

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-30175
Date Received: 3/26/1990
Receipt No: W011696
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAMAR ROCHE Phone: (208)722-6185
23019 HWY 20-26
PARMA ID USA 83660

2. Date of Priority: 12/02/1894

3. Source: SAND HOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04W	30	SW NE	CANYON	

5. Description of diverting works:

DIVERSION DAM ON CREEK TO DITCH ON PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	4.25	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	04W	30	NE SW	IRRIGATION	32
			SW NW	IRRIGATION	2
			NW SW	IRRIGATION	33

			SW	SW		IRRIGATION	23.5
			SE	SW		IRRIGATION	26
			NW	SE		IRRIGATION	0.5
						Section Acres	117
05N	04W	31	NE	NW	9	IRRIGATION	0.5
			NW	NW	4	IRRIGATION	0.5
						Section Acres	1
						Total Acres	118

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIMANT LEASES THIS PROPERTY - OWNER HAS NOT FILED ON THIS WATER RIGHT.

Claim amended 1-7-2009 to change the POU, quantity. and priority date. kkc

15. Basis of Claim: Beneficial Use



SPF WATER
ENGINEERING

RECEIVED

JAN 21 2009

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 14 2009

DEPARTMENT OF
WATER RESOURCES

January 12, 2009

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

Re: Subcase 63-30175

Dear Clerk,

A Motion to File a Late Notice of Claim (SF4) was mailed and received by you in September, 2008. The notice of claim attached to the SF4 was not signed and the date of certified mailing was not completed. To remedy these oversights, included is a copy of the original SF4 with today's mailing date inserted and a signed notice of claim attached. Copies will again be mailed to the parties listed below.

Please let me know if you have any questions. Thank you.

Sincerely,

Lori Graves
Water Rights Specialist
SPF Water Engineering, LLC
www.spfwater.com

Enclosure

Cc: IDWR Document Depository
Chief, Natural Resources Division Office of the Attorney General State of Idaho
United States Department of Justice, Environmental and Natural Resource Division

File No. 395.0010

SCANNED

JAN 14 2009

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: 63-30175

Date Received:

Receipt No:

Received By:

Amended

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

1. Name of Claimant(s)

Lamar Roche
23019 Hwy 20-26
Parma ID 83660

Phone: (208) 722-6185

2. Date of Priority: December 2, 1894

3. Source: Sand Hollow Creek

Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
5N	4W	30	SW NE		Canyon	

5. Description of diverting works:

Headgate, ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	4.25	

7. Total Quantity Appropriated is:

4.25 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4W	30							Lt 6 2		Lt 3 32	Lt 5 33	Lt 4 23.5	Lt 9 26		Lt 2 .5			117
		31					Lt 9 .5	Lt 4 .5											1

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: Water right 63-2227 was licensed from the same source and point of diversion for irrigation of the place of use listed above. An affidavit from that file supports the claimed priority date and the licensing field exam supports the claimed flow rate. Excess irrigation water was claimed due to gravelly soils described in the field exam as "land of poor quality".

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Samuel Roche* Date: 1/7/09

Date: _____

State of Idaho

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th of January 2009



Lori Graver
Notary Public

Residing at Boise

My commission Expires 6/18/2010

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

) **Subcase 63-30175**

) (Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

) **MOTION TO FILE:**

) ☐ **LATE NOTICE OF CLAIM**

) ☒ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

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JAN 14 2009

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Lamar Roche

My address is 23019 Hwy 20-26, Parma, ID 83660

My phone number is: Work _____ Home 208-722-6185

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

☐ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

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JAN 14 2009

- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on JANUARY 13, 9:30 AM
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

I did not originally develop this land and was unaware of the water right history when I
filed claim No. 63-30175.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Evidence was found in Water right license file 63-2227 that indicates the same lands were irrigated from the same source and diversion described on claim 63-30175. The following documentation from the license file supports the priority date, flow rate and acres amended on claim 63-30175.

1. An affidavit from S. G. Tucker verifying historical use to December 2, 1894.
2. An IDWR licensing field report indicating a measured flow rate of 4.25 cfs.

SCANNED
JAN 14 2009

The examiner also described the lands as poor quality, which supports excess irrigation for gravelly soils.

An IDWR licensing field report map indicating 105 acres irrigated. Please note that the map is hand-drawn and identifies an area that GIS technology calculates to be 118 acres irrigated rather than 105 acres.

A claim for 63-2227 is not being filed.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

SCANNED

JAN 14 2009

VERIFICATION (Must be completed)

State of IDAHO

County of ADA

LAMAR ROCHE, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on September 10, 2008
(Insert Date)

Loi Granger
Notary Public for SPF WATER ENG.

Residing at: BOISE

My Commission expires: 6/18/2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

SCANNED

JAN 14 2009

CERTIFICATE OF MAILING

I certify that on 01/12/2009, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

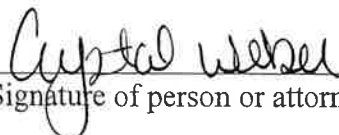
2. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

SCANNED

JAN 14 2009

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. S.G. Tucker; 35; Notus, Idaho, R.F.D. No. 1; farmer.

Ques. 2. Are you acquainted with Herbert Lemp, Executor the holder of Permit No. 9728? How long have you known him and where does he reside?

Ans. 20 years; Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9728, and are you familiar with its provisions and conditions?

Ans. Yes; yes.

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

Ans. Sand Creek; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Tp. 5 N., R. 4 W., B.M.

Dam, timber and earth. ~~####~~
~~Place of intended use; said works will carry more~~

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

Ans. Have seen $3\frac{1}{2}$ second feet being conveyed to place of intended use, but works will carry more.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation; Lot 3(60a), 4(27-10/100 a.), 5(34.51 a.); 8(3.85a.), all in Sec. 30, Tp. 5 N., R. 4 W.; Lot 10(17.80), Sec. 25, Tp. 5 N., R. 5 W.; and Lot 8(20.70 a.) Sec. 31, Tp. 5 N., R. 4 W., B.M., a total of 193.96 acres. All cultivated land.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam; $3\frac{1}{2}$ second-feet

9728

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JAN 4 2009

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Know that all of said lands have been irrigated by this water for 20 years.

(Sign) *W. H. H. H. H.*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Parma, County of Canyon.

State of Idaho, on this 2nd day of December A. D. 1914.

M. A. Bate
(*Mark Bate*)
Justice of the Peace of Parma Precinct, Canyon County, Idaho.

My Commission Expires.....

9728

SCANNED

JAN 14 2009

REPORT OF ENGINEER

Ditt 129

1. State name of applicant and number of permit: Herbert Lemp - Permit 9728
2. State source of water supply: Sand Creek- 3-1/4 sec.ft.
3. Location of point of diversion: Near center of SW 1/4 NE 1/4 Sec. 30, T. 5 N.,
R. 4 W.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions and capacities of same: _____
A small diversion dam of brush and dirt 15' long
3' wide, 3' high
Head gate 3' x 3'
Canal, 1/2 mile long, grade 5' per mile, bottom width 2'
at water line 4', depth 1'. Capacity 4 cfs. 211,000 gals. per hour

6. State whether or not water has been turned into works of diversion: yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): _____

NE 1/4	SW 1/4	Sec. 30	T. 5 N.	R. 4 W.	B.M.	30 Acres
NW 1/4	SW 1/4	"	"	"	"	30 "
SW 1/4	SW 1/4	"	"	"	"	25 "
SE 1/4	SW 1/4	"	"	"	"	20 "
Total						105 "

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: _____

Land of poor quality devoted principally to
pasture

This examination was made on the 14th day of November 1917.

(Signed) _____

H. H. Palmer

Examiner.

OVER

9728

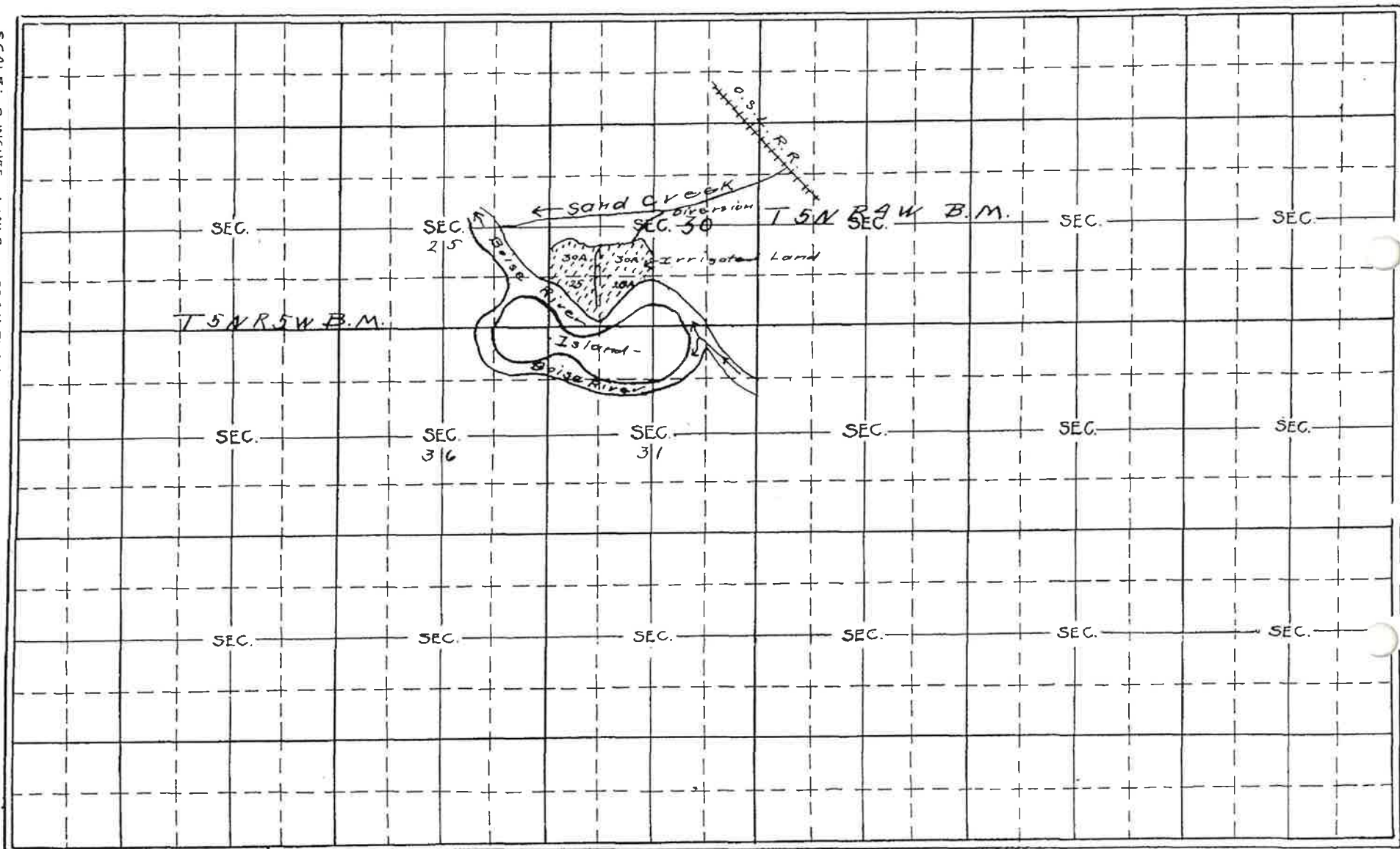
OLD # 9728

Renumbered

37-2227

JAN 4 2009

ИВЕНЕ ОУ АРХИОНА - - - - -



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

SCANNED 9/22/28

JAN 14 2009

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: 63-30175

Date Received:

Receipt No:

Received By:

Amended

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

1. Name of Claimant(s)

Lamar Roche
23019 Hwy 20-26
Parma ID 83660

Phone: (208) 722-6185

2. Date of Priority: December 2, 1894

3. Source: Sand Hollow Creek

Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
5N	4W	30	SW NE		Canyon	

5. Description of diverting works:

Headgate, ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	4.25	

7. Total Quantity Appropriated is:

4.25 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4W	30							Lt 6 2		Lt 3 32	Lt 5 33	Lt 4 23.5	Lt 9 26		Lt 2 .5			117
		31					Lt 9 .5	Lt 4 .5											1

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: Water right 63-2227 was licensed from the same source and point of diversion for irrigation of the place of use listed above. An affidavit from that file supports the claimed priority date and the licensing field exam supports the claimed flow rate. Excess irrigation water was claimed due to gravelly soils described in the field exam as "land of poor quality".

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Date: _____

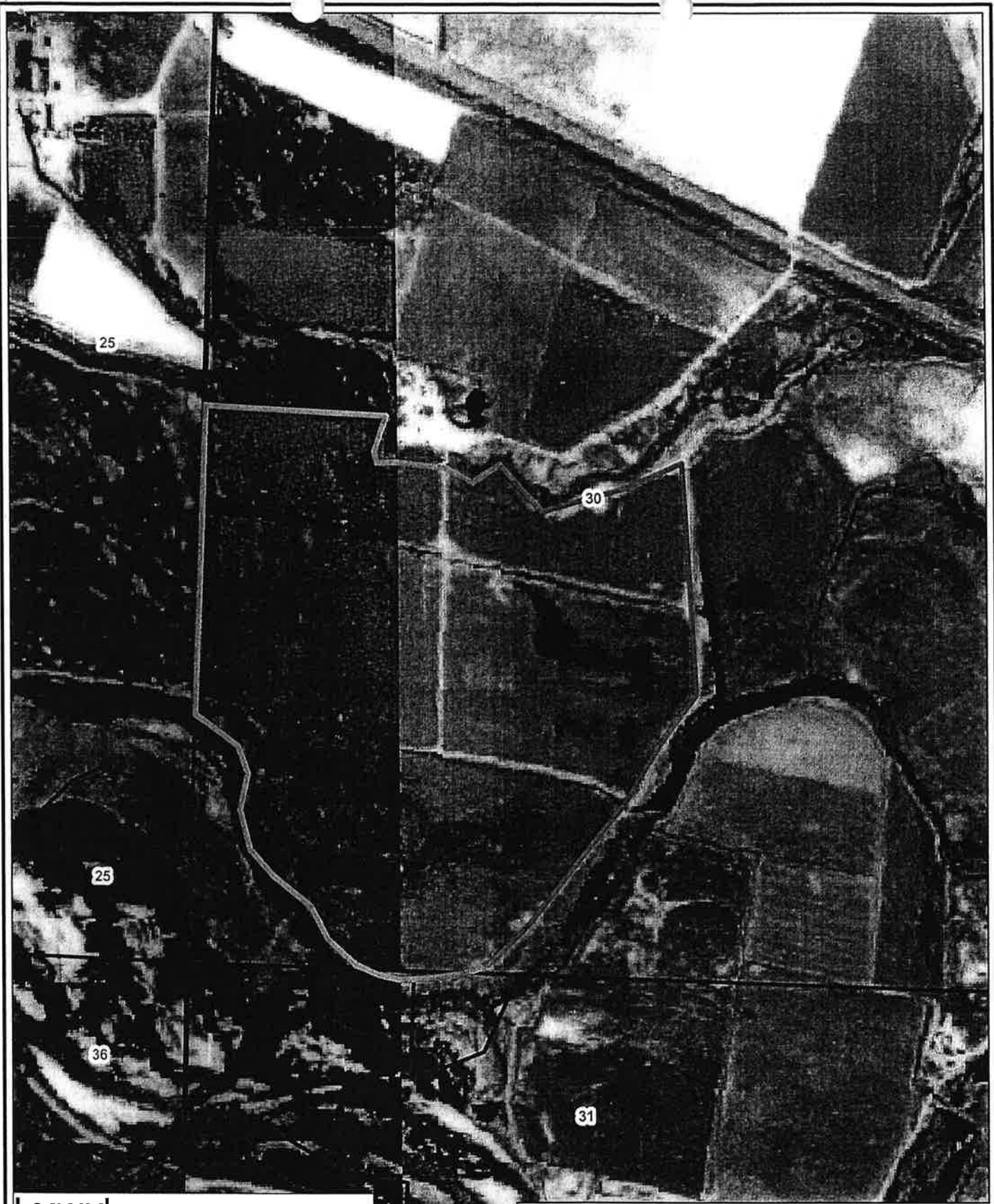
State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this ____ of _____ 2008

Notary Public

Residing at _____

My commission Expires _____



Legend

-  Point of Diversion
-  63-30175 Amended Place of Use
-  Sections

Claim No. 63-30175



0 325 650
Feet



Water Engineering, LLC
water resource consultants

600 E. River Park Lane Ste. 305, Boise, Idaho 83706
tel. 208.343.4140 fax. 208.343.4156

JAN 14 2009

RECEIVED

DEC 30 1994

WATER RESOURCES
WESTERN REGION

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
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CIVIL CASE NUMBER: 39576

Ident. Number: **A63-30175**
Date Received: 3/23/1990
Receipt No: W011696
Received By: _____

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

1. Name: LAMAR ROCHE 208-722-6185
Address: RT 1 BOX 1139
PARMA ID 83660

2. Date of Priority: JAN 1, 1880

3. Source: SANDHOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04W	30		SW	NE		CANYON

5. Description of diverting works:
DIVERSION DAM ON CREEK TO DITCH ON PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	4.000		200.00

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) 200.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
GRAZING, 1000 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	30	SW	NE		IRR	1.0
			NE	NW		IRR	1.0
			NW	NW		IRR	2.0
			SW	NW		IRR	30.0

SCANNED
APR 14 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	30	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	36.0
			SW	SW		IRR	33.0
			SE	SW		IRR	17.0

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

CLAIMANT LEASES THIS PROPERTY - OWNER HAS NOT FILED ON THIS WATER RIGHT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

William Roche

Date:

12/29/94

Date:

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of December 19 98

Arne E. Cook
Notary Public

Seal

Residing at Parma

My Commission Expires 12-3-98

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 A63-30175Date Received 03/23/1990Receipt Number W011696

RECEIVED

MAR 23 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 17 1994

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) La Mar Roche ~~with~~ Phone (28) 7226185Mailing Address Box 1139 Parma ID Zip 836602. Date of Priority (Only one (1) per claim) 1/1/18803. Source of water supply (a) Sand hollow creek
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 05N Range 04W Section 30,15N 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Canyon

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 05N Range 04W Section 30, SW corner of NE Quarter 1/4 of 30 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion dam is on
Sand hollow creek and diverts the water
to a ditch on the property

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 1-1 to 12-31 amount _____ or 200 acres

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) 200 acres (acre feet)

8. Total consumptive use claimed is 4.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) grazing 1000 cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 200

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes _____ No ☒

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ☒

14. Remarks: I lease the property and the owner was not informed on the need to file

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 1880
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Lamar Roche

Date 3/21/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)

County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 22 day of March 1990

SEAL

Notary Public Debra Jo Ball

Residing at Caldwell, ID

My Commission Expires Sept. 1, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



CLAIMANT'S NAME

Rock LAMAR

CLAIM IDENT. NO.

A63-30175

DATE RECEIVED

3/23/1990

RECEIPT #

W011690

AMOUNT \$

250-

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☐ YES ☒ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
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 ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A *
- Is the consumptive use correct? ☐ YES ☒ NO N/A *
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 ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☒ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☐ YES ☒ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO (See Item No.'s 16 & 17 for checking other water rights) *
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.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? ☐ YES ☐ NO N/A *
- (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? ☐ YES ☐ NO N/A *
- (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO N/A *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO *
20. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO *
21. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO *
22. Is the fee enclosed correct? ☐ YES ☐ NO Exempt *

23. Should this claim be data entered?

YES
☒

NO
☐

Claim reviewed by: TTT

Date 12/14/1994

Claim data entered by: TTT

Date 12/14/1994

Returned to claimant
12/15/1993

Claim is being returned to claimant:

☒ (Yes) ☐ (No)

Claimant is being notified of modifications:

☒ (Yes) ☐ (No)

Comments: 12/14/1993: Claimant still did not break down acre by
1/4 1/4. Broken down by IDWR - claimant may amend later.
Address change requires Mr. Roche's signature. ~~TTT~~
Claim sent to claimant for signature (acknowledging

acres). TTT

S. 30	
SW NE	1
NE NW	1
NW NW	2
SW NW	20 30
SE NW	32 40
NE SW	23 40
NW SW	36
SW SW	26 33
SE SW	17

63-2227-63-30175 Lamar Roche

2462 1945 priority south.

30175 filed instead of 2227.

lie = 105 ac GIS = 118 ac based upon hand
drawn map. sys cap = 40

Last day of month. MAR 31. ADR Due.

APR

21 day obj period

end APR 28th obj period.

63-2227

FE Notes P&Pg 10

Proof B/G P&Pg 18 & 19 stating use = 20 yrs dated 1914

5-18-09

63-30175 Determined Source Should
have been Snake River. notified
S.D. of error.

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, July 07, 2009 1:15 PM
To: Williams, Ray; Spencer, Nick
Subject: 63-2462 and 63-30175 Roche V2 SF-r recommendations

Attachments: 63-30175 ROCHE V2 SF-5 recom.doc; 63-2462 ROCHE V2 SF-5 recom.doc

Attached are the recommendations generated to resolve the objections. Basically the only changes are to the diversion rates that are now based upon the excess flow analysis supplied by Marcie Pape for SPF.

The rate for 63-2462 is limited by the calculated rate per acre times the found acreage.

The rate for 63-30175 is limited by the claimed rate as the calculated rate per acre times the found acreage exceeds the claimed rate.

As the objection period for 63-2462 has not run the course I don't know if we have to set on this one or not.



63-30175 ROCHE 63-2462 ROCHE V2
V2 SF-5 recom.d... SF-5 recom.do...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

VERIFIED BY KKC
7-7-09

07/07/2009

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

RIGHT NUMBER: 63-30175

NAME AND ADDRESS: LAMAR ROCHE
23019 HWY 20-26
PARMA ID 83660

VERIFIED BY

KKC
7-7-09

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~2.350~~ 4.250 CFS

PRIORITY DATE: 03/01/1895

POINT OF
DIVERSION:

T05N R04W S30 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

~~2.350~~ 4.250 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R04W S30 Lot 6 SWNW	5.80	T05N R04W S30 Lot 3 NESW	31.00
T05N R04W S30 Lot 5 NWSW	32.00	T05N R04W S30 SWSW	3.80
T05N R04W S30 Lot 4 SWSW	20.00	T05N R04W S30 SESW	2.40
T05N R04W S30 Lot 9 SESW	22.00	T05N R04W S31 NENW	0.10
T05N R04W S31 NWNW	0.30		

117.4 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



RECEIVED

JUN 24 2009

WATER RESOURCES
WESTERN REGION

June 23, 2009

Kelly Christensen
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Irrigation Requirement Analysis

Dear Kelly,

Enclosed on behalf of Lamar Roche is an Irrigation Requirement Analysis that supports excess flows claimed on SRBA claims 63-2462 and 63-30175. The Department's SRBA recommendations for these claims did not include excess flows, resulting in objections filed with the court.

Please let me know if there are any questions. Thanks Kelly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a faint, larger blue ink signature that is partially obscured.

Lori Graves
Water Rights Specialist

Cc: Lamar Roche

Enclosure

SPF file number: 735-0010

RECEIVED

JUN 24 2009

WATER RESOURCES
WESTERN REGION

IRRIGATION REQUIREMENT ANALYSIS

63-2462 & 63-30175

Prepared for

**Lamar Roche
23019 Highway 20-26
Parma, ID**

Prepared by:

**Marci S. Pape, P.E.
SPF Water Engineering, LLC
300 East Mallard Drive
Boise, ID 83706**

June 8, 2009



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1. BACKGROUND

This report presents a Field Irrigation Requirement (FIR) analysis for a farm located just south of Highway 20/26 about 4.5 miles southeast of Parma, ID, and identified by two Snake River Basin Adjudication (SRBA) water right claims. Claim 63-2462 identifies diversion of 1.0 cfs from Sand Creek for irrigation of 25 acres in Sections 30 and 31 of T5N R4W and Section 25 of T5N R5W. Claim 63-30175 lists diversion of 4.25 cfs from Sand Hollow Creek for irrigation of 118 acres, also in Sections 30 and 31 of T5N R4W.

Lamar Roche, the owner of the property, provided information necessary to complete this analysis such as irrigation methods, crop patterns, etc. Mr. Roche has owned and operated the farm since 1995.

2. WATER RIGHTS

Lamar Roche is current owner of two claims totaling 5.25 cfs for irrigation of 143 acres in Canyon County:

63-2462

Priority: 1/20/1945

Source: Sand Creek

Use: Irrigation of 25 acres

Rate: 1.0 cfs

Point of Diversion: 5N 4W 30, SWNE

63-30175

Priority: 12/2/1894

Source: Sand Hollow Creek

Use: Irrigation of 118 acres

Rate: 4.25 cfs

Point of Diversion: 5N 4W 30, SWNE

Figure 1 presents the recommended places of use and point of diversion for these rights. Sand Hollow Creek, also known as Sand Hollow Creek Drain, Sand Creek, or Cole Slough Drain, supplies water to the entire 143 acres of the farm. This figure also identifies field acreage, field boundaries, and furrow direction. Adjudication Claim Reports for these claims are included in Appendix A. Diversion rate calculations for 63-2462 were based on the irrigation of 21 acres, to reflect the information provided by Kelly Christensen regarding IDWR's recommendation of irrigated acres.

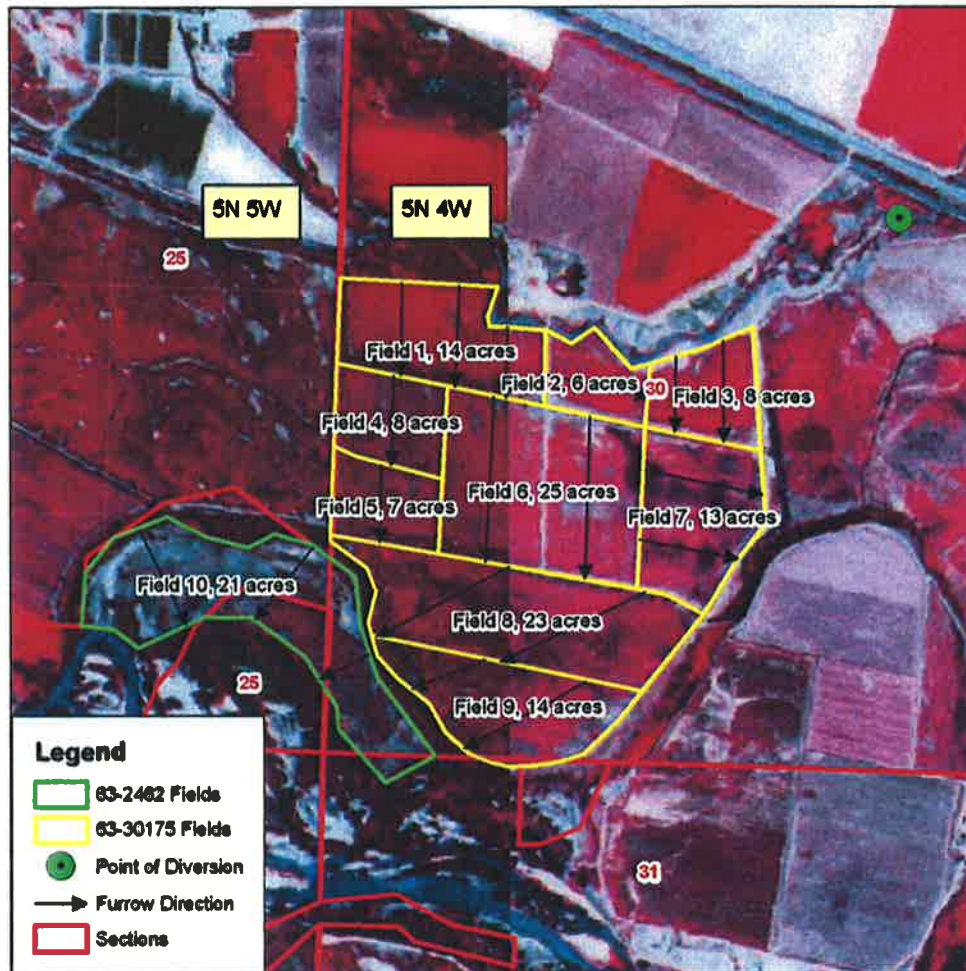


Figure 1. Places of use and point of diversion for water right claims 63-2462 and 63-30175. The base layer is IDWR's 1987 color infrared imagery.

3. IRRIGATION REQUIREMENT ANALYSIS

3.1. Fields

Field boundaries are based on IDWR's digital claim-layer place of use shapefile, and interpretation of 1987, 1994, and 2000 aerial imagery. Figure 2 presents field boundaries and furrow direction overlaid on selected soils from the SSURGO soil database. The fields are generally level and are irrigated using surface irrigation.

The irrigation analysis was based on corrugate methods. Field furrow lengths range from 450 to 950 feet. Slope was assumed to be 0.005 ft/ft for all fields. All but one of the prominent soils existing on the property are described by the SSURGO soils database as having slopes from 0 to 1 percent. The other soil, Notus, has a range of slopes of 0 to 3 percent

in its SSURGO soil description, but based on the topographic map of the land, the slopes on the property were consistent throughout the property so slopes for the Notus soil were also assumed to be 0.005 ft/ft. Based on Dreher and Tuthill, 1999, field irrigation requirements are estimated using the NRCS Furrow program together with soil characteristics, field conditions, and weather station records.

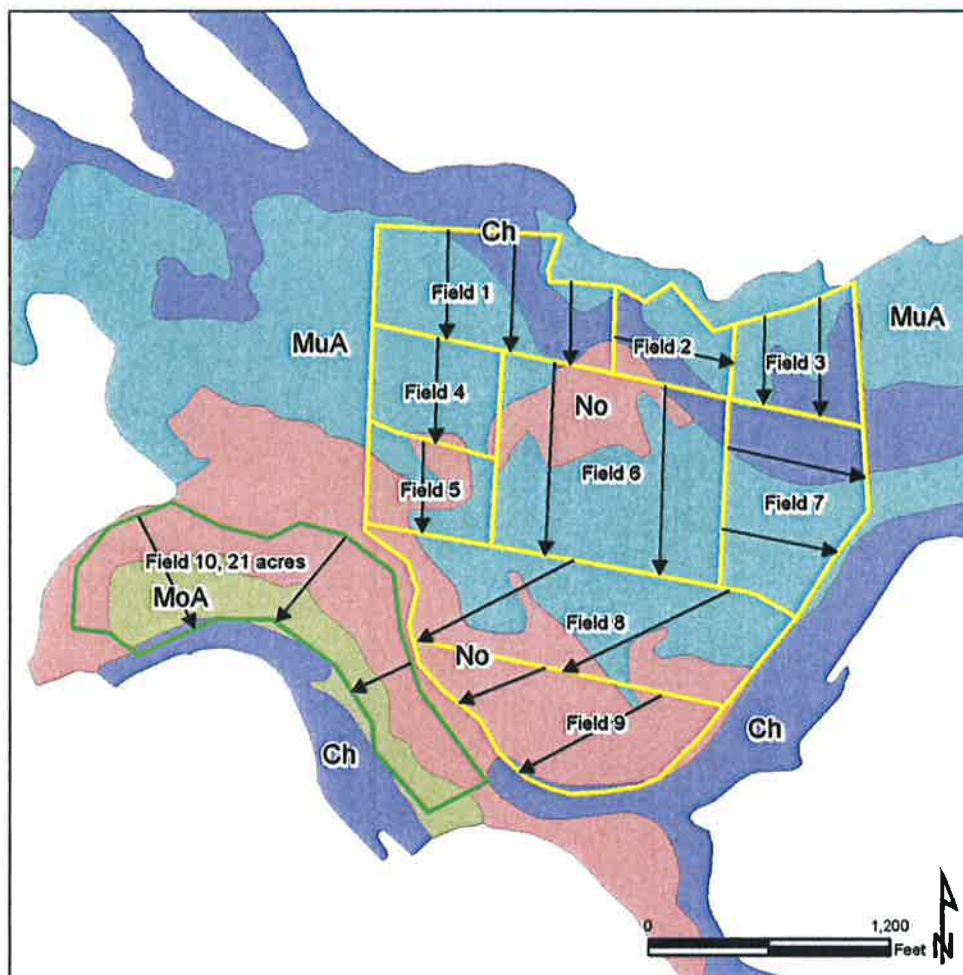


Figure 2. Field boundaries and soils at Roche property.

3.2. Soils

Soil information is provided by the Natural Resource Conservation Service digital SSURGO soil database. Table 1 presents the predominant soils found on this farm. Soil analyses, including determination of Management Allowed Deficit (MAD) are included in Appendix B. Two of these soils have a furrow intake family value of 0.55, which is in the moderate range, while the other two soils have high intake family values of 0.70. Water

infiltrates slowly into low intake family soils, and quickly into high intake family soils (heavy clay = 0.3; sand = 0.8).

According to the SSURGO soil database, one of the soils present on the farm, Chance, has a texture description of "slightly decomposed plant material" at the soil depth of 0 to 1 inch and "moderately decomposed plant material" at the depth of 1 to 2 inches. The available water capacity, percent organic matter, and saturated hydraulic conductivity are a great deal higher for the top two inches of the Chance soil than for any other depths of that soil or any other soils on the property. This indicates that any water applied would penetrate the top two inches almost immediately, making the next soil layer a much better indicator of intake family. For that reason, the characteristics of the soil layer from 2 to 14 inches were used to determine intake family for the Chance soil.

Table 1. Properties of predominant soils.

<i>Fields</i>	<i>Soil Properties</i>			
	<i>MUSYM Code</i>	<i>Name</i>	<i>Slope (percent)</i>	<i>Furrow Intake Family</i>
1,2,3,7	Ch	Chance Fine Sandy Loam	0 to 1	0.55
10	MoA	Moulton Loamy Sand	0 to 1	0.7
1-8	MuA	Moulton Fine Sandy Loam	0 to 1	0.7
2,5,6,8,9,10	No	Notus	0 to 3	0.55

3.3. Crops

The analyzed crop of grass pasture is based on actual historic cropping patterns. Other crops and rotations may result in higher or lower irrigation requirements.

3.4. Climate

The Parma Experiment Station climate station is used as the basis for crop evapotranspiration (ET) requirements for this farm. 80th percentile values of monthly ET for this station were obtained from Richard G. Allen and Clarence W. Robison, 2006 (Revised 2007) and are included in Appendix C.

3.5. Irrigation Efficiency

Per IDWR guidelines (Dreher & Tuthill, 1999), NRCS's FURROW program is used to estimate irrigation efficiency. In this analysis, input parameters include:

- Irrigation application depths ranging from 1.28 to 2.28 inches of water, equivalent to MAD found in Soil Characteristics (Appendix B)
- Corrugate irrigation for grass pasture

- Furrow length ranging from 450 to 950 ft
- Furrow spacing of 2 ft for corrugates
- Furrow slope of 0.005
- Soil intake family as listed in Table 1, and per Soil Characteristics in Appendix B
- Furrow inflow rates range from 3.5 to 9.5 gpm and application times are 12 hours and 24 hours. The most efficient combination of flow and application time is selected for analysis.

Inflow rate is adjusted for application times of 12 or 24 hours in order to determine the optimum irrigation efficiency. All but two of the fields demonstrated peak efficiency with 12-hour sets, with longer sets resulting in decreased efficiency. The remaining two fields have very long furrow lengths and nearly flat slopes, making it unlikely that the water would reach the end of either field in 12 hours, therefore resulting in 24-hour sets.

3.6. Field Irrigation Requirement

Field Application Efficiency (FAE) values are the result of Furrow program runs. Table 2 provides Furrow program results for each field based on furrow spacing and length, soil type, crop, irrigation application depth, irrigation method, and the most efficient inflow time / flow rate combination.

Figure 3 presents a spreadsheet used to determine the Field Irrigation Requirement (FIR) for claim 63-2462 based on crop evapotranspiration requirements, net irrigation application (equivalent to MAD values from the soil analysis spreadsheets, Appendix B), and FAE from Furrow runs (Table 2 and Appendix D). Based on the crop rotation presented, the total on-farm irrigation requirement is 0.93 cfs for 21 acres.

Figure 4 contains the FIR results for the nine fields contained within the place of use for claim 63-30175. The total on-farm irrigation requirement for that claim is 6.58 cfs for 118 acres.

The total on-farm irrigation requirement for claim 63-2462 is 0.044 cfs per acre based on 0.93 cfs for 21 acres. Figure 3 presents the FIR spreadsheet for 63-2462. The total on-farm irrigation requirement for claim 63-30175 is 0.056 cfs per acre based on 6.58 cfs for 118 acres. Figure 4 presents the FIR spreadsheet for 63-30175.

Table 2. Field characteristics (furrow spacing = 2 ft).

Field ID	Size (acres)	Crop	Soil	Irrigation Application (inches)	Slope	Furrow Length (ft)	Inflow Rate (gpm)	Irrigation method	Inflow Time (hours)	Irrigation Efficiency (%)
1	14	Pasture	MuA	1.83	0.005	500	5.5	Corrugations	12	29
2	6	Pasture	No	1.28	0.005	600	5	Corrugations	12	27
3	8	Pasture	MuA	1.83	0.005	500	5.5	Corrugations	12	29
4	8	Pasture	MuA	1.83	0.005	500	5.5	Corrugations	12	29
5	7	Pasture	No	1.28	0.005	450	3.5	Corrugations	12	29

6	25	Pasture	MuA	1.83	0.005	950	9.5	Corrugations	24	16
7	13	Pasture	MuA	1.83	0.005	650	7.5	Corrugations	12	27
8	23	Pasture	MuA	1.83	0.005	900	9	Corrugations	24	16
9	14	Pasture	No	1.28	0.005	650	5.5	Corrugations	12	26
10	21	Pasture	MoA	1.73	0.005	450	5	Corrugations	12	27

* Irrigation efficiency below 15% and above 70% is limited to 15% and 70%, respectively, for FIR determination based on Dreher and Tuthill, 1999.

FIELD IRRIGATION REQUIREMENT															
initials:		mp		Claimant =		Lamar Roche - Claim 63-2462									
date:		06/06/09		Weather Station =		Parma Experiment Station									
crop	acres	irrig. system	eff. (%)	mar	apr	may	jun	jul	aug	sep	oct	AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	irrig. freq. (days)
past	21	cor	27	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.73	1.12	6.1
Summary		21													
Peak Gross Irrigation Application (mm/day) =				26.67											
On-Farm Irrigation Requirement (cfs/acre) =				0.044											
Total On-Farm Irrigation Requirement (cfs) =				0.93											
Irrigation Diversion Volume (ft/yr) =				0.00											
Total Irrigation Diversion Volume (ac-ft/yr) =				0											

Figure 3. Field Irrigation Requirement for claim 63-2462.

FIELD IRRIGATION REQUIREMENT															
initials:	mp		Claimant = Lamar Roche - Claim 63-30175												
date:	06/06/09		Weather Station = Parma Experiment Station												
crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day)								AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	irrig. freq. (days)
				mar	apr	may	jun	jul	aug	sep	oct				
past	14	cor	29	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	6	cor	27	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.28	1.13	4.5
past	8	cor	29	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	8	cor	29	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	7	cor	29	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.28	1.13	4.5
past	25	cor	16	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	13	cor	27	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	23	cor	16	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.83	1.12	6.5
past	14	cor	26	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57		1.28	1.13	4.5
Summary	118														
Peak Gross Irrigation Application (mm/day) =							33.73								
On-Farm Irrigation Requirement (cfs/acre) =							0.056								
Total On-Farm Irrigation Requirement (cfs) =							6.58								
Irrigation Diversion Volume (ft/yr) =							0.00								
Total Irrigation Diversion Volume (ac-ft/yr) =							0								

Figure 4. Field Irrigation Requirement for claim 63-30175.

4. RESULTS AND CONCLUSIONS

The above analysis indicates an average field irrigation requirement of 0.044 cfs per acre for claim 63-2462, and 0.056 cfs per acre for claim 63-30175. Both amounts exceed the Idaho standard irrigation rate of 0.02 cfs per acre, as well as the amounts claimed for the water rights.

Due to the conditions existing in Fields 6 and 8, primarily the long furrow lengths, the field irrigation requirement results were much higher for 63-30175 than for 63-2462. Although imagery does not indicate the furrow lengths are split in actual practice, doing so would improve the efficiency of the irrigation for those fields. If furrow lengths were reduced by half using cross-ditches for those fields, preliminary calculations result in efficiencies and diversion requirements consistent with the other fields measured. This would bring the average field irrigation requirement down to 0.043 cfs per acre for claim 63-30175.

5. REFERENCES

Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). ***Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho***. Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID

Dreher and Tuthill, 1999. ***Report Regarding Evaluation of Irrigation Diversion Rates***. Idaho Department of Water Resources, January 14, 1999.

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Soil Survey Geographic (SSURGO) Database [Online at <http://www.ncgc.nrcs.usda.gov/products/datasets/ssurgo/>].

Document Info:

SPF Job Number: 735.0010
Filename: Lamar Roche_FIR_Report.doc
File Size: 2701312 bytes
Last edited: 6/9/2009
Pages: 12

APPENDIX A
ADJUDICATION CLAIM REPORTS FOR
63-2462 & 63-30175

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

5/13/2009

WATER RIGHT NO. 63-2462

Owner Type	Name and Address
Current Owner	LAMAR ROCHE 23019 HWY 20-26 PARMA, ID 83660 (208)722-6185
Original Owner	HELEN J MACK 9600 W BROOKSIDE LN BOISE, ID 83714 (208) 939-4141

Priority Date: 01/20/1945

Basis: License

Status: Active

Source	Tributary
SAND CREEK	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

SAND CREEK|SWNE|Sec. 30|Township 05N|Range 04W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	04W	30	8	SWSW	7									
		31	8	NWNW	1									
	05W	25	2	SWSE	1	10	SESE	16						

Total Acres: 25

Dates:

Licensed Date: 08/28/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

5/13/2009

WATER RIGHT NO. 63-30175

Owner Type	Name and Address
Current Owner	LAMAR ROCHE 23019 HWY 20-26 PARMA, ID 83660 (208)722-6185

Priority Date: 12/02/1894

Basis: Beneficial Use

Status: Active

Source	Tributary
SAND HOLLOW CREEK	BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	4.25 CFS	
Total Diversion			4.25 CFS	

Location of Point(s) of Diversion:

SAND HOLLOW CREEK|SWNE|Sec. 30|Township 05N|Range 04W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	04W	30		SWNW	2									
				NESW	32		NWSW	33		SWSW	23.5		SESW	26
				NWSE	0.5									
		31	9	NENW	0.5	4	NWNW	0.5						

Total Acres: 118

Conditions of Approval:

- CLAIMANT LEASES THIS PROPERTY - OWNER HAS NOT FILED ON THIS WATER RIGHT.
- Claim amended 1-7-2009 to change the POU, quantity, and priority date. kkc

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

APPENDIX B

SOIL CHARACTERISTICS

SOIL CHARACTERISTICS

initials: mp

date: MAY 13, 2009

Soil Type = Chance Fine Sandy Loam (Ch)

0-1" = PT; 1-2" = PT; 2-14" = SC; 14-25" = SC; 25-62" = GP-GM, SM, SP-SM

Source of Soils Data = Soil Survey of Canyon Area, Idaho. Version 8, Jun 25, 2008

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	1	0.3	0.6	6.6	7.8	1	2	1	2.30	2	0.55
1	2	0.3	0.6					2	3.88		
2	14	0.13	0.15					3	4.56		
14	25	0.11	0.15					4	5.16	alternate	
25	62	0.03	0.07					5	5.76	method	
										2	0.55

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.88
corn (field or silage)	4	0.5	2.58
grain (winter or spring)	4	0.5	2.58
pasture (or grass hay)	3	0.5	2.28
other (enter below)			
turf	1	0.5	1.15
orchard	5	0.5	2.88

SOIL CHARACTERISTICS

initials: mp

date: MAY 27, 2009

Soil Type = Moulton Loamy Sand (MoA)

0-3" = SM; 3-21" = SC; 21-60" = GW

Source of Soils Data =

Soil Survey of Canyon Area, Idaho. Version 8, Jun 25, 2008

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	3	0.06	0.08	6.6	7.8	2	4	1	1.38	3	0.7
3	21	0.11	0.15					2	2.73		
21	60	0.04	0.08					3	3.45		
								4	4.17	alternate	
								5	4.89	method	
										3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.45
corn (field or silage)	4	0.5	2.09
grain (winter or spring)	4	0.5	2.09
pasture (or grass hay)	3	0.5	1.73
other (enter below)			
turf	1	0.5	0.69
orchard	5	0.5	2.45

SOIL CHARACTERISTICS

initials: mp

date: MAY 27, 2009

Soil Type = Moulton Fine Sandy Loam (MuA)

0-3" = SC; 3-21" = SC; 21-60" = GW

Source of Soils Data = Soil Survey of Canyon Area, Idaho. Version 8, Jun 25, 2008

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	3	0.13	0.15	6.6	7.8	2	4	1	1.59	3	0.7
3	21	0.11	0.15					2	2.94		
21	60	0.04	0.08					3	3.66		
								4	4.38	alternate	
								5	5.10	method	
										3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.55
corn (field or silage)	4	0.5	2.19
grain (winter or spring)	4	0.5	2.19
pasture (or grass hay)	3	0.5	1.83
other (enter below)			
turf	1	0.5	0.80
orchard	5	0.5	2.55

SOIL CHARACTERISTICS

initials: mp

date: MAY 6, 2009

Soil Type = Notus (No)

0-1" = SM; 1-14" = SM; 14-60" = GP-GM

Source of Soils Data =

Soil Survey of Canyon Area, Idaho. Version 8, Jun 25, 2008

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family
lower	upper	lower	upper	lower	upper	lower	upper			flood furrow
0	1	0.11	0.13	6.1	8.4	0.5	1	1	1.44	2 0.55
1	14	0.11	0.13					2	2.08	
14	60	0.03	0.05					3	2.56	
								4	3.04	alternate
								5	3.52	method
										2 0.55

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	1.76
corn (field or silage)	4	0.5	1.52
grain (winter or spring)	4	0.5	1.52
pasture (or grass hay)	3	0.5	1.28
other (enter below)			
turf	1	0.5	0.72
orchard	5	0.5	1.76

APPENDIX C
CLIMATE DATA

ET_{Idaho} --- Evapotranspiration and Consumptive Irrigation

Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2007, University of Idaho.

Parma Experiment Station (NWS NOAA--106844)

Statistics based on 30 years between 1971 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Pasture - high management													
Precipitation Deficit (Click here for a graph)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a
Mean	mm/day												mm
Monthly ^b	0.19	0.12	0.69	3.14	4.65	5.32	5.95	4.79	2.81	1.13	-0.46	-0.49	863
15-Day Moving Average ^c	0.21	0.03	0.62	3.21	4.65	5.33	5.98	4.69	2.71	1.20	-0.49	-0.47	
7-Day Moving Average ^d	0.20	0.09	0.65	3.17	4.66	5.32	5.98	4.75	2.76	1.15	-0.51	-0.47	
3-Day Moving Average ^e	0.19	0.11	0.68	3.17	4.64	5.32	5.96	4.78	2.79	1.13	-0.48	-0.47	
Standard Deviation	mm/day												mm
Monthly	0.50	0.16	0.82	0.96	1.19	0.79	0.76	0.74	0.72	0.69	0.48	0.72	65
15-Day Moving Average	0.53	0.26	0.79	1.14	1.34	1.16	0.64	0.83	1.02	0.79	0.72	0.64	
7-Day Moving Average	0.72	0.42	1.06	1.42	1.80	1.70	0.90	1.14	1.35	1.16	1.04	0.83	
3-Day Moving Average	0.98	0.61	1.45	1.91	2.33	2.31	1.32	1.52	1.72	1.50	1.49	1.17	
20% Exceedance	mm/day												mm
Monthly	0.04	0.24	1.12	3.71	5.33	6.07	6.43	5.13	3.27	1.57	-0.02	-0.01	915
15-Day Moving Average	0.18	0.46	2.13	4.64	6.46	6.64	6.88	5.77	3.98	2.42	0.37	0.20	
7-Day Moving Average	0.31	0.74	2.84	5.45	7.31	7.28	7.24	6.40	4.91	3.17	0.58	0.29	
3-Day Moving Average	0.39	1.01	3.62	6.46	8.02	8.34	8.16	7.44	6.02	4.01	0.82	0.39	
80% Exceedance	mm/day												mm
Monthly	0.38	-0.01	0.19	2.71	3.87	4.58	5.46	4.35	2.49	0.66	-0.74	-1.04	782

15-Day Moving Average	0.83	-0.17	-0.44	1.53	2.49	3.00	4.78	3.19	1.27	0.26	-1.66	-1.59	
7-Day Moving Average	1.62	-0.72	-1.06	0.62	0.68	0.70	3.82	1.67	0.10	1.38	-3.12	-2.85	
3-Day Moving Average	2.82	-1.84	-3.00	-1.92	-2.68	-3.69	1.27	0.04	1.92	3.87	-5.39	-4.70	
Ave Highest ET	mm/day												--
15-Day Moving Average ^f	0.12	0.29	1.36	4.01	5.64	6.26	6.48	5.39	3.48	1.88	0.19	0.09	
7-Day Moving Average ^g	0.24	0.59	1.97	4.86	6.57	6.97	6.89	6.09	4.26	2.54	0.44	0.20	
3-Day Moving Average ^h	0.33	0.77	2.62	5.80	7.40	7.86	7.61	6.99	5.16	3.16	0.68	0.32	
Ave Lowest ET	mm/day												--
15-Day Moving Average ^f	0.48	-0.11	0.00	2.43	3.60	4.43	5.43	4.07	2.01	0.46	-1.01	-0.91	
7-Day Moving Average ^g	0.98	-0.48	-0.65	1.44	2.05	2.92	4.66	3.25	1.09	0.38	-1.85	-1.62	
3-Day Moving Average ^h	1.98	-1.22	-1.95	-0.37	-0.32	0.59	3.06	1.85	0.30	1.74	-3.85	-2.94	
Special normal distribution parameters for monthly, seasonal, and annual intervals													--
Skew	0.57	-0.40	0.21	-1.40	-0.22	-0.37	0.20	-0.19	0.47	0.00	-0.82	-0.23	-0.31
Kurtosis	1.18	3.36	0.87	5.22	0.94	2.27	0.54	1.00	3.67	0.60	3.09	0.57	2.11

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

Copyright 2007, University of Idaho.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under

contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

APPENDIX D
FURROW.EXE RESULTS

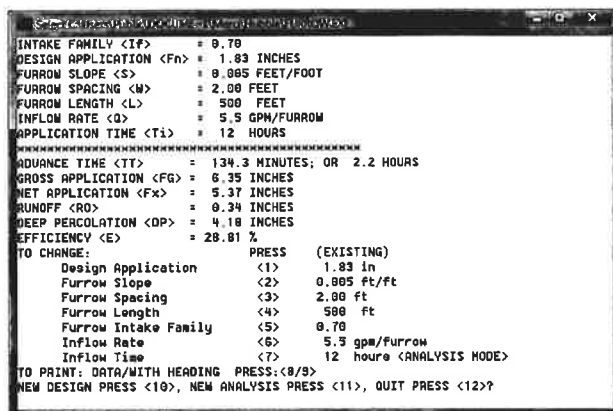


Figure 1, Field 1, pasture

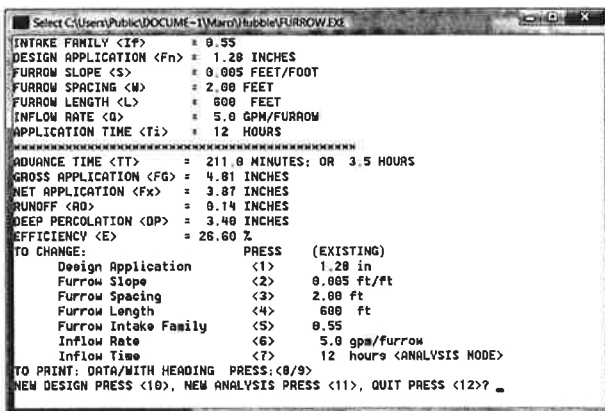


Figure 2, Field 2, pasture

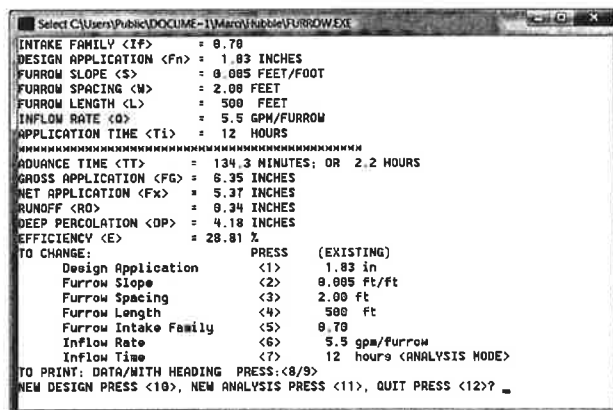


Figure 3, Fields 3 & 4, pasture

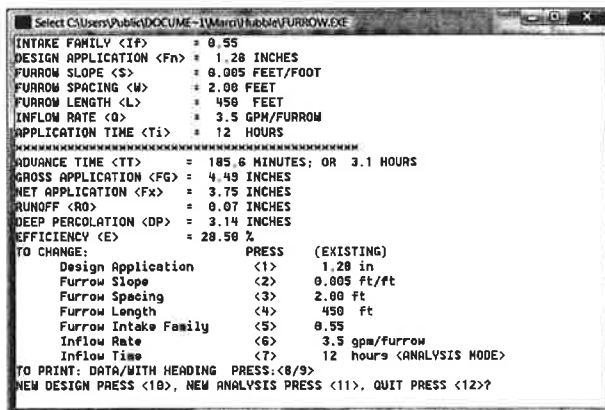


Figure 4, Field 5, pasture

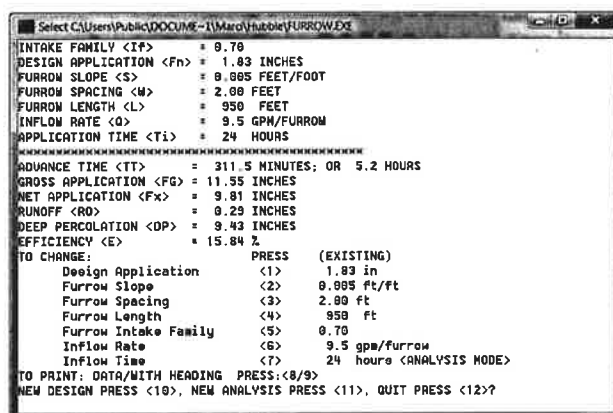


Figure 5, Field 6, pasture

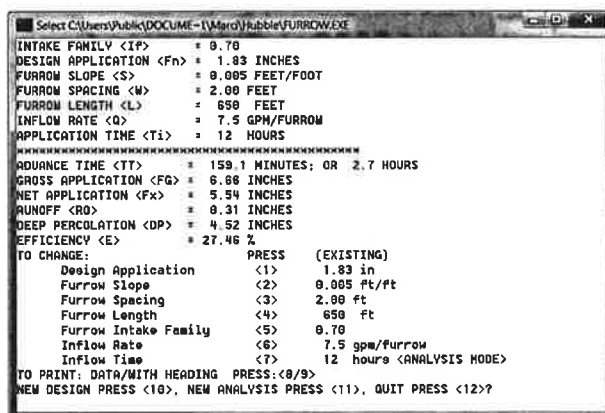


Figure 6, Field 7, pasture

```

Select C:\Users\Public\DOCUMENTS\I-M\Hubble\FURROW.EXE
INTAKE FAMILY <IF> = 0.70
DESIGN APPLICATION <Fn> = 1.83 INCHES
FURROW SLOPE <S> = 0.005 FEET/FOOT
FURROW SPACING <W> = 2.00 FEET
FURROW LENGTH <L> = 900 FEET
INFLOW RATE <Q> = 9.0 GPM/FURROW
APPLICATION TIME <Ti> = 24 HOURS
ADVANCE TIME <TT> = 295.1 MINUTES; OR 4.9 HOURS
GROSS APPLICATION <FG> = 11.55 INCHES
NET APPLICATION <Fx> = 9.80 INCHES
RUNOFF <RO> = 0.40 INCHES
DEEP PERCOLATION <DP> = 9.32 INCHES
EFFICIENCY <E> = 15.84 %
TO CHANGE: PRESS (EXISTING)
  Design Application <1> 1.83 in
  Furrow Slope <2> 0.005 ft/ft
  Furrow Spacing <3> 2.00 ft
  Furrow Length <4> 900 ft
  Furrow Intake Family <5> 0.70
  Inflow Rate <6> 9.0 gpm/furrow
  Inflow Time <7> 24 hours <ANALYSIS MODE>
TO PRINT: DATA/WITH HEADING PRESS:<8/9>
NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

```

Figure 7, Field 8, pasture

```

Select C:\Users\Public\DOCUMENTS\I-M\Hubble\FURROW.EXE
INTAKE FAMILY <IF> = 0.55
DESIGN APPLICATION <Fn> = 1.20 INCHES
FURROW SLOPE <S> = 0.005 FEET/FOOT
FURROW SPACING <W> = 2.00 FEET
FURROW LENGTH <L> = 650 FEET
INFLOW RATE <Q> = 5.5 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS
ADVANCE TIME <TT> = 221.0 MINUTES; OR 3.7 HOURS
GROSS APPLICATION <FG> = 4.89 INCHES
NET APPLICATION <Fx> = 3.88 INCHES
RUNOFF <RO> = 0.14 INCHES
DEEP PERCOLATION <DP> = 3.47 INCHES
EFFICIENCY <E> = 26.20 %
TO CHANGE: PRESS (EXISTING)
  Design Application <1> 1.20 in
  Furrow Slope <2> 0.005 ft/ft
  Furrow Spacing <3> 2.00 ft
  Furrow Length <4> 650 ft
  Furrow Intake Family <5> 0.55
  Inflow Rate <6> 5.5 gpm/furrow
  Inflow Time <7> 12 hours <ANALYSIS MODE>
TO PRINT: DATA/WITH HEADING PRESS:<8/9>
NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

```

Figure 8, Field 9, pasture

```

Select C:\Users\Public\DOCUMENTS\I-M\Hubble\FURROW.EXE
INTAKE FAMILY <IF> = 0.70
DESIGN APPLICATION <Fn> = 1.73 INCHES
FURROW SLOPE <S> = 0.005 FEET/FOOT
FURROW SPACING <W> = 2.00 FEET
FURROW LENGTH <L> = 450 FEET
INFLOW RATE <Q> = 5.0 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS
ADVANCE TIME <TT> = 118.5 MINUTES; OR 2.0 HOURS
GROSS APPLICATION <FG> = 6.42 INCHES
NET APPLICATION <Fx> = 5.38 INCHES
RUNOFF <RO> = 0.49 INCHES
DEEP PERCOLATION <DP> = 4.20 INCHES
EFFICIENCY <E> = 28.96 %
TO CHANGE: PRESS (EXISTING)
  Design Application <1> 1.73 in
  Furrow Slope <2> 0.005 ft/ft
  Furrow Spacing <3> 2.00 ft
  Furrow Length <4> 450 ft
  Furrow Intake Family <5> 0.70
  Inflow Rate <6> 5.0 gpm/furrow
  Inflow Time <7> 12 hours <ANALYSIS MODE>
TO PRINT: DATA/WITH HEADING PRESS:<8/9>
NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

```

Figure 9, Field 10, pasture

Idaho Dept of Water Resources
Objection review notes and narrative

Date: 6-12-2008

File: 63-30175 Roche obj review.doc

Prepared by Kelly K Christensen

The claim was recommended for disallowal as evidence of priority was not timely submitted.

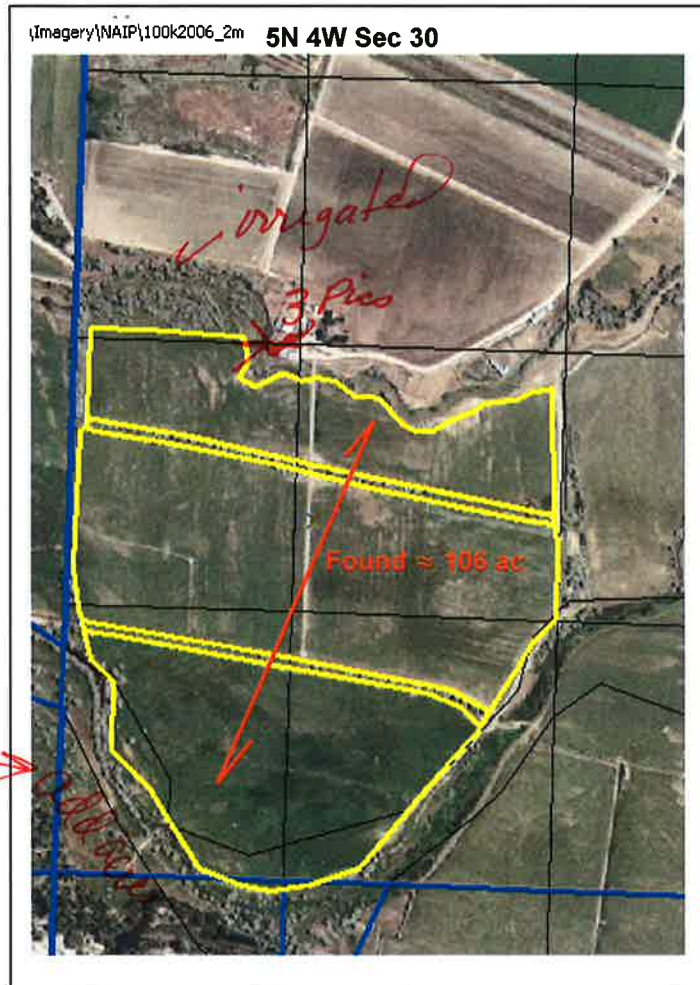
Evidence of priority submitted Nov 15, 2006 states knowledge of a 1941 use.

Licensed right 63-2227 (priority date 9-16-1913) is for 105 acres and 2.10 cfs for the same basic place of use (POU) as outlined to the right. The field exam conducted on Nov 14, 1917 found the system capacity to be 4.25 cfs.

Per Jan Schurte, Roche indicated that his actual irrigation is less than the claimed acres. This would be consistent with the observation that there is only one POD claimed for a diversion system that runs south of Sand Hollow Creek. The claimed ground north of Sand Hollow Creek does not appear to be able to be irrigated from this system.

In investigating 63-4036B, Lori Graves measured the diversion rate on the portion of the ditch associated with that claim. She found the ditch carrying 2.42 cfs at that point. Obviously the ditch can carry the licensed rate for 63-2227. The claimant indicated that he wants greater than an inch per acre for the irrigation of his ground.

Documentation of the need for excess flow and that the ditch has the capacity to carry that amount would be necessary.



Copied from recommendation of 63-4036B

4. lgraves 8/15/2006 P/D

Comment: According to the field exam, the p/d from Sand hollow Creek is a shared headgate that diverts water into a common ditch. The water is then split off the common ditch amongst several users/headgates. The Sand Hollow Creek measurement for this right was conducted at the Johnson headgate off the common ditch (see field exam located in the file for measurement location). Flow rate measured was 2.42 cfs.

POSSIBLE RESOLUTION

I could recognize this parcel based upon license 63-2227. This would be for 2.10 cfs on 105 acres. Any additional rate or acres would then require another claim.

Alternatively assuming one claim only exceeding 105 acres and 1 inch per acre I could recognize a beneficial use claim. Additional information would be required, excess flow analysis would be needed, and as things stand, the priority date would be 1941.

Need to determine if canal shares are used on the property.

COPY

**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	)	Subcase No. 63-30175
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

_____ Lamar Roche	_____ Date
----------------------	---------------

DWR Concurrence:

Kelly Christensen 7-15-09
Kelly Christensen Date
Senior Water Resource Agent

Nick Spencer 7-14-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

07/07/2009

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

RIGHT NUMBER: 63-30175

NAME AND ADDRESS: LAMAR ROCHE
23019 HWY 20-26
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~2.350~~ 4.250 CFS

PRIORITY DATE: 03/01/1895

POINT OF
DIVERSION:

T05N R04W S30 SWNE 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	~~2.350~~ 4.250 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R04W S30 Lot 6 SWNW	5.80	T05N R04W S30 Lot 3 NESW	31.00
T05N R04W S30 Lot 5 NWSW	32.00	T05N R04W S30 SWSW	3.80
T05N R04W S30 Lot 4 SWSW	20.00	T05N R04W S30 SESW	2.40
T05N R04W S30 Lot 9 SESW	22.00	T05N R04W S31 NENW	0.10
T05N R04W S31 NWNW	0.30		

117.4 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

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

LORI GRAVES
SPF WATER ENGINEERING
300 E. MALLARD, STE. 350
BOISE, ID 83706

LAMAR ROCHE
23019 HWY. 20/26
PARMA, ID 83660

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

RECEIVED

MAY 08 2009

DEPARTMENT OF
WATER RESOURCES

2009 MAY 07 PM 03:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-30175

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

TUESDAY, JUNE 02, 2009 at 02:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

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

IT IS SO ORDERED.

Dated: MAY 07, 2009

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on MAY 07, 2009, with sufficient first-class postage to the following:

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

LORI GRAVES
SPF WATER ENGINEERING
300 E MALLARD, STE 350
BOISE, ID 83706

LAMAR ROCHE
23019 HWY 20/26
PARMA, ID 83660
Phone: 208-250-5575

RECEIVED

APR 27 2009

DEPARTMENT OF
WATER RESOURCES

IN THE 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

A. Subcase 63-30175

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Lamar Roche
Address: 23019 Hwy 20-26
Parma, Id 83660

Daytime Phone: (208) 250-5575

Name & Address of Attorney, if any:

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

Name: Lamar Roche
Address: 23019 Hwy 20-26
Parma, ID 83660

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 4.25 cfs (as claimed)
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

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

E. REASONS SUPPORTING OBJECTION(S): Claim 63-30175 represents the same diversion system and acres licensed under right 63-2227. The claimed place of use is adjacent to the Boise River and consists of gravelly soils as described in the licensing exam for right 63-2227 as "lands of poor quality". The area is also described as "bottom lands" in the Boise River Stewart Decree. Because of the soil type and method of irrigation (gravity), additional flow is required to meet crop needs.

F. VERIFICATION (Must be completed)

State of Idaho)
County of Ada)ss.

LaMar Roche, duly sworn, upon oath, deposes and says:

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

LaMar Roche

Subscribed and sworn to before me on: April 24, 2009



Lori Graves
Notary Public for SPF Water Eng.

Residing at: Boise

My Commission Expires: 6/18/2010

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 4/29, 2009, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

Name:
Address:

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

(mailed by) Cuppes Weber
Signature of Objector or attorney



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 29, 2008

Special Master Theodore R. Booth
Snake River Basin Adjudication
253 3rd Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Subcase No. 63-30175 (Roche)

Dear Special Master Booth:

A *Motion to File Amended Notice of Claim* was filed on September 12, 2008. An *Amended Notice of Claim* was filed with the SRBA Court simultaneously. It appears that the *Amended Notice of Claim* filed with the Court, and the copy received by the Idaho Department of Water Resources ("IDWR") is not signed.

Currently, there is a status conference set for this matter on January 13, 2009. Although a hearing has not been set for the *Motion to File Amended Claim*, a signed *Amended Notice of Claim* is required for the Court's consideration and for IDWR to proceed in its investigation of the claim if the motion is granted.

I wanted to bring this to the attention of you and the parties to avoid any potential issues as we move forward with this subcase.

Sincerely,

A handwritten signature in black ink that reads "Nick Spencer". The signature is stylized with a large, sweeping "N" and a long, horizontal stroke at the end.

Nicholas B. Spencer
Deputy Attorney General, IDWR

cc: Lamar Roche
Kelly Christensen

Christensen, Kelly

From: Baxter, Garrick
Sent: Thursday, March 26, 2009 3:57 PM
To: Christensen, Kelly
Cc: Kelly, Vicki; Spencer, Nick; Williams, Ray
Subject: RE: 63-30175 Roche (deadline 3-31-09 ADR deadline)

Kelly,

I would recommend going with the 1895 priority date. From what you tell me, the affidavit covers the place of use for 63-2227. Thus, Roche has pointed to an affidavit which clearly says that the water was being used on the place of use 20 years before the date of the affidavit. Normally, this is acceptable proof to the Department to recommend this as a beneficial use right earlier than the license. While I realize that this might be upsetting the historical practice, it is Roche's right to come in and try to argue that his water right was developed first. I don't think that upsetting the historical practice is a sufficient reason for us to not give Roche a priority date which we would normally recommend. Hope this helps.

Thanks,
Garrick

From: Christensen, Kelly
Sent: Thursday, March 26, 2009 2:43 PM
To: Baxter, Garrick
Cc: Kelly, Vicki
Subject: FW: 63-30175 Roche (deadline 3-31-09 ADR deadline)
Importance: High

Since Both Nick and Ray are apparently out of town I decided to forward this to you for a possible answer.

Thanks kkc

From: Christensen, Kelly
Sent: Thursday, March 26, 2009 2:34 PM
To: Spencer, Nick
Cc: Williams, Ray
Subject: 63-30175 Roche (deadline 3-31-09 ADR deadline)
Importance: High

I have worked through a recommendation for this right but have one question.

Most all of the information for the priority date comes from the Proof of beneficial use submitted for 63-2227 where the affiant states that he knows that the water has been used for irrigation for 20 years. Proof date = Dec 1914 less the 20 yrs gives 1894 translating into 3-1-1895 priority date. 63-2227 was licensed with a 9-16-1913 priority date basically for the same ground.

A second right shares the point of diversion, 63-2150 and has a 12-19-1910 priority date. The place of use is also closer to the POD than this right.

My inclination is to go with a 12-20-1910 priority date to maintain the historic relationship between the two rights. If I go with the 1895 priority date then the historic relationship between the two rights would be switched.

Thoughts comments?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Recommendation for 83-30175 (amended)

1. Priority date 12-2-1894 Rec 3-1-1895
Rec Begin irr season 3-1-1895

Ev. priority = Proof of Beneficial use submitted by S. G Tucker dated Dec 2, 1914. On Ques 10 he states that the lands have been irrigated for 20 years. Thus $1914 - 20 = 1894$ as irrigation does not occur in winter I am recognizing the beginning of the irr season the following year. Evidence weak but the best info available.

2. POU. The recommended POU is 0.60 acres short of the claimed POU which is primarily based upon splitting some Q/Qs by gut lot thereby generating rounding issues.

3. div rate. The claimed rate is based upon the licensing field exam for 83-2227 that stated that the system capacity was 4.25 cfs as of Nov 14, 1917. They also point out that the field examiner identified the land as poor quality devoted primarily to pasture.

While I concur that the ground indeed does appear to be of poor quality and likely to require more than 1" per acre, this does not quantify a diversion requirement of 4.25 cfs. A side point. This is a shared system & if all were for this system the other would be cut off.

03/26/2009

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

RIGHT NUMBER: 63-30175

NAME AND ADDRESS: LAMAR ROCHE
23019 HWY 20-26
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2.350 CFS

PRIORITY DATE: 03/01/1895

POINT OF
DIVERSION:

T05N R04W S30 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.350 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R04W S30 Lot 6 SWNW	5.80	T05N R04W S30 Lot 3 NESW	31.00
T05N R04W S30 Lot 5 NWSW	32.00	T05N R04W S30 SWSW	3.80
T05N R04W S30 Lot 4 SWSW	20.00	T05N R04W S30 SESW	2.40
T05N R04W S30 Lot 9 SESW	22.00	T05N R04W S31 NENW	0.10
T05N R04W S31 NWNW	0.30		

117.4 ACRES TOTAL

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

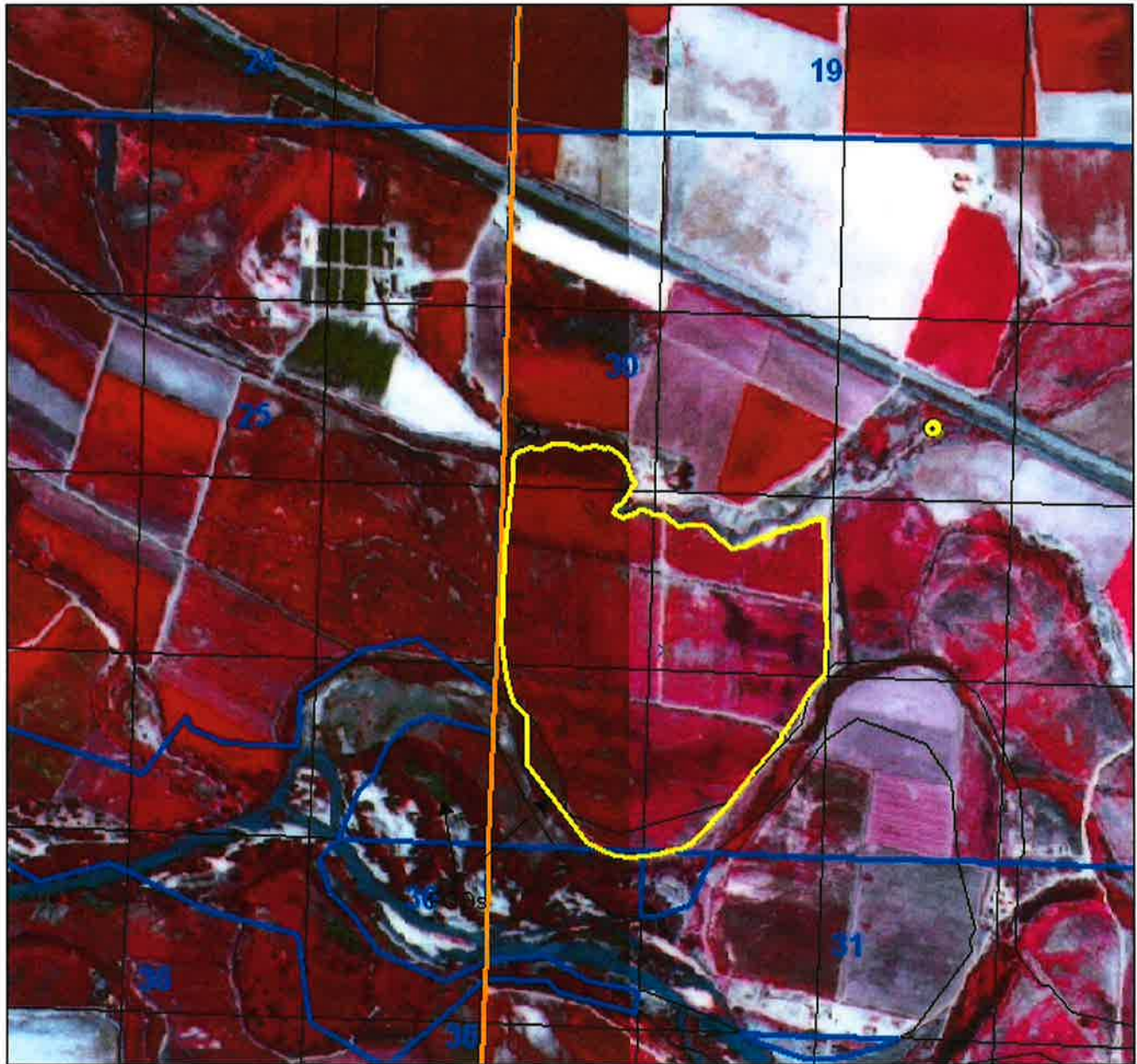
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*KKC 5-18-09
determined that
it should be
SNAKE RIVER
Not Boise River.
S.O. modified this date*

*Possibly Chg to
12-20-1910
priority date*

Idaho Department of Water Resources
**RECOMMENDED PLACE OF USE FOR
63-30175**



PLACE OF USE
TWP 05N, RNG 04W, SEC 30

-  Recommended point of diversion
-  Recommended place of use
-  Township
-  Section
-  Quarter/Quarters

 LOCATION IN BASIN

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP PHOTOGRAPHY
BY KELLY K CHRISTENSEN**



Basin 63



Christensen, Kelly

Booth
Conf call # 1-225-383-1099
675342

From: Christensen, Kelly
Sent: Tuesday, January 13, 2009 7:33 AM
To: Spencer, Nick
Subject: RE: 63-30175 & 63-2227 (Roche)

My thought originally was to file 63-2227 as licensed and then file 63-30175 as an overlapping right that would also pickup the additional acreage. There are a few acres associated with the main POU (2227 ground) that is not covered by the license besides the 20 independent acres. To make this work 63-30175 needs to be amended to add acres. An alternative would be to go with a single beneficial use right with a later priority date (currently a 1941 date is supported) for excess flows and acres.

Do you want me to participate in the conference call today? If so I would need Booth's number as I have never worked with him yet.

kkc

From: Spencer, Nick
Sent: Monday, January 12, 2009 4:47 PM
To: Christensen, Kelly
Subject: RE: 63-30175 & 63-2227 (Roche)

Okay. I hope someone from SPF will be on the line tomorrow for the hearing. I will tell them that I have contacted you about the situation and that you do not think an amended claim for 63-30175 is a good substitute for a late claim for 63-2227 because it will leave 20 acres without a water right. I will suggest that the SPF people got hold of you to discuss. I doubt that SM Booth will want to wait nine months for an ADR for 63-30175, which is probably how long it would take for Roche to get a late claim hearing before Judge Melanson and a late claim recommendation in the first available late claims report (Fall 2010). If you know from SPR that a late claim for 63-2227 is going to be filed, and what the late claim will look like, will you be able to do an ADR for 63-30175 ahead of a late claim recommendation for 63-2227, and have them still fit together okay?

From: Christensen, Kelly
Sent: Monday, January 12, 2009 4:32 PM
To: Spencer, Nick
Subject: RE: 63-30175 & 63-2227 (Roche)

The only thing with this is that this leaves about 20 acres without a water right. I do not know what is going on. I can do an adr fairly quickly once the info comes in but I don't think that they will like it.

kkc

From: Spencer, Nick
Sent: Monday, January 12, 2009 3:11 PM
To: Christensen, Kelly
Cc: Williams, Ray
Subject: 63-30175 & 63-2227 (Roche)

Hi Kelly. Looking at this file it looks like Roche decided not to file a late claim for 63-2227 and instead to file an amended claim for 63-30175, using information from old license file 63-2227 to support his claim for a higher per acre diversion rate on 63-30175. I suspect that if SPF either gets a signed amended claim to SM Booth by the hearing tomorrow, or Roche promises to file one with the court, the SM will grant the motion to amend at tomorrow's hearing. If he does he will want to know how long it will take IDWR to prepare an Amended Director's Report. I know you have met with Roche and done some field work. By what date do you think you could have an ADR for the amended claim completed (assuming we get a signed copy of the amended claim soon)? Thanks. NBS

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, December 19, 2008 11:58 AM
To: Spencer, Nick; Williams, Ray
Subject: 37-2227 Roche associated with 30175 due 1-13-2009

I am confused. It was my understanding that 37-2227 was not claimed but I see that it is set for a status conference 1-13-2009. It is not flagged as going through a late claim hearing and to the best of my knowledge, the department has not received late claim fees.

The latest activity for 37-30175 on the court page is an unsigned amended claim increasing the diversion rate and reducing the acreage. I thought that the amended claims at least needed to be signed.

I am reluctant to work on this until I understand where I stand.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-30175
Date Received: 3/26/1990
Receipt No: W011696
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LAMAR ROCHE Phone: (208)722-6185
23019 HWY 20-26
PARMA ID USA 83660

2. Date of Priority: 01/01/1880

3. Source: SAND HOLLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04W	30	SW NE	CANYON	

5. Description of diverting works:

DIVERSION DAM ON CREEK TO DITCH ON PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	4	200

7. Total Quantity Appropriated is:

4 C.F.S. and/or 200 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	04W	30	NE SW	IRRIGATION	40
			NW SW	IRRIGATION	36
			SW SW	IRRIGATION	33
			SE SW	IRRIGATION	17
			SW NE	IRRIGATION	1

			SW	NW	IRRIGATION	30
					Section Acres	157
05N	04W	31	NE	NE	IRRIGATION	27
			NW	NE	IRRIGATION	2
					Section Acres	42
05N	05W	25	SE	SE	IRRIGATION	14
					Section Acres	14
					Total Acres	200

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Claim amended to change the place of use to include land covered by water right 63-2462 (not claimed) and to include an excess flow rate of diversion for all of the irrigated ground including the ground covered by 63-2227 (pending late claim)

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

-2227
63-2462

100A
2CFS
\$50
\$50
\$100

A E B

150A

4.5CFS

150
.03
4050
1945
excess flow

3 pan @ house look W

3 pan center of 6rd So of slough
showing on both sides of ditch.
looking NW to WSW on left

1 pic looking SSW new pipeline crossing slough

1 pic look ENE showing old pipeline

May 12, 2008

LAMAR ROCHE
23019 HWY 20/26
PARMA, ID 83660

RE: Water right 63-30175

Mr. Roche:

Per our phone conversation this morning, you stated you may be interested in excessive flow for the claim identified above. Normally an inch per acre is enough water for crops to grow in Idaho and is the statutory amount recognized by Idaho law to provide enough water for crops. As explained in Idaho Code, Sec. 42-220, the need for excessive flow is up to the claimant and you must decide if you want to pursue excessive flow or not.

I have enclosed the form, Irrigation Flow Rate Questionnaire. Please complete the form and return it to the Department within 30 days if you decide to claim excessive flow. Once the forms are completed and returned, the Department can then determine if more than 1 inch per acre is necessary.

I have also enclosed a copy of the affidavit you submitted as Evidence of Priority as you requested.

If you have any questions please do not hesitate to contact me at 334-2190.

Sincerely,

Sandy Egbert
GIS Specialist

Enc.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2227

WATER RIGHT NUMBER: 63-2227

Owner Type Name and Address
 Current Owner HERBERT F LEMP
 BOISE, ID

Priority Date: 09/16/1913

Basis: License

Status: Active

Source Tributary
 SAND CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.100 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	2.100 CFS	

Location of Point(s) of Diversion

SAND CREEK SW 1/4NE1/4 Sec. 30, Twp 05N, Rge 04W, B.M.
 CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	04W	30									30.0	30.0	25.0	20.0					105.0

Total Acres: 105

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:*No claim filed in SRBA*

field exam made in 14 Nov 1917
field exam indicates capacity of ditch
at exam date = 4.25 cfs.
license indicates sup cap = 3.9 sec ft

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2227

Licensed Date: 8/21/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

State of Idaho
License and Certificate of Water Right

Water License No. 9728

Amount 2.1 Sec. Ft.

Water District No. 12 A

Priority 9/16/13

THIS IS TO CERTIFY that **Herbert Lemp**
of **Boise, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **September 16**, 19 **13**; that Permit No. **9728**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.9 second feet, was issued thereunder on **June 28**, 19 **21**, showing that said works
were completed on the **3rd** day of **September**, 19**14**; and that on the **2nd**
day of **December**, 19**14**,

Herbert Lemp,

of **Boise**, State of **Idaho**, made proof to the satisfaction of the
State Engineer of Idaho, of the right to use the waters of **Sand**
Creek, a tributary of **Boise River**, for the purpose of irrigation
and domestic use, under Use Permit No. **9728** of the **State Engineer**
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume **5** of Licenses, at page **2802**, on the **30th** day of **June**, 19**21**;

The right hereby confirmed dates from **September 16**, 19**13**;

The Point of Diversion is located
in the **SW** $\frac{1}{4}$ **NE** $\frac{1}{4}$ Sec. **30**, Tp. **5 N.**, R. **4 W.**, **B. M.** **County of Canyon**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed **2.1** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	4 W	30	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.51	30
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.00	30
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.93	25
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.00	20
		25	SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.80	--
		31	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.70	--
		36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.50	--

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho.
this **30th** day of **June**, 19 **21**.

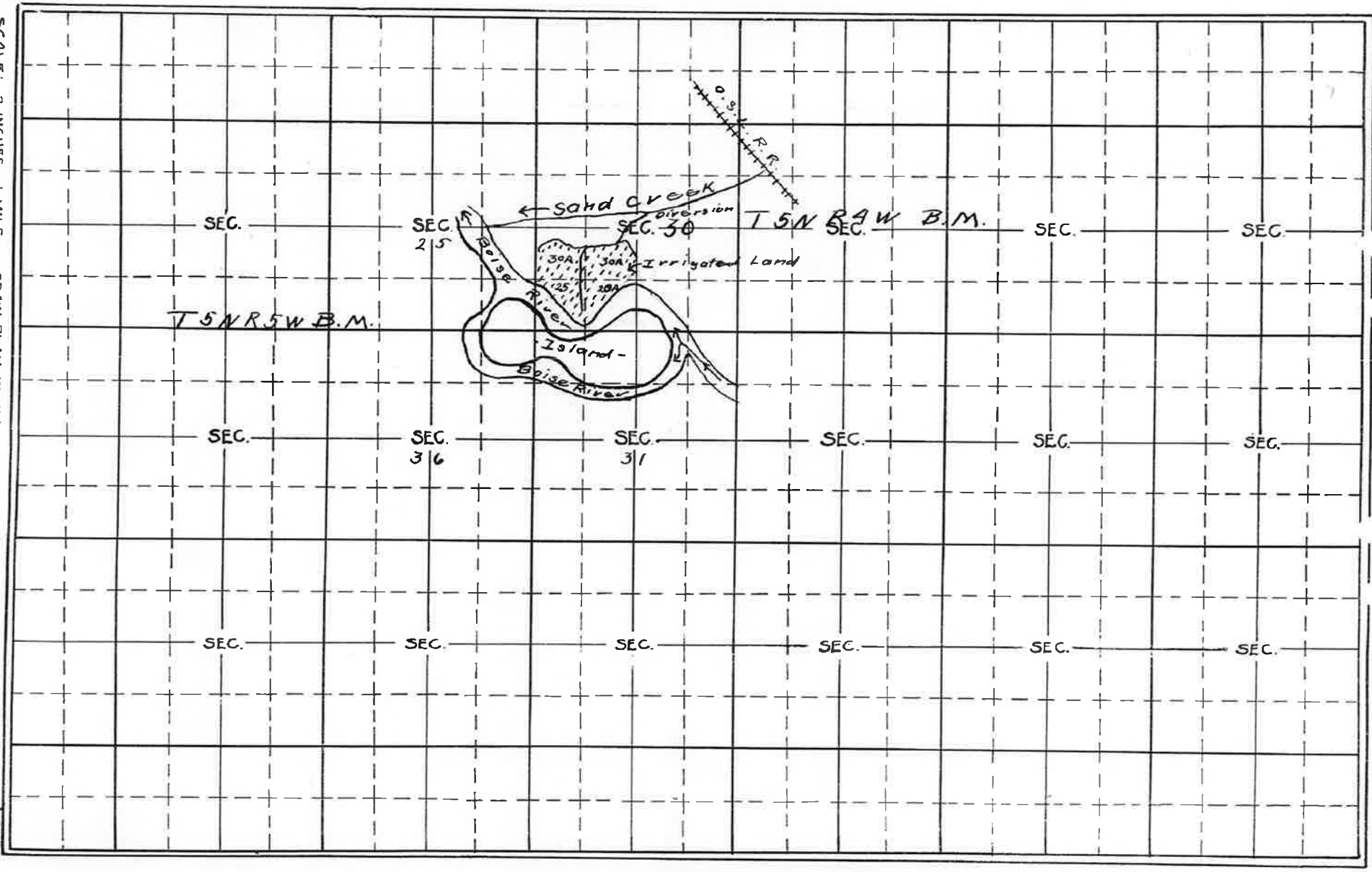
W. G. SWENDSEN

Commissioner of Reclamation.

(SEAL)

Name of Applicant: Hebert, Leona

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



9728

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4586

WATER RIGHT NUMBER: 63-4586

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY G STILLWELL RT 1 PARMA, ID 83660
Current Owner	GLENN W STILLWELL RT 1 PARMA, ID 83660

Priority Date: 03/15/1914

Basis: Statutory Claim

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	3/15 to 11/15	3.000 CFS	
<u>Total Diversion:</u>		3.000 CFS	

Location of Point(s) of Diversion

SAND HOLLOW CREEK	SW 1/4NE1/4	Sec. 30, Twp 05N, Rge 04W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	04W	30							7.0		56.0	34.0	34.0						131.0
									L 6		L 3	L 5							
05N	04W	31						1.0											1.0
05N	05W	25															18.0		18.0

Total Acres: 150

Conditions of Approval:Remarks:*No claim filed in SRBA*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4586

Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:



2008 JUN 02 AM 11:27
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-30175

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

TUESDAY, SEPTEMBER 02, 2008 at 10:00 AM (MT)

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

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

Dated: JUNE 02, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 6/02/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 02, 2008, with sufficient first-class postage to the following:

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

LAMAR ROCHE
23019 HWY 20-26
PARMA, ID 83660
Phone: 208-722-6185

LAMAR ROCHE
23019 HWY 20/26
PARMA, ID 83660
Phone: 208-250-5575

RECEIVED

APR 27 2008
DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 05:14
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
	)	SUBCASE NO: 63-30175

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

THURSDAY, MAY 29, 2008 at 10:15 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

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

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

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

IT IS SO ORDERED.

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

Page 1 4/18/08

(continued)

Dated: APRIL 18, 2008

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

(Order Setting Initial Hearing)

Page 2
4/18/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on APRIL 18, 2008,
with sufficient first-class postage to the following:

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

LAMAR ROCHE
23019 HWY 20-26
PARMA, ID 83660
Phone: 208-722-6185

LAMAR ROCHE
23019 HWY 20/26
PARMA, ID 83660
Phone: 208-250-5575

RECEIVED
MAR 23 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

Case No. 39576)

☒ Subcase 63-30175
(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

☒ NAME AND ADDRESS OF PERSON OBJECTING

Name: Lamar Roche

Address: 23019 Hwy 20/56
Parma, ID 83660

Daytime Phone: 208 250 5575

Name & Address of Attorney, if any:

☒ CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lamar Roche

Address: 23019 Hwy 20/56
Parma, ID 83660

SCANNED
APR 14 2008

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

1. ☒ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 8,000 CFS Annual WCC AF
4. ☒ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: _____
6. ☒ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

11. I object because:

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

E REASONS SUPPORTING OBJECTION(S): Should not have

been disallowed.



VERIFICATION (Must be Completed)

RECEIVED
MAR 23 2007
DEPARTMENT OF
WATER RESOURCES

State of IDAHO)
County of CANYON)ss.

Lamar Roche, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Lamar Roche
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

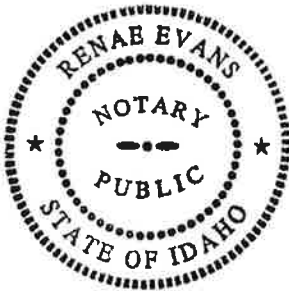
03-21-07

Renae Evans

Notary Public for IDAHO

Residing at: Nampa Idaho

My Commission Expires: 11-24-2010



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



CERTIFICATE OF MAILING

I certify that on Mar 21, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

RECEIVED

MAR 23 2007

DEPARTMENT OF
NATURAL RESOURCES

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

Name:

Address:

Lamar Roche
23019 Hwy 20/26
Perma, ID 83660

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Lamar Roche
Signature of Objector or attorney
mailing on Objector's behalf

MEMO TO FILE 63-30175

Lamar Roche called 3-21-2007 and wanted to know what he should do with his water right which has been disallowed. We received an affidavit for the evidence of priority but it was too late to get a field exam done before the Directors Report ^{went} out so it was left as disallowed. I told Mr. Roche he needed to file an objection to the water right being disallowed and explained how to fill it out and where to send it. He also wants more water than .02 cfs per acre. He was going to put on the objection that he needs twice that amount. I told him he might need to prove that he needs more water than an inch to the acre and he seemed agreeable to that.

He said his neighbor E G Johnson Farms uses the same POD as he does and wanted to know what priority date they had. I told Mr. Roche that I would look in their water right files and see if there was any information he could use to prove his priority date. I looked up E G Johnson Farms water rights (63-4036B and 63-28751) after I talked to Mr. Roche and found that they claimed a 1938 priority date so the affidavit of Mr. Roche's seems fairly accurate.

SE

RECEIVED

NOV 15 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of _____)

deposes and says:

The water rights listed
on claim A63-30175 have been used
for irrigation since 1941. I have
knowledge of the property as my late
husband and I have resided in the
Parma area since the late 1920's. I
have knowledge the the properties were
irrigated during those times. We
lived near said property all our lives.


(Signature)

08/31/2006

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

RIGHT NUMBER: 63-30175

NAME AND ADDRESS: LAMAR ROCHE
23019 HWY 20-26
PARMA ID 83660

SOURCE: SAND HOLLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 4.000 CFS
200.000 AFY

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION:

T05N R04W S30 SWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	1/01 12/31	4.000 CFS 200.00 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S30	SWNE	1.00	T05N R04W S30	NENW	1.00
T05N R04W S30	NWNW	2.00	T05N R04W S30	SWNW	30.00
T05N R04W S30	SENE	40.00	T05N R04W S30	NESW	40.00
T05N R04W S30	NWSW	36.00	T05N R04W S30	SWSW	33.00
T05N R04W S30	SESW	17.00			

200 ACRES TOTAL

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

No beneficial use found.

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 -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

SCANNED
APR 14 2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-30175

WATER RIGHT NUMBER: 63-30175

Owner Type Name and Address
 Current Owner LAMAR ROCHE
 23019 HWY 20-26
 PARMA, ID 83660
 (208)722-6185

Priority Date: 01/01/1880
 Basis: Beneficial Use
 Status: Active

Source Tributary
 SAND HOLLOW CREEK BOISE RIVER

*disallow
no response to
evidence of
priority*

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01 to 12/31	4.000 CFS	200.00 AF
<u>Total Diversion:</u>		4.000 CFS	200.00 AF

Location of Point(s) of Diversion
 SAND HOLLOW CREEK SW1/4NE1/4 Sec. 30, Twp 05N, Rge 04W, B.M.
 CANYON County

Place of Use

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 04W 30			1.0		1.0	2.0	30.0	40.0	40.0	36.0	33.0	17.0					200.0

Total Acres: 200

Conditions of Approval:

1. CLAIMANT LEASES THIS PROPERTY - OWNER HAS NOT FILED ON THIS WATER RIGHT.

Dates and Other Information:

Claim Received Date: 3/26/1990
 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:

*63-2227 overlap - 1913 because for SW 62
 63-4586
 1 no claim filed in SRBA*

Receipt Details for ID W011696

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/26/1990 12:58:50 PM	3/26/1990	Western	\$325.00	Check
Payer		ROCHE, LA MAR		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2448			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$325.00	ADJUDICATION CLAIM 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	30172		\$25.00	Claim
63	30173		\$25.00	Claim
63	30174		\$25.00	Claim
63	30175		\$250.00	Claim

Print Report

AL PROPERTY INQUIRY

```

+++++
01 6R38518-000- -0 138-00 G SCH137+ 01 32,600 48.20
+++++
02 44,800 126.60
ROCHE, LAMAR + 05 1,000 32.20
& ROCHE, SHERRI H/W + 10 22,100 1.00
+ 18 19,200 1.00
+ 19 7.53
+ 31 124,500
23019 HWY 20-26 + 32 53,900
PARMA ID 83660 +
+++++
30-5N-4W NE + TOTAL 298,100 216.53
SWNE-S OF RR LESS TX 10, +
E 1/2NW S OF RR & LTS 3,4,5,6&8 + SURVEY INST 9528933
+ DRAIN DR VALUE APPR KGE
+ CLASS 3 REAP 98 MAN 97 UNIT 1
23019 HWY 20-26, PA + PARCEL 6R05N04W301400 H/O N C/B N
+ PRIOR ACCOUNT 5R38518-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R38518000 0 UNIT 001 TOTAL UNITS 1

```

SITE 23019 HWY 20-26 PA SEC/TWN/RNG 30-5N-4W
ASSESSED VALUE 298,100 ACREAGE 216.53
SUB/PARK NAME YEAR/MAKE
CLASS 3 OWNER / OCCUPIED HOUSE CLASS ' 3 ' SPACE LOT BLOCK
+++++
YR BUILT 1979 AIR COND CENTRAL AIR CARPORT N
STORY 1 STORY HEATING OIL CARPORT SQ FT
FIRST SQ FT 2136 EXTERIOR HARDBOARD DECK/PATIO? Y
SECOND SQ FT ROOF WOOD SHINGLES POOL?
BEDS 2 BSMT SQ FT 2136 SPA? N
BATHS 2.00 % BSMT FIN 100 LOT SIZE
FRPLC 1 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

```

```

+++++
COMMENTS OLD DAIRY/2ND HOUSE ALSO MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

MODE:F ACTION: COMPANION SHEET INQUIRY TRQK361

```

01 ACCOUNT: 6R38518-000- -0 AREA 138-00 DRAIN VALUE CLASS 3 H/O Y
SEC 30 TWN 5N RNG 4W QTR NE CITY/SUB 0 BLK LOT 1400
OWNERSHIP MUST BE 'C' FOR CURRENT OR 'P' FOR PREVIOUS
OWNERSHIP C OWNERSHIP P
ROCHE, LAMAR & SHERRI H/W STILLWELL, GLENN W
& STILLWELL, MARY G H/W
% AMESBURY, WILLIAM H

```

MAILING ADDRESS

LEGALS

23019 HWY 20-26
PARMA ID 83660

30-5N-4W NE
SWNE-S OF RR LESS TX 10,
E 1/2NW S OF RR & LTS 3,4,5,6&8

SITE ADDRESS

23019 HWY 20-26 PA

COMMENTS

REMARKS

PRIOR ACCOUNT 5R38518000 0
PARCEL 05N04W301400 SRVY
INSTR 9528933 ACRES 216.53
SPLIT YR DOCUMENT WD

8701171,9528933,9528998,9528999
9529000,9529005,9529003,9529006
9529001

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

[illegible]

Page3





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 14, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LAMAR ROCHE
23019 HWY 20-26
PARMA ID 83660

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No: A63-30175

Dear Claimant,

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your diversion and acres irrigated needs to be identified on the attached aerial photo. Please also provide as much detail about your diversion works as possible and whether or not you also receive water from Farmers Co-op Ditch Co. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

The above requested information needs to be submitted by May 5, 2006. Please let me know if you may not be able to submit the information or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

A handwritten signature in black ink, appearing to read "Lori Graves", written in a cursive style.

Lori Graves
Sr. Water Resource Agent

Enclosure: "Evidence of Priority" Pamphlet/Affidavit
Notice of Claim A63-30175
Aerial Photo



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 14, 1994

LAMAR ROCHE
RT 1 BOX 1139
PARMA ID 83660

RESPONSE DATE: JANUARY 16, 1995

RE: Notice of Claim to a Water Right No. A63-30175

Dear Mr. Roche:

We have initiated the process of the above-referenced claim for 200 acres of irrigation in Twp. 05N, Rge. 04W, section 30. We are returning the claim to you for your notarized signature.

When you submitted this claim to IDWR, you did not indicate the 1/4 1/4 locations of the irrigated acres. Based on a map sent to this office by Sherri Roche we have tentatively delineated the acres. Please see Item 10 of the above-referenced claim for the legal description as interpreted by IDWR from the map.

In order to continue to process this claim, you must return the claim with your notarized signature. If you would like to change or add to the claim, please do so on the enclosed computer-generated claim, initial the changes, add your notarized signature, and return the claim to this office. If no response to this letter is received by the response date at the top of this letter, it will be assumed that you do not wish to file this claim for the irrigation of 200 acres.

Also, please note that although you indicated on Item 15 of the handwritten claim that this water right has been decreed, no record of a decreed water right on the acres in question was found in IDWR records. Consequently the basis of claim was changed to Beneficial Use. If you have additional information about a decreed water right on the claimed acres, please send it to this office when you return the claim.

Sherri Roche has indicated that your address has changed. IDWR requires a written statement from you in order to change the address on your claims; you may change your address on the computer-generated claim and initial it as with any other changes. Your notarized signature must be on the computer-generated claim in order for IDWR to accept the claim.

Page 2.
Roche
A63-30175

Again, IDWR must receive a response to this letter by the response date indicated at the top of this letter. If no response is received, the claim for irrigation of 200 acres in Twp. 05N, Rge. 04W, section 30, will not be processed by IDWR, and the water right will not be recommended to the court for decree.

If you have any questions or need assistance, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Maria Minicucci', written over the typed name.

Maria Minicucci
Water Agent, Adjudication Bureau

MM:m

Enc: Computer-generated copy of claim no. A63-30175



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

(208) 722-6185

Dec 15, 1993

[Sheri Roche]

LaMar Roche

Rt 1 Box 1139 23019 HWY 20-26

RESPONSE DATE: JAN. 16, 1994

[Parma ID 83660]

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the item(s) checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you either because we need you to complete an item or items on your claim form, or because the claim cannot be filed at all and it is being rejected or because you may need to file a different claim form or other additional forms. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINANT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim.

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it was computed.

_____ Item No. 2 - Date of Priority - month/day/year that water was first put to a beneficial use, regardless of ownership. If the month or day is unknown the Department will recommend 12/31 of the year designated.

_____ Priority Date Additional Note - If the first date of beneficial use for your water right was after March 25, 1963 from a groundwater source, or after May 20, 1971 from a surface water source, the enclosed application for permit may need to be filed instead of this claim. See the enclosed pamphlet entitled "Idaho Water Rights A Primer" under the "How is a water right established?" section for further explanation of these dates. A surface or groundwater claim filed with a priority date after the respective dates mentioned above, for the water use(s) you have claimed, will likely be recommended for disallowal to the court since an application for permit was required to be filed at the time the water was first developed and no previously filed permit was found in our records. You may withdraw this claim by completing the Request for Withdrawal form enclosed and receive a refund of the filing fees if you decide to file the application for permit instead. The refund can also be transferred to pay the filing fee for the application if you designate this on the Withdrawal form. You may also decide to pursue this claim with the court for a priority date after the dates mentioned above. If so, return the claim form, completing the items indicated, with a note stating you still wish to file the claim.

We have attached ~~maps~~ ^{ASC} maps

✓ Item No. 4 - Point of Diversion - The point of diversion listed on this claim is not in the correct form for legal descriptions. Diversion points must be listed by quarter-quarter (40 acre tract), section, township, and range. This legal can be found either on your deed, sales contract or tax notice. If not, then the county assessor may be helpful. Lot and Block for a subdivision are not acceptable, however, please include this information in the remarks section of your claim.

Item No. 6 - Uses of Water

✓ Item No. 9 - Non-irrigation Uses grazing

✓ Item No. 10 - Place of Use - The place of use listed on this claim is not in the correct form for legal descriptions. Places of use points must be listed by quarter-quarter (40 acre tract), section, township, and range. This legal can be found either on your deed, sales contract or tax notice. If not, then the county assessor may be helpful. Lot and Block for a subdivision are not acceptable, however, please include this information in the remarks section of your claim.

Item No. 12 - Ownership of Place of Use.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed on this item.

Adjudication Claim Form No. 42-1409(2)a., needs to be filed instead of Claim Form No. 42-1409(2)b., due to the following reasons: _____

Enclosed is the correct claim form with instructions for completion. The fee schedule is also in the instruction sheets to help you figure the fee needed for filing this type of claim form.

This claim was filed based on an existing permit which has lapsed for failure of the permit holder to submit proof of beneficial use. Unless this permit is reinstated, your claim cannot be accepted. In order to reinstate the permit, proof must be submitted showing that the water had been developed prior to the date proof of beneficial use was originally due for this permit which was _____. This proof can be in the form of dated power bills for a pump, dated ASCS crop reports indicating irrigation and the source of water used, or a notarized statement from a neighbor or previous owner who was aware of the date the water was developed. The enclosed proof of beneficial use form must also be submitted along with the proof mentioned above. Note that there is a filing fee required to file this proof of beneficial use form. If water was not developed prior to the above proof due date, then an application for permit form must be filed. This form and instructions are enclosed for your review and possible completion. Idaho is presently under a moratorium on approval of applications for permit for new uses. The exception to this moratorium are applications for permit filed on uses developed prior to the commencement of the adjudication, November 19, 1987. If your water use was developed prior to this date, and you

submit the same type of proof mentioned above documenting the development date, and no protests are submitted, then this application for permit could be approved. If the development took place after the 1987 date, then your application for permit will be held pending the outcome of this winter's snowpack.

_____ An adjudication claim cannot be filed when no water use or development has taken place. An application for permit is the form to file at the time you decide to begin development. Claims are required only on water uses developed prior to the commencement of the adjudication, November 19, 1987. Enclosed is an application for permit form with instructions to be completed at the time development will begin.

_____ An adjudication claim cannot be filed on an application for permit which has not been approved. Therefore, we are returning your Notice of Claim to you. An application for permit must be approved in order to establish a water right to file on.

✓ Other: Amount of water (quantity and consumptive use).

Please contact this office with any questions, or if you need additional information.

If you are returning your claim form(s), please complete the item(s) checkmarked in this letter, initial and date any changes or additions made to the claim form(s), and return the form(s), with the requested fee (if one is required), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee(if one was paid previously) will be refunded. Please contact our office at the address listed below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return either your claim(s), any other form or information requested in this letter, and the fee requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning the items checked in this letter.

Sincerely,

Adjudication Staff /mm
Department of Water Resources
Western Region Office
(208) 334-2190

SO:s

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

I hope this answers all questions

ADJUDICATION MEMORANDUM

CLAIM NO.: _____

SUBJECT: Location of property

EMPLOYEE: M Minicucci

DATE: 5/13/1993

Contacted Sheri Roche 722 6185 to
get additional information.

She will send map with exact location of
D/S claims & irrigation claim to me, @
~~275~~ 2735 Airport way. She will also attempt to
get Evidence of Priority. There may be stock use
in addition to irrigation on this claim.

legal description may be T5N R5W

They own 2 of the D/S, & may buy other D/S
& irrigation ~~property~~ claim.

The property they own now (2 D/S claims) is
serviced by Farmer's Union Irrigation.

12/15/1993

I spoke w/ Ms. Roche & told her I would
send the entire package back. She agreed to
get info on legal descriptions, decreed numbers,
etc.

We no longer have
a rural route number -
we are using the street
address

23019 HWY 20-26
Parma, ID
83660

RECEIVED

FEB 17 1994

WATER RESOURCES
WESTERN REGION

Thanks for your
help - call if
you have any
questions

(208) 722-6185
Sherri Roche