of
the Idaho Department of Fish and Game that I have signed the foregoing
Organization
document in the space below as Acting Director of
the Idaho Dept. of Fish and Game and that the statements contained in the
Organization
foregoing document are true and correct.

Jerry Mallet
Signature of Authorized Agent
Chief, Field Operations
Idaho Dept. of Fish & Game
Title and Organization

June 14, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of June 19 89

Barthys Baker
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires October 31, 1991

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME ID F56CLAIM IDENT. NO. A63-04717DATE RECEIVED 6-19-90CK # TD17346AMOUNT \$ 188⁰⁰

- | | YES | NO | Require Info? |
|--|-------------------------------------|-------------------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ | |
| Is the consumptive use correct? | ☐ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☒ | None |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: ratDate: 7-5-90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)
 Receipt Prepared by:
 Claim data entered by: rat
 Sent to claimant by:

 Date:
 Date:
 Date:

 Checked by: rat Date: 7-6

Comments:

MICROFILMED

AUG 20 1992

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 63-4717

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

RECEIVED

OCT 30 2006

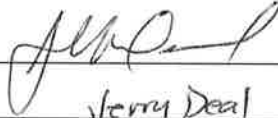
**WATER RESOURCES
WESTERN REGION**

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

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

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

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

DATE: 10/27/06 SIGNATURE: 

Please print your name: Jerry Deal

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

09/27/2006

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

RIGHT NUMBER: 63-4717

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SAND HOLLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.860 CFS

PRIORITY DATE: 03/01/1938

POINT OF DIVERSION:

T06N R05W S31 NWSW Lot 3 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	0.860 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T06N R05W S31 Lot 3 NWSW	2.00	T06N R05W S31 Lot 4 SWSW	19.00
T06N R06W S36 NESE	5.50	T06N R06W S36 SESE	16.50

43 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are also diverted through point of diversion described above: 63-4638, 63-4639, 63-9218.

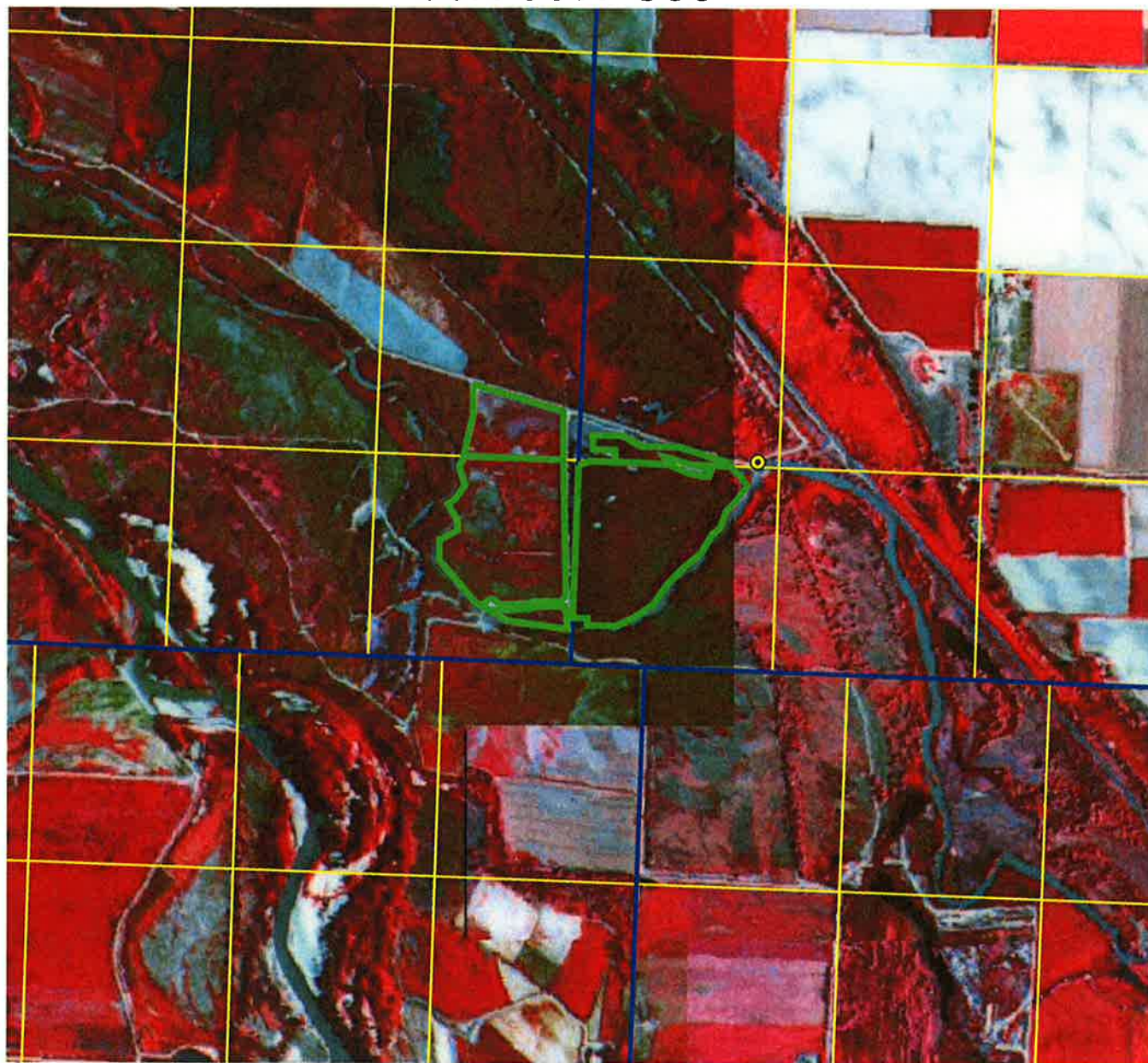


Idaho Department of Water Resources

63-4717

06N 05W S31

06N 06W S36



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 43.0

600 0 600 Feet



IDWR
Prepared by: Lori Graves
Date: 09-18-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4717 V1

WATER RIGHT NUMBER: 63-4717 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700

Priority Date: 03/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND HOLLOW CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.860 CFS	
	<u>Total Diversion:</u>	0.860 CFS	

Location of Point(s) of Diversion

SAND HOLLOW CREEK	L3 (NW1/4SW1/4)	Sec. 31, 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 31											2.0 L 3	19.0 L 4					21.0
06N 06W 36													5.5		16.5		22.0

Total Acres: 43

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion described above: 63-4638, 63-4639, 63-9218.
2. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4717 V1

Comments:

1. Igraves 9/16/2006 P/U

Comment: Acres listed on the claim, but not recommended, are covered by River Flat Ditch Co. rights 63-21779 and 63-21780 from the same source. The Ditch Co. rights are senior in priority to this right and have been recommended at one inch per acre for 869 acres within their service area boundary. Per telecon with River Flat Ditch Co. 4/19/06, IDFG is their largest shareholder. Based on this information, only the acres outside the Ditch Company boundary have been recommended for this claim.

2. Igraves 9/16/2006 P/D

Comment: Manager Clair Kofoed visited the office 9/14/06 and indicated where the irrigation water is diverted. This diversion is shared with other rights and was measured in 1987 at 18.6 cfs (see 63-9218 licensing exam).

3. Igraves 9/18/2006 Priority

Comment: A 1938 photo submitted by the claimants for other associated rights indicates irrigation of the recommended p/u. Proof of priority was not requested from the claimants for this right because the p/d and system claimed was in place 1877 as indicated on River Flat Ditch Co. right 63-21779. However, when IDFG filed statutory claim 63-4717, several members of the Ditch Co. submitted affidavits protesting the claim because the canal apparently did not have the capacity to deliver the amount of water claimed. Manager Clair Kofoed stated in a telecon 9/18/06 that the NWSW S31 diversion has been used since at least 1938 for irrigation of the recommended acres as indicated on the submitted photo. Based on this information and evidence, the priority date was advanced to 1938.

4. Igraves 9/27/2006 Source

Comment: Source was clarified to Sand Hollow Creek per department analysis and topo maps.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4717

WATER RIGHT NUMBER: 63-4717

Owner Type

Current Owner

Name and Address

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
(208)334-3700

Priority Date: ~~04/04/1917~~

3/1/1938 - see comments

Basis: ~~Statutory Claim~~

B/H

Status: Active

Source

SAND HOLLOW DRAIN

Creek

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.750 CFS .86

Annual Volume

3/1

Total Diversion:

2.750 CFS .86

Location of Point(s) of Diversion

SAND HOLLOW DRAIN

CANYON County

SE1/4NE1/4

43 NW SW

Sec. 8, Twp 05N, Rge 05W, B.M.

36 6N 6W

Per Manager

Place of Use

IRRIGATION

Twp Rge Sec

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 05W 6				7.0	39.0		15.0									61.0
05N 06W 1	36.0	3.0														39.0
06N 05W 31																32.0
06N 06W 36																0.0
																22.0

Total Acres: ~~138~~

43

(other acres covered by River Flat Ditch Co)

Conditions of Approval:

1.

AC. IRR. = 137.4

Dates and Other Information:

Claim Received Date: 6/19/1990

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 F06 - shared P/D

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.)
63-4638, 63-4639, 63-4640)
State of Idaho)
County of Canyon)

AFFIDAVIT

Chester Takatori

deposes and says: I was born and raised and live on property just south of Fort Boise Wildlife Management Area near Parma. Growing up, I hunted, fished and farmed on the land owned now by Fish and Game. My father and I used to walk from our home down the Boise River to its mouth at the Snake, and fish on property now on the Wildlife Area. As long as I can remember, the diversion dam on Sand Hollow creek, claimed in 63-4638, has been in place and operated for the irrigation of crops, and lately for wildlife. I recall it was there in 1938 when I was nine years old. This is the same place, township 6N, range 5W, section 31, in the SW corner of the SW quarter, where the diversion dam is today. In fact as a life-long farmer I was involved in farming the 5 acres of crops in Section 36, NW,NW, in claim 63-4638, irrigated by a ditch coming off that dam. The Sand Hollow diversion water was also used to water the 40 acres of pasture just south and west of the exiting dam on the north side of the creek.

I was also a witness to the beneficial use for agriculture of the water in claims, 63-4639 and 63-4640. Both of these claims were water diverted from Sand Hollow creek further west of the dam, toward the Snake River. Claim 63-4639 involved water pumped on to ten acres originally owned by Everett Watkins. I have knowledge this water and the water used to irrigate 50 acres adjacent and west of it, was put on pasture or crops continually from 1952, up until the Fish and Game purchased the ground in the early 1960's.


21 Aug 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.)
63-4638, 63-4339, 63-4340)
State of Idaho)
County of Canyon)

AFFIDAVIT

W. Clair Kofoed

deposes and says: I have been the manager of Fort Boise Wildlife Management Area, Idaho Department of Fish and Game, Parma, Idaho, since early October, 1985. In almost twenty one years managing the property under the three claims above, I have witnessed the beneficial use of water in the amounts and on those locations indicated under those claims. In that time, I have also been witness to two field exams by Dept. of Water Resources personnel regarding those claims which have validated the points of diversion, quantity and place of use. In personal communication my predecessor, Jim Uranga, of Caldwell, Idaho, I have verified the priority dates indicated in claims 63-4639 and 63-4640. He has personal knowledge of the use of water on these properties. My Fish and Game records also indicated beneficial use of these properties from the initial date of purchase by the Department, to the present. A an 86 year-old neighbor near the Area, Robert Greenway, 28551 Klahr Rd, Parma, Id., also indicated to me he hunted and fished on the property now occupied under all three water claims and saw the water being used to irrigate crops and pastures in the locations indicated in the claim. He first saw this in 1933, when he began hunting and fishing on the property. He verified the use up until 1941, when he went into military service. In 1946, when he returned home after the war, he said the property was leased by J. R. Simplot and he could not gain access to it so he could not verify the use of water. Another adjoining neighbor Chester Takatori also verified to me in conversation (and deposition) the use of the water on the fish and game property. He has live in the area continuously, other than the 1941-

With regard to water right claim 63-4638, I have submitted with this affidavit a copy of an aerial photograph taken on 11-6-1938, which shows the diversion dam in place on Sand Hollow creek, ditches, cultivated fields and irrigated pastures in accordance with the claim. The original photograph is kept in the Department of Fish and Game, State Office in Boise and has a notarized seal of authenticity attached dated 1-18-1977 from Ralph E. Ehrenberg, the Director of the Cartographic Division of the National Archives in Washington, D. C.

 8/25/06

GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

BUJ-1-56

all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I
on his behalf, under the seal of the National Archives of the United States, that
attached reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE <i>Ralph E. Ehrenberg</i>	
NAME Ralph E. Ehrenberg	DATE 1-18-77
TITLE Director Cartographic Archives Division	
NAME AND ADDRESS OF DEPOSITORY The National Archives Washington, D. C. 20408	

GSA FORM APR 68 6791A

11-6-38

BUJ-1



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

FEB 22 1950

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that IDAHO DEPT. OF FISH AND GAME

(Name of Claimant)

Rt. 2, Box 75, Parma, Idaho 83605

(Mailing Address)

Telephone No. 722-5888

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1917

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Sand Hollow Drain tributary to Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		Begin Dates (Month, Day)		(Mo., Day)	
Quantity	<u>2.75 cfs</u>	Use	<u>irrigation</u>	Period of Use From	<u>3/15</u>	To	<u>11/15</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u>	To	<u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u>	To	<u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u>	To	<u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u>	To	<u> </u>

- | | | |
|-----|----------|----------------------|
| (4) | 2.75 cfs | TOTAL QUANTITY USED. |
|-----|----------|----------------------|

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼, Sec. 8 Twp. 5N Rge. 5W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. River Flat Ditch Co. Canal

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 137.4

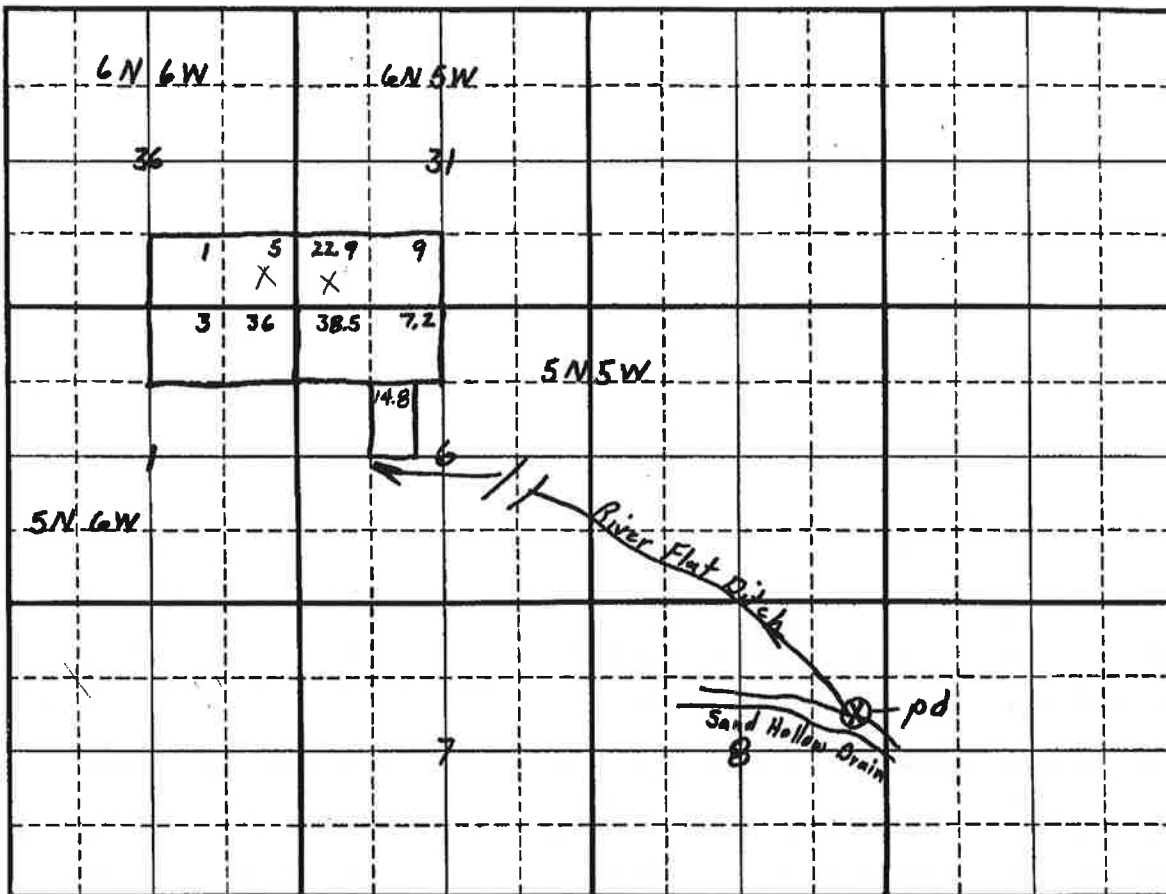
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(8) Remarks _____



Scale: 2 Inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 12th day of February

19 80.

* Ronald S. Salter
(Claimant) ACTING DIRECTOR

James E. Mount
Notary Public
Residing at Boise, Idaho

My commission expires 9-24-80

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 2/14/80 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 2/12/80 # 15360 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by [Signature] Date 2/12/80 Published in News Tribune 2/12/80 3/6/80 Filed at Holm 5/20/80
Dates _____

MARCH 6, 1980

C. STEPHEN ALLRED
DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES
92 S. COLE ROAD
BOISE, IDAHO 83709

RECEIVED

MAR 10 1980

Department of Water Resources
Western Regional Office

DEAR MR. ALLRED:

I WISH TO TAKE EXCEPTION TO WATER RIGHT CLAIM #63-4717. MY REASONS FOR THIS EXCEPTION ARE:

- 1) THE CURRENT RIVER FLAT DITCH CO. CANAL IS NOT ADEQUATE TO CARRY THE ADDITIONAL 2.75 CFS OF WATER;
- 2) A MAJOR CAPITAL INVESTMENT BY THE RIVER FLAT DITCH OWNERS WOULD BE REQUIRED TO SERVICE THE ADDITIONAL WATER FLOW;
- 3) THE DEPARTMENT OF FISH AND GAME HAS NOT HAD ANY DISCUSSION WITH THE DITCH COMPANY OWNERS AS TO HOW THE IMPROVEMENTS NEEDED WOULD BE MADE;
- 4) THE DEPARTMENT OF FISH AND GAME HAS IMPROPERLY RESTRICTED DRAINAGE WHICH PROTECTS NEIGHBORING PROPERTY AS EVIDENCED BY ONE RECENT LAND CONDEMNATION BY THE FISH AND GAME AND BY ONE RECENT INVERSE CONDEMNATION.

THEREFORE, UNTIL THE LAND OWNERS ADJACENT TO THE DEPARTMENT OF FISH AND GAME LANDS CAN BE GIVEN ADEQUATE DRAINAGE PROTECTION AND THE DITCH OWNERS CAN BE PROTECTED FROM ADDITIONAL EXPENSE WHICH WOULD BE NECESSARY FOR THE PROPOSED WATER CLAIM AND UNTIL ASSURANCE CAN BE PROVIDED THAT THE WATER WILL BE USED IN ACCORDANCE TO PROPER IRRIGATION PRACTICES AND NOT BE USED IN ANY MANNER WHICH WILL EFFECT THE DRAINAGE OF ADJOINING LANDS, I WILL CONTINUE TO HOLD EXCEPTION TO THE DEPARTMENT OF FISH AND GAME'S CLAIM OF WATER RIGHT #63-4717.

SINCERELY,

Mrs. Marie Legier
RT 2 - Box 310
Parma, Id.

RECEIVED

MARCH 6, 1980

C. STEPHEN ALLRED
DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES
92 S. COLE ROAD
BOISE, IDAHO 83709

RECEIVED

MAR 10 1980

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- 3) THE DEPARTMENT OF FISH AND GAME HAS NOT HAD ANY DISCUSSION WITH THE DITCH COMPANY OWNERS AS TO HOW THE IMPROVEMENTS NEEDED WOULD BE MADE;
- 4) THE DEPARTMENT OF FISH AND GAME HAS IMPROPERLY RESTRICTED DRAINAGE WHICH PROTECTS NEIGHBORING PROPERTY AS EVIDENCED BY ONE RECENT LAND CONDEMNATION BY THE FISH AND GAME AND BY ONE RECENT INVERSE CONDEMNATION.

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SINCERELY,

Gary L Rohrer
RT 2 Box 308
Parma, Idaho 83660
208-722-6761

MICROFILMED

MARCH 6, 1980

C. STEPHEN ALLRED
DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES
92 S. COLE ROAD
BOISE, IDAHO 83709

RECEIVED

MAR 10 1980

Department of Water Resources
Western Regional Office

DEAR MR. ALLRED:

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- 2) A MAJOR CAPITAL INVESTMENT BY THE RIVER FLAT DITCH OWNERS WOULD BE REQUIRED TO SERVICE THE ADDITIONAL WATER FLOW;
- 3) THE DEPARTMENT OF FISH AND GAME HAS NOT HAD ANY DISCUSSION WITH THE DITCH COMPANY OWNERS AS TO HOW THE IMPROVEMENTS NEEDED WOULD BE MADE;
- 4) THE DEPARTMENT OF FISH AND GAME HAS IMPROPERLY RESTRICTED DRAINAGE WHICH PROTECTS NEIGHBORING PROPERTY AS EVIDENCED BY ONE RECENT LAND CONDEMNATION BY THE FISH AND GAME AND BY ONE RECENT INVERSE CONDEMNATION.

THEREFORE, UNTIL THE LAND OWNERS ADJACENT TO THE DEPARTMENT OF FISH AND GAME LANDS CAN BE GIVEN ADEQUATE DRAINAGE PROTECTION AND THE DITCH OWNERS CAN BE PROTECTED FROM ADDITIONAL EXPENSE WHICH WOULD BE NECESSARY FOR THE PROPOSED WATER CLAIM AND UNTIL ASSURANCE CAN BE PROVIDED THAT THE WATER WILL BE USED IN ACCORDANCE TO PROPER IRRIGATION PRACTICES AND NOT BE USED IN ANY MANNER WHICH WILL EFFECT THE DRAINAGE OF ADJOINING LANDS, I WILL CONTINUE TO HOLD EXCEPTION TO THE DEPARTMENT OF FISH AND GAME'S CLAIM OF WATER RIGHT #63-4717.

SINCERELY,

Leticia K. Ketchum
Box 308
Primo, Id 83660

RECEIVED

Randall C. Fredricks

CLEMONS, COSHO & HUMPHREY
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702
TELEPHONE (208) 344-7811

1236
Department of Water Resources
Boise, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

In the Matter of)

NOTICE OF CLAIM TO WATER RIGHT)
No. 63-4717)

AFFIDAVIT IN OPPOSITION
TO CLAIM TO WATER RIGHT

STATE OF IDAHO)

County of Ada)

) ss.

DON K. WEILMUNSTER, being first duly sworn on oath, deposes
and says as follows:

1. That he is a user of water from the River Flat Ditch
Company Canal and is also a stockholder in said canal company.

2. That he makes this Affidavit in opposition to the
claim for water right set out above filed by the Department
of Fish and Game, Route 2, Box 75, Parma, Idaho.

3. That said point of diversion and diversion means
and water subject of said claim are owned by the River Flat
Ditch Company and have all been previously and fully appropriated;
that the canal does not have sufficient capacity to transport
said water; and that all waters in said canal belong to or are
vested in the River Flat Ditch Company and the owners of said
company, including the undersigned, and are not subject to
claim or appropriation.

4. That affiant has not had a chance to investigate fully
the claim referred to above and, accordingly, does not waive
any other grounds for objection that he may have.

MICROFILMED

CLEMONS, COSHO & HUMPHREY
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

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Don K. Weilmunster
Don K. Weilmunster

SUBSCRIBED AND SWORN TO Before me this 4th day of
March, 1980.

Randall C. Fidler
Notary Public for Idaho
Residence: Boise, Idaho

RECEIVED
MAR 5 1980

DBS

Department of Water Resources
Western Regional Office

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

In the Matter of)
NOTICE OF CLAIM TO WATER RIGHT)
No. 63-4717)
STATE OF IDAHO)
County of Ada) ss.

AFFIDAVIT IN OPPOSITION
TO CLAIM TO WATER RIGHT

DON K. WEILMUNSTER, being first duly sworn on oath, deposes
and says as follows:

1. That he is the President of River Flat Ditch Company
and makes this Affidavit for and on behalf of said canal company.
2. That he makes this Affidavit in opposition to the
claim for water right set out above filed by the Department
of Fish and Game, Route 2, Box 75, Parma, Idaho.
3. That said point of diversion and diversion means
and water subject of said claim are owned by the River Flat
Ditch Company and have all been previously and fully appropriated;
that the canal does not have sufficient capacity to transport
said water; and that all waters in said canal belong to or are
vested in the River Flat Ditch Company and the owners of said
company, including the undersigned, and are not subject to
claim or appropriation.
4. That affiant has not had a chance to investigate fully
the claim referred to above and, accordingly, does not waive
any other grounds for objection that he may have.

Don K. Weilmunster

SUBSCRIBED AND SWORN TO Before me this 4th day of
March, 1980.

Notary Public for Idaho
Residence: Boise, Idaho

MICROFILMED

AFFIDAVIT IN OPPOSITION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 31 2001 *K*
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 63-9218

1. Owner: STATE OF IDAHO, DEPT. OF FISH AND GAME Phone No. (208) 722-5888

Current Address: RT 2 BOX 75, PARMA ID 83660

2. Accompanied by: CLAIR KOFOED, AREA MANAGER EXAM DATE : 5/13/1987 & 10/6/2000

Address: SAME AS ABOVE Phone No. SAME AS ABOVE

Relationship to Permit Holder: AREA MANAGER

3. Source: SAND HOLLOW DRAIN tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-4717, 63-4639, 63-4640, 63-4638, 63-11812, 63-11813

2. Other water rights with the same point of diversion: 63-4717, 63-4639, 63-4640, 63-4638, 63-11812, 63-11813

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	31	6N	5W	CANYON	VISUAL INSPECTION AND USE OF 2000 AERIAL PHOTO AND USGS QUADRANGLE MAP.
			SE	SE	36	6N	6W	CANYON	VISUAL INSPECTION AND USE OF 2000 AERIAL PHOTO AND USGS QUADRANGLE MAP.
			SW	NW	36	6N	6W	CANYON	VISUAL INSPECTION AND USE OF 2000 AERIAL PHOTO AND USGS QUADRANGLE MAP.
			SW	NW	36	6N	6W	CANYON	VISUAL INSPECTION AND USE OF 2000 AERIAL PHOTO AND USGS QUADRANGLE MAP.

63-9218

2. Place(s) of Use:

Indicate Method of Determination SAME AS POINT OF DIVERSION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	1		S															
6N	5W	31										S	S D						
6N	6W	36	S	S	S	S	S	S	S	S	S	S D			S		S	S D	
6N	6W	35	S			S													

PLEASE NOTE: The S stands for storage component. Diversion to storage is marked with a D (there are 2 diversion points in SWNW S36).

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pygmy meter				090181		

2. **Measurements:** Jan Shurte performed a measurement of the entire Sand Hollow drain on 5/13/1987. Since the applicant is the last person on the drain before it enters the Snake River, they have the ability to use all of the drain water if necessary.

43-9268

E. NARRATIVE/REMARKS/COMMENTS

On May 13, 1987, Jan Shurte performed a field exam on this permit. During this field exam, Ms. Shurte measured the water in Sand Hollow Drain and determined the capacity of the system. I have reviewed her data and agree with her measurements. This measurement should be used to determine the amount of water allocated for this permit.

The water for this permit is taken from the Sand Hollow Drain at multiple points along the drain. The applicant is the last user on the drain, so they have the ability to divert the entire drain if needed. This system is comprised of a number of wildlife storage ponds and irrigated fields that are all fed through ditch system and gravity irrigation. Approximately 83.4 acres of ground have been irrigated at this place of use. The crops grown are generally corn and grain type crops to supply food for the ducks and other wildlife that use the facility. There are approximately 15 ponds that are used to supply water for ducks and fish. All of the ponds are interconnected and the return flows from the ponds and irrigation goes directly into the Snake River.

OVERLAP

Water rights 63-4717, 63-4639, 63-4640, 63-4638, 63-11812, 63-11813 all overlap the place of use and point of diversion. 63-4717, 63-4639, 63-4640, and 63-4638 overlap the 83.4 acres that were found irrigated. These rights are all statutory claims and have not been verified. However, the irrigation described in these rights more than cover the amount land actually irrigated. Therefore, no irrigation should be recommended under this permit.

63-11812 and 63-11813 overlaps some of the ponds for this permit. However, all of the ponds had been developed except for the ponds in Section 25. Therefore, these permits should be used to cover the ponds in Section 25. All the remaining ponds not in Section 25 will be covered under this permit.

This permit allows wildlife, but does not have any storage component. The four irrigation rights do have a wildlife component, but do not have a storage component either. Therefore, this permit should be amended for the storage of the ponds and the diversion to storage. The refill of the ponds will be covered by the wildlife components listed on the 4 statutory claims.

RECOMMENDATIONS:

I recommend that this permit be recommended for diversion to storage at a diversion rate of 5.16 cfs and wildlife storage for 292 afa. This permit should be amended to remove the irrigation and wildlife component for the permit and changed to include the storage components.

Have conditions of permit approval been met? X yes ___ no

F. FLOW CALCULATIONSYES Additional Computation Sheets Attached

Measured Method:

The capacity of the system was measured at 18.6 cfs (please see attached sheet).

The permit limits the diversion rate to 5.16 cfs, so the maximum allowable diversion rate is 5.16 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

B

2. Volume Calculations for Other Uses:

292 acre-feet of storage for all of the ponds, excluding the ponds in Section 25, which will be covered under, permits 63-11812 and 63-11813.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial use	Period Of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DIVERSION TO STORAGE	1/1	12/31	5.16 CFS	
WILDLIFE STORAGE	1/1	12/31		292 AFA
TOTAL			5.16 CFS	292 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other

(CHANGE USE TO DIVERSION TO STORAGE AND WILDLIFE STORAGE)

I. AUTHENTICATION

DANIEL A. NELSON -- SENIOR AGENT

Field Examiner's Name

Daniel A. Nelson

Date

8-22-01

Reviewer

Date

SEAL

63-9218

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

- GENERAL INFORMATION
1. Name of stream or ditch: DIVERSION FROM SAND HOLLOW DRAIN
 2. Location: _____
 3. Person conducting measurement: JAN SHURTE
 4. Date and time of measurement: 5/13 - 11:45
 5. Accompanied by: CHAIR KOFOLD
 6. Measuring device size and ID no.: PRONY meter # 090181
 7. Spin test before measurement OK? OK after measurement OK? _____
 8. Purpose of measurement: WATER RIGHT EXAMIN

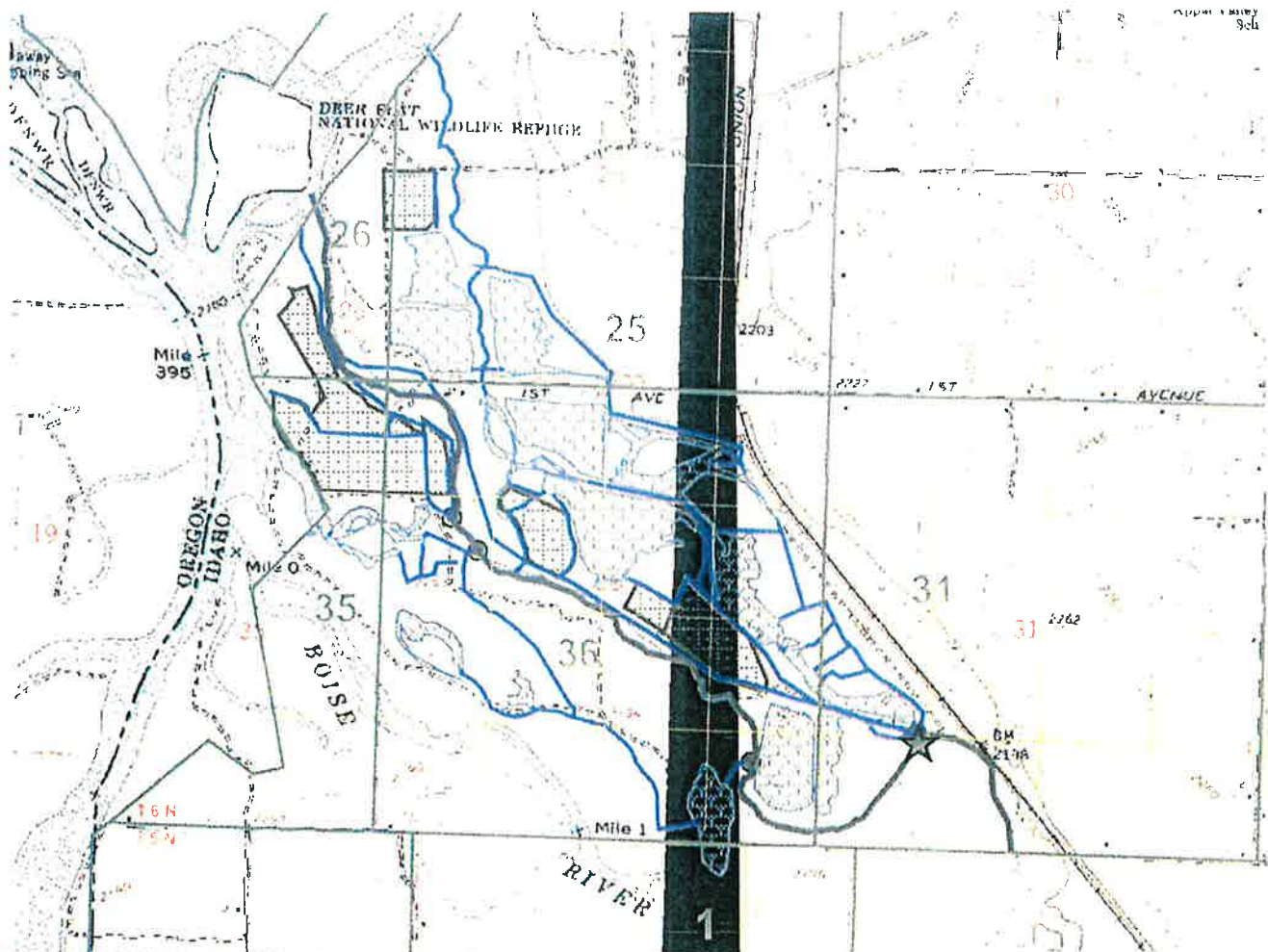
B. MEASUREMENT DATA

[illegible]

63.9218

63-9218

USGS QUADRANGLE MAP



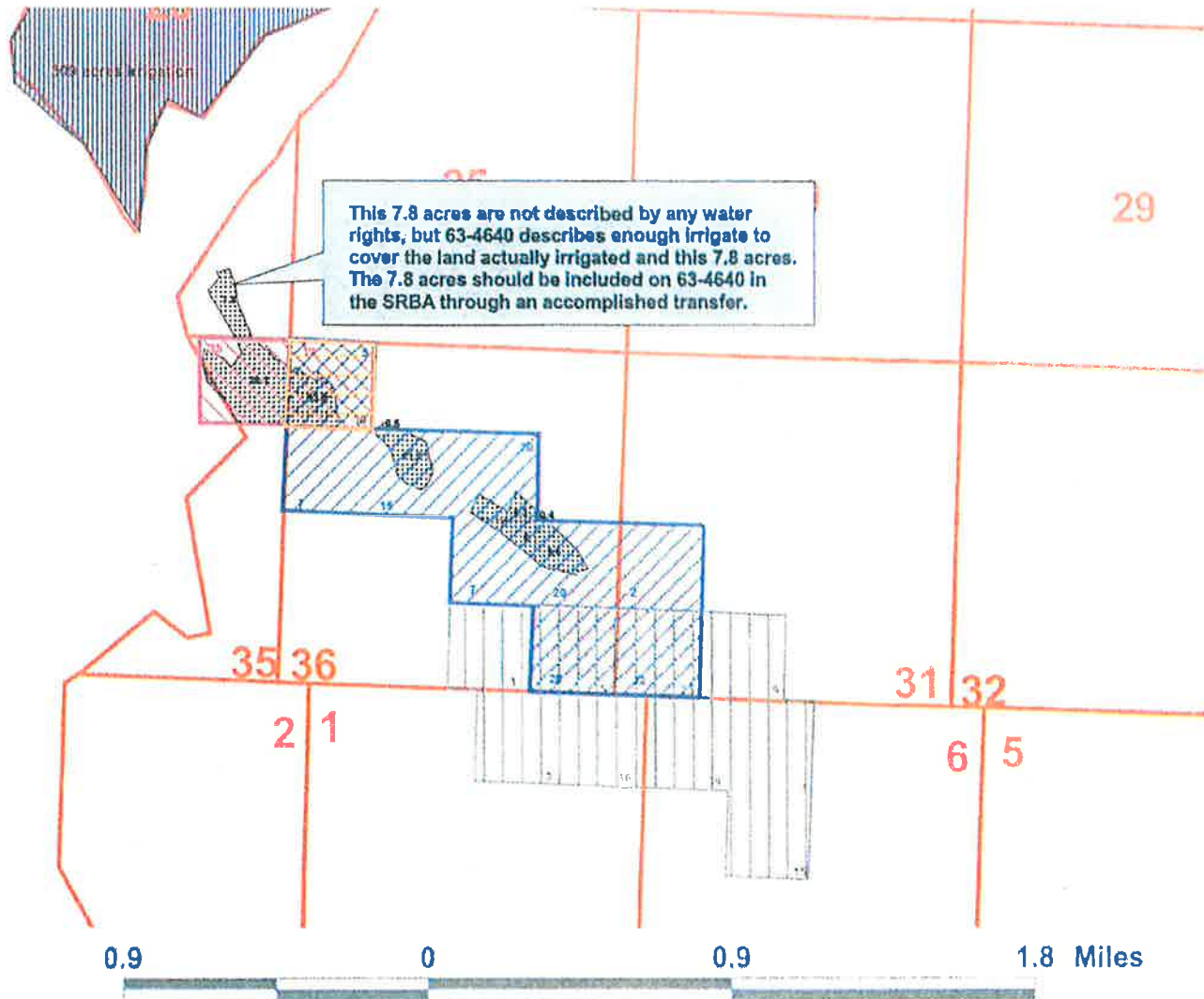
- Sand Hollow Drain
- Ditches
- Irrigated lands
- Ponds
- Points of Diversion
- Sections
- 1/4 1/4 lines



63-9218

63-9218

IRRIGATION OVERLAP



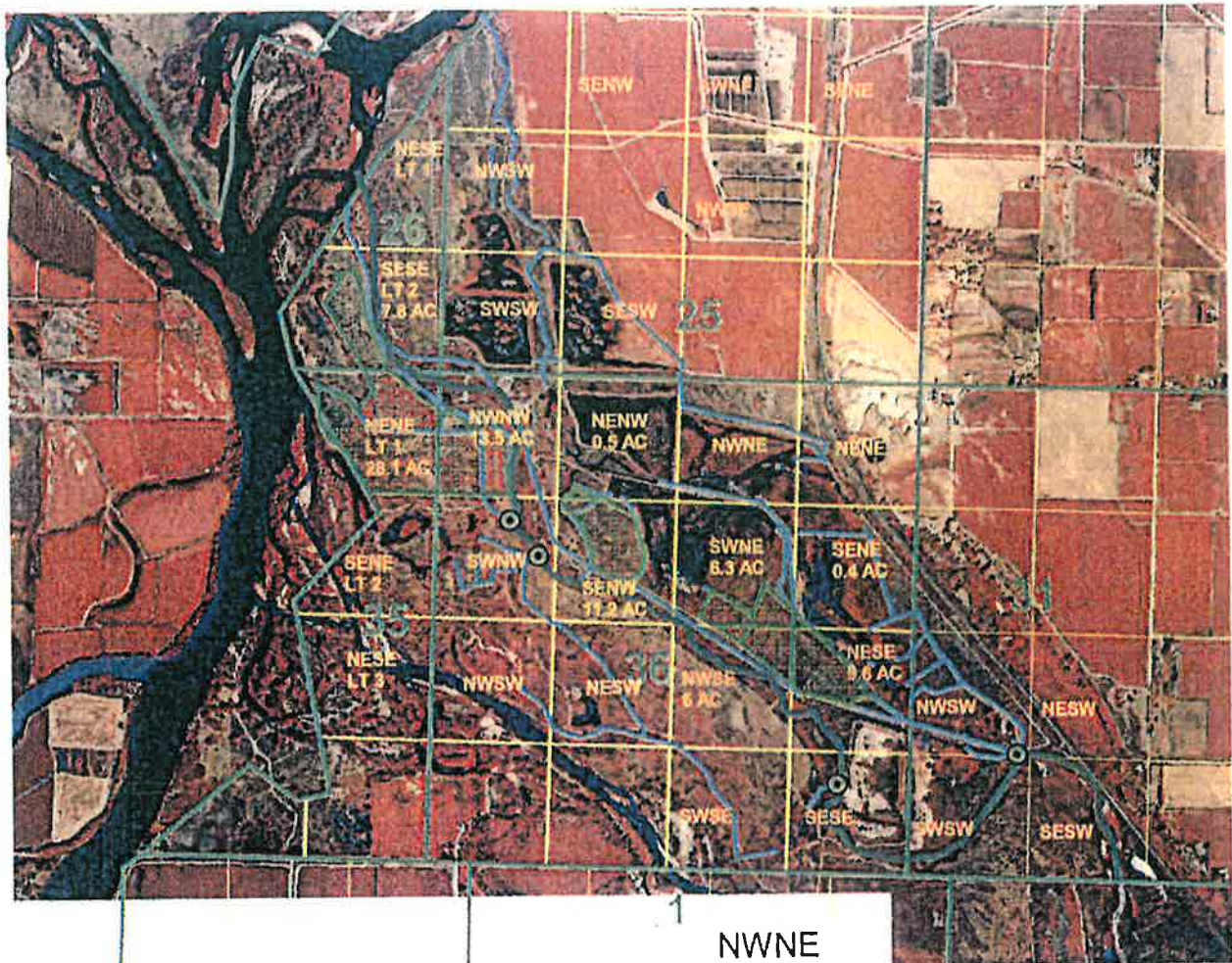
- 03-2059 IRRIGATION OF ISLAND FROM SNAKE RIVER
- 63-4717, 138 ACRES FROM SAND HOLLOW DRAIN, .02 CFS/ACRE
- 63-4639, 10 ACRES FROM SAND HOLLOW DRAIN, .02 CFS/ACRE
- 63-4640, 52 ACRES FROM SAND HOLLOW DRAIN, .02 CFS/ACRE
- 63-4638, 118 ACRES FROM SAND HOLLOW DRAIN, .02 CFS/ACRE
- LAND ACTUALLY IRRIGATED
- SECTIONS
- 1/4 1/4 LINES



PLEASE NOTE: All lands currently irrigated are covered under existing water rights. Therefore, the irrigation componet for permit 63-9218 should not be allowed.

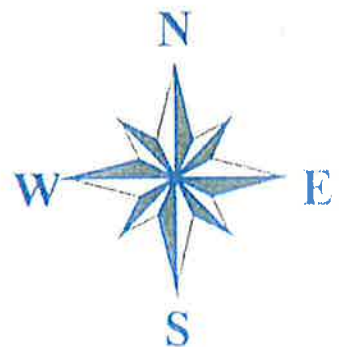
63-9218

63-9218
 ACRES IRRIGATED
 T6N R6W S25 - 26 - 35 - 36
 T6N R5W S 31
 T5N R6W S 1
 83.4 ACRES TOTAL



0.6 0 0.6 1.2 Miles

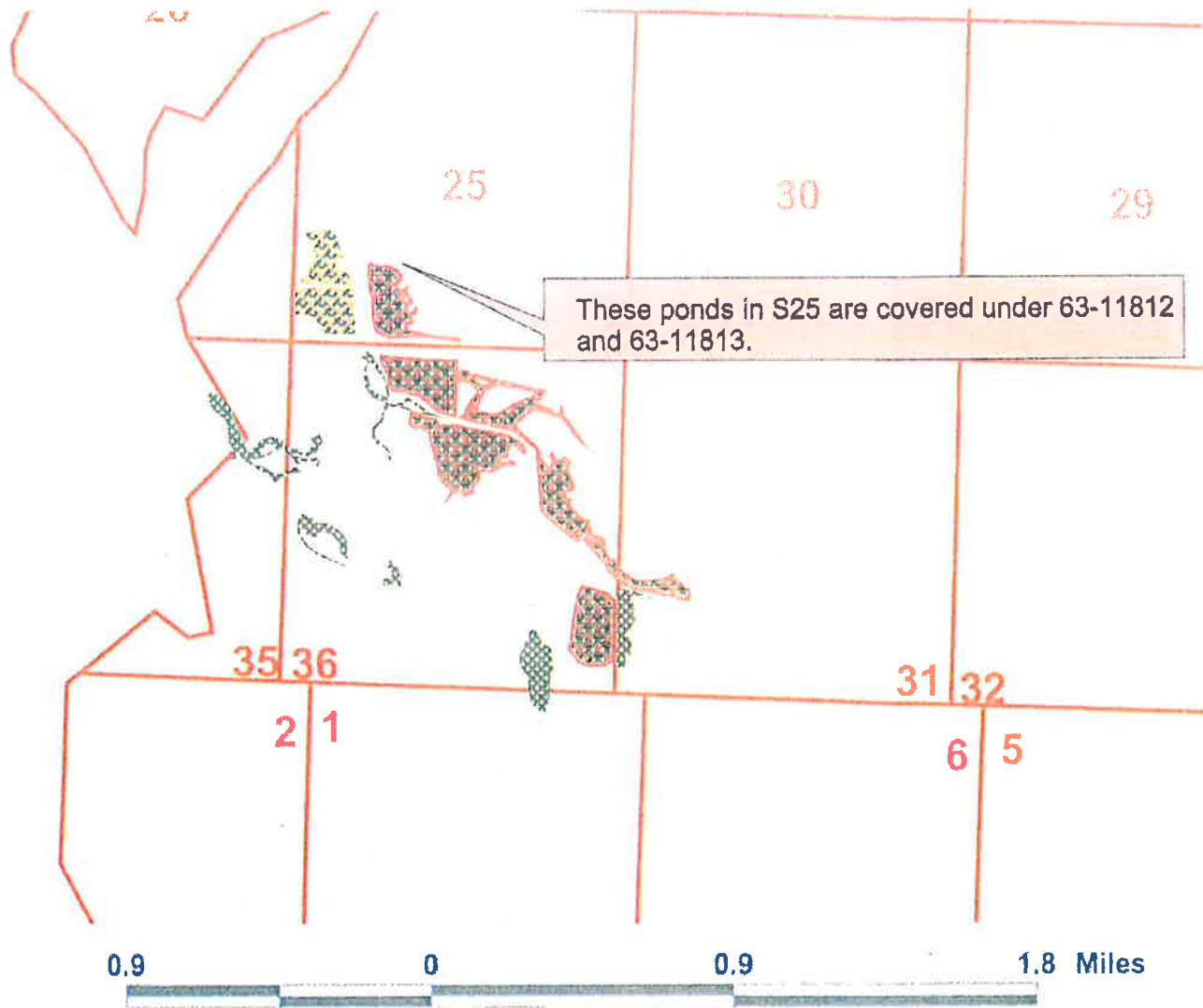
- Ponds
- P/Ds
- IRRIGATED LANDS
- SAND HOLLOW DRAIN
- DITCHES
- SECTIONS
- 1/4 1/4 LINES



63-9218

63-9218

POND OVERLAP



-  PONDS DESCRIBED IN 63-11812
-  PONDS DESCRIBED IN 63-11813
-  Ponds 9218.shp
-  SECTIONS
-  1/4 1/4 LINES

PLEASE NOTE: The ponds in Section 25 were not constructed at the time proof was filed on 63-9218. Therefore, all of the ponds should be included on this permit except for the ponds shown in Section 25. The ponds in Section 25 are covered under water rights 63-11812 and 63-11813.



63-9218

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21779 V1

WATER RIGHT NUMBER: 63-21779 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RIVER FLAT DITCH CO C/O MR GARY ROHWER SEC 29575 BAR DIAMOND LN PARMA, ID 83660 (208)722-6761

Priority Date: 03/20/1877

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND HOLLOW CREEK	BOISE 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	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	2,425.50 AF

Location of Point(s) of Diversion

SAND HOLLOW CREEK	SE1/4SE1/4NE1/4	Sec. 8,	Twp 05N,	Rge 05W, B.M.
CANYON County				
SAND HOLLOW CREEK	NE1/4SE1/4NW1/4	Sec. 8,	Twp 05N,	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	
05N	05W	5										X	X	X					
05N	05W	6		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 2				L 3	L 4	L 5			L 6	L 7					
05N	05W	7	X			X													
05N	05W	8		X	X		X	X	X	X									
05N	06W	1	X	X	X	X									X	X			
			L 1	L 2															
06N	05W	31										X	X				X		
												L 4							
06N	06W	36													X		X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21779 V1

Total Acres: 675.3

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. 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.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. This right when combined with Right No. 63-21780 can be used to irrigate up to 675.3 acres present and future acres within the boundary of the River flat Ditch company.
5. LANDS UNDER THIS RT.ARE THOSE UNDER THE CO.DITCH & ARE SERVED BY THE CO.DITCH. THERE IS A 1917 LICENSE,63-02304,ON A CONSIDERABLE PORTION OF THE LAND,A DECREE FOR SOME,& A STATUTORY CLAIM,63- 05368,BUT CLAIMANT FELT THESE DID NOT PROPERLY DESCRIBE THE RTS. AS DEVELOPED,HENCE 2 B/U RTS.,-THIS ONE FOR 5.0 CFS,PRIORITY 03/20/1877 & A63-21780,FOR 12.38 CFS,PRIORITY 03/15/1890-,THE COMBINATION SUPPLYING 1"/AC.FOR THE 869 AC.IRRIG.ARE FILED. THE PRIORITIES CLAIMED ARE BASED PARTIALLY ON PATENT DATES OF THE EARLY HOMESTEADERS ON THE LANDS. THERE ARE 5 USERS WHO ARE SHAREHOLDERS IN THE CO., EACH HAVING DIFFERENT ACREAGES AND EACH DESIROUS OF HAVING A SEPARATE RECEIPT FOR THEIR PORTION OF THE ADJUDICATION FEE, HENCE IN ADDITION TO THE RECEIPT C015872 LIST- ED ON THE 1ST PAGE, THERE ARE 4 OTHER RECEIPTS FOR THE FEES FOR THIS CLAIM AND FOR A63-21780. THESE RECEIPTS ARE C015873,C015874, C015875,& C015876. THE SOURCE FOR THIS RIGHT, SAND HOLLOW CREEK IS ALSO KNOWN AS STOCKTON SLOUGH.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21780 V1

WATER RIGHT NUMBER: 63-21780 V1

Owner Type Name and Address
 Current Owner RIVER FLAT DITCH CO
 C/O MR GARY ROHWER SEC
 29575 BAR DIAMOND LN
 PARMA, ID 83660
 (208)722-6761

Priority Date: 03/15/1890

Basis: Beneficial Use

Status: Active

Source Tributary
 SAND HOLLOW CREEK BOISE 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	12.380 CFS	
	<u>Total Diversion:</u>	12.380 CFS	3,041.50 AF

Location of Point(s) of Diversion

SAND HOLLOW CREEK	SE1/4SE1/4NE1/4	Sec. 8,	Twp 05N,	Rge 05W, B.M.
CANYON County				
SAND HOLLOW CREEK	NE1/4SE1/4NW1/4	Sec. 8,	Twp 05N,	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	
05N	05W	5										X	X	X					
05N	05W	6		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 2			L 3	L 4	L 5			L 6	L 7						
05N	05W	7	X			X													
05N	05W	8		X	X		X	X	X	X									
05N	06W	1	X	X	X	X									X	X			
			L 1	L 2															
06N	05W	31										X	X				X		
												L 4							
06N	06W	36													X		X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21780 V1

Total Acres: 675.3

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. LANDS UNDER THIS RT.ARE THOSE UNDER THE CO.DITCH & ARE SERVED BY THE CO.DITCH. THERE IS A 1917 LICENSE,63-02304,ON A CONSIDERABLE PORTION OF THE LAND,A DECREE FOR SOME, & A STATUTORY CLAIM,63- 05368,BUT CLAIMANT FELT THESE DID NOT PROPERLY DESCRIBE THE RTS. AS DEVELOPED,HENCE 2 B/U RTS.,-THIS ONE FOR 12.38 CFS,PRIORITY 03/15/1890 & A63-21779,FOR 5.0 CFS,PRIORITY 03/20/1877-,THE COMBINATION SUPPLYING 1"/AC.FOR THE 869 AC.IRRIG.ARE FILED. THE PRIORITIES CLAIMED ARE BASED PARTIALLY ON PATENT DATES OF THE EARLY HOMESTEADERS ON THE LANDS. THERE ARE 5 USERS WHO ARE SHAREHOLDERS IN THE CO., EACH HAVING DIFFERENT ACREAGES AND EACH DESIROUS OF HAVING A SEPARATE RECEIPT FOR THEIR PORTION OF THE ADJUDICATION FEE, HENCE IN ADDITION TO THE RECEIPT C015872 LISTED ON THE 1ST PAGE, THERE ARE 4 OTHER RECEIPTS FOR THE FEES FOR THIS CLAIM AND FOR A63-21779. THESE RECEIPTS ARE C015873,C015874, C015875,& C015876. THE SOURCE FOR THIS RIGHT,SAND HOLLOW CREEK, IS ALSO KNOWN AS STOCKTON SLOUGH.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

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	05N05W6	50	15		24													89
Claim	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Claim	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Claim	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Claim	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Claim	63 291	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											25	12					37
Claim	63 292	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Claim	63 293	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											0	0					0
Claim	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Claim	63 303A	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	50	15		24													89
Rec	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Rec	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Rec	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Rec	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Rec	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Rec	63 291	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Rec	63 292	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Rec	63 293	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Rec	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	05N05W6	X	X		X									X				0
Right	63 291	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0

Idaho Dept. of Water Resources

Place of Use Comparison Report

Right	63 292	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Right	63 293	ISLAND HIGHLINE DITCH CO,	BOISE RIVER	05N05W6											X	X					0
Claim	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	05N05W6	50	15		24													89
Rec	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	05N05W6	X	X		X									X				0
Right	63 10473	GME INC,	GROUND WATER	05N05W6												3.8					3.8
Right	63 25801	JOHNSON MARTIN, TOMMY MARTIN, BEATRICE O MARTIN,	GROUND WATER	05N05W6													X				0
Right	63 25801	JOHNSON MARTIN, TOMMY MARTIN, BEATRICE O MARTIN,	GROUND WATER	05N05W6													X				0
Right	63 26096	JANICE BLACK, LARRY BLACK,	GROUND WATER	05N05W6				X													0
Right	63 26096	JANICE BLACK, LARRY BLACK,	GROUND WATER	05N05W6				X													0
Right	63 27563	NONA M LAIRD,	GROUND WATER	05N05W6											X						0
Right	63 29392	GARY L ROHWER,	GROUND WATER	05N05W6										X							0
Right	63 29392	GARY L ROHWER,	GROUND WATER	05N05W6										X							0
Right	63 29393	GARY L ROHWER,	GROUND WATER	05N05W6							X										0
Right	63 29393	GARY L ROHWER,	GROUND WATER	05N05W6							X										0
Right	63 29394	GARY L ROHWER,	GROUND WATER	05N05W6							X										0
Right	63 29394	GARY L ROHWER,	GROUND WATER	05N05W6							X										0
Claim	63 21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	05N05W6		16	38	8	14	39	37	15	37	32	1	7	22	32	8	28	334
Claim	63 21780	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	05N05W6		16	38	8	14	39	37	15	37	32	1	7	22	32	8	28	334

Idaho Dept. of Water Resources

Place of Use Comparison Report

Rec	63 21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	05N05W6		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Rec	63 21780	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	05N05W6		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0
Right	63 4193	M C STANLEY,	SAND HOLLOW CREEK	05N05W6																50	50
Claim	63 4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	05N05W6					7	39		15									61
Claim	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	05N05W6	50	15		24													89
Rec	63 4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	05N05W6					7	39		15									61
Rec	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	05N05W6	X	X		X									X				0
Right	63 4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	05N05W6					7	39		15									61
Right	63 2304	ANDREW NELSON,	STOCKTON SLOUGH	05N05W6		15	38	18	37	40	38	40	32	35			40	40			373
Right	63 5368	RIVER FLAT DITCH CO,	STOCKTON SLOUGH	05N05W6									5		3	7					15

**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	06N06W36	20																20
Claim	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 303A	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	20																20
Claim	63 4632A	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632B	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632C	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632D	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632E	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632F	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632G	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632H	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632J	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632K	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632L	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632M	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19
Claim	63 4632N	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19						19

Idaho Dept. of Water Resources Place of Use Comparison Report

Rec	63 138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N06W36	X			X											0
Rec	63 4632A	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632B	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632C	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632D	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632E	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632F	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632G	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632H	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632J	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632K	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632L	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632M	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Rec	63 4632N	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19
Right	63 4632A	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36											19				19

Idaho Dept. of Water Resources

Place of Use Comparison Report

Right	63 4632B	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632C	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632D	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632E	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632F	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632G	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632H	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632J	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632K	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632L	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632M	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Right	63 4632N	MC CONNEL ISLAND DITCH CO LTD,	BOISE RIVER	06N06W36												19					19	
Claim	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N06W36	20																20	
Rec	63 4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N06W36	X			X													0	
Right	63 21612	BETTY L CULP, MERLE H CULP,	GROUND WATER	06N06W36											X						0	
Right	63 23299	STATE OF IDAHO,	GROUND WATER	06N06W36						X											0	
Claim	63 21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N06W36	6				36											38	38	118
Claim	63 21780	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N06W36	6				36											38	38	118
Rec	63 21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N06W36													X		X	X	0	

[illegible]

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Right	63 4640	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N06W36							X										0
Right	63 4640	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N06W36						17											17
Right	63 4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N06W36															1	5	6
Right	63 9218	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N06W36	X	X	X	X	X	X	X	X	X	X			X		X	X	0
Claim	63 9218	STATE OF IDAHO,		06N06W36					2	8	10		40	30		20	5	20	20	40	195
Claim	63 9218	STATE OF IDAHO,		06N06W36				X	X		X	X				X					0

Receipt Details for ID T017346

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/19/1990 4:19:46 PM	6/19/1990	Electronically Transmitt	\$17,466.30	Electronically Transmit
Payer		DEPT. OF FISH AND GAME		

Account Information:

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

Comment FISH & GAME ADJUDICATION CLAIMS

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$17,466.30	FISH & GAME ADJUDICATION CLAIMS	410162	9337	00	00	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
79	2073		\$70.00	Claim
81	2020		\$2,050.00	Claim
83	2015		\$300.00	Claim
83	2023		\$62.66	Claim
35	7725		\$55.53	Claim
77	4181		\$117.00	Claim
86	2029		\$110.00	Claim
86	2038		\$59.34	Claim

51	4047	\$61.42	Claim
2	7004	\$1,297.00	Claim
63	2635	\$90.00	Claim
63	2850	\$75.70	Claim
63	4638	\$404.00	Claim
63	4639	\$60.00	Claim
63	4640	\$206.00	Claim
63	4717	\$188.00	Claim
63	4926	\$60.72	Claim
63	4927	\$50.14	Claim
63	9218	\$826.00	Claim
65	12126	\$250.00	Claim
67	4450	\$50.17	Claim
51	7299	\$25.00	Claim
36	4227	\$25.00	Claim
63	4338	\$465.11	Claim
36	7836	\$80.00	Claim
36	7855	\$250.00	Claim
37	2782	\$55.19	Claim
35	8654	\$150.00	Claim
63	4679	\$91.51	Claim
77	4180	\$150.00	Claim
77	4179	\$132.00	Claim
75	4154	\$54.00	Claim
27	4012	\$53.60	Claim
75	2138	\$25.00	Claim
35	4254	\$218.26	Claim
21	4007	\$52.32	Claim
21	4008	\$51.07	Claim
21	7151	\$50.77	Claim
23	7004	\$300.00	Claim
35	4253	\$95.52	Claim
35	4255	\$196.26	Claim
35	4256	\$219.50	Claim
71	10174	\$58.00	Claim
71	10175	\$58.00	Claim
71	10176	\$58.00	Claim
71	10178	\$58.00	Claim

71	10180	\$58.00	Claim
71	10181	\$58.00	Claim
71	10182	\$58.00	Claim
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72	10521	\$58.00	Claim
72	10522	\$58.00	Claim
72	10523	\$58.00	Claim
72	10524	\$58.00	Claim
72	10525	\$58.00	Claim
72	10526	\$58.00	Claim

72	10527	\$58.00	Claim
72	10528	\$58.00	Claim
72	10529	\$58.00	Claim
72	10530	\$58.00	Claim
72	10531	\$58.00	Claim
72	10532	\$58.00	Claim

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