

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 67-4159
Date Received: 10/23/1989
Receipt No: C012451
Received By:

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

1. Name of Claimant(s)

CHE ENTERPRISES INC Phone: (208) 257-3491

C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/01/1914

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	31	NW SE NE	WASHINGTON	

5. Description of diverting works:

FLOOD AND SUB. IRR. AND PUMP IN RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.8	

7. Total Quantity Appropriated is:
4.8 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
15N	02W	31	SW NE	IRRIGATION	40
			SE NE	IRRIGATION	40

SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	40
NE	SE	IRRIGATION	40
NW	SE	IRRIGATION	40

Section Acres 240

Total Acres 240

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Amended claim received 3/17/2003 by S.O.

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

MEMORANDUM

Date: August 30, 2005

To: File

From: Craig L. Saxton

Re: CHE Enterprises contact information

On August 22nd, 2005, IDWR received a Change of Ownership request for 67-36 and 67-2212. We also received a request for change in address for 67-497, 67-658, 67-2213, 67-37, and 67-2055B

This issue was on the change of ownership the contact information was listed as:

CHE ENTERPRISES, INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

And on the change of address form the contact information was listed as:

CHE ENTERPRISES, INC
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

I called and left a message for Barbara Ertel at about 3:45 pm on Monday August 29, 2005 to inquire if she wanted all water rights to be changed to the same contact.

I received a message from Barbara Ertel on August 30, 2005 at 10:10 am saying that she wanted all water rights under CHE Enterprises Inc to list the address as:

CHE ENTERPRISES, INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
(208) 257-3491

Based on the verbal approval from Barbara Ertel, I will change the addresses as requested.

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

AMENDED

Ident. Number 67-4159
Date Received: 10/23/1989
Receipt No: C012451
Received By:

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

1. Name of Claimant(s)

CHE ENTERPRISES INC
C/O BARBARA A ERTEL
3054 GOODRICH RD
CAMBRIDGE ID USA 83610

Phone: (208) 257-3491

2. Date of Priority: 06/01/1914

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	31	NW SE NE	WASHINGTON	

5. Description of diverting works:

FLOOD AND SUB. IRR. AND PUMP IN RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

**SCANNED
APR 08 2004**

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
15N	02W	31	SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
Section Acres							240
Total Acres							240

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Amended claim received 3/17/2003 by S.O.

15. Basis of Claim: Statutory Claim

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 67-4159
Date Received: 10/23/1989
Receipt No: C012451
Received By:

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

1. Name of Claimant(s)

CHE ENTERPRISES INC Phone: (208)257-3491

BE C/O ~~PETER J~~ ^{BARBARA A.} ERTEL
~~RT-1 BOX 152~~ 3054 GOODRICH RD *BE*
CAMBRIDGE ID USA 83610

RECEIVED
MAR 25 2003
WATER RESOURCES
WESTERN REGION

2. Date of Priority: 06/01/1914

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	31	NW SE NE	WASHINGTON	

5. Description of diverting works:

FLOOD AND SUB. IRR. AND PUMP IN RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	4.8	

7. Total Quantity Appropriated is:
4.8 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
15N	02W	31	SW NE	IRRIGATION	40
			SE NE	IRRIGATION	40

SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	40
NE	SE	IRRIGATION	40
NW	SE	IRRIGATION	40

Section Acres 240

Total Acres 240

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary/Treasurer of
Title
C.H.E. ENTERPRISES, INC., that I have signed the foregoing
Organization
document in the space below as SECRETARY/TREASURER of
Title
C.H.E. ENTERPRISES, INC. and that the statements contained in the
Organization
foregoing document are true and correct. Barbara A. Eitel
Signature of Authorized Agent
C.H.E. ENTERPRISES, INC.
Title and Organization
SEC./TREAS.
3-17-2003
Date

State of Idaho)
County of Ada) SS.

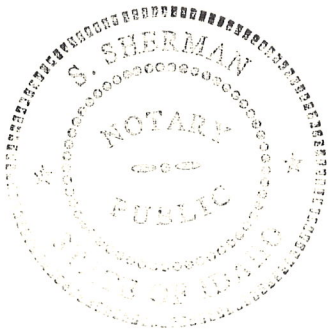
Subscribed and sworn (or affirmed) before me this 17th day of

March 2003

J. Sherman
Notary Public

Residing at Boise ID

My commission Expires 11-19-04



Rkt

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: A67-04159
Date Received: 10/20/1989
Receipt No: C012451
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C.H.E. ENTERPRISE 208-257-3491
Address: C/O PETER H. ERTEL
COW CREEK RANCH
RT 1 BOX 152
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 01, 1914

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	02W	31	NW	SE	NE		WASHINGTON

5. Description of diverting works:
FLOOD AND SUB. IRR. AND PUMP IN RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	07/01	4.800		

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	02W	31	SW	NE		IRR	40.0

A67-04159

Page 1

Date: 11/02/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15N	02W	31	SE		NE		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	240.0
							Total Acres	240.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-000810, 67-3491, 67-2048A, 67-2055, 67-2213

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A67-04159
Date Received: ~~10/09/1989~~ 10/20/89
Receipt No: C012451
Received By: OK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C.H.E. ENTERPRISE
Address: C/O PETER H. ERTEL
COW CREEK RANCH
RT 1 BOX 152
CAMBRIDGE, ID

208-257-3491

83610

RECEIVED
OCT 20 1989

2. Date of Priority: JUN 01, 1914

3. Source: WEISER RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
15N	02W	31	NW	SE	NW	NE

County
WASHINGTON

5. Description of diverting works:

FLOOD AND SUB. IRR. AND PUMP IN RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	07/01	4.800		

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

A.F.A.

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	02W	31	SW	NE		IRR	40.0

A67-04159

Page 1

Date: 10/09/89

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OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	02W	31	SE	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
Section Acres							240.0
Total Acres							240.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-000810, 67-3491, 67-2048A, 67-2055, 67-2212

2213 J.48 BLK

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Barbara A. Eitel Date: _____

Vice President for operations Date: 10/19/89
C.H.E. Enterprises, Inc.

State of Idaho)

County of Washington)

SS.

Subscribed and sworn (or affirmed) before me this 19th day

of October 19 89

John C. Hemmery
Notary Public

Seal

Residing at Cambridge

My Commission Expires 11-8-93

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am V.P. for Operations of
Title
C.H.E. Enterprises, Inc., that I have signed the foregoing
Organization

document in the space below as V.P. for Operations of
Title
C.H.E. Enterprises, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Barbara A. Eitel
Signature of Authorized Agent

V.P. for Ops, C.H.E. Enterprises, Inc.
Title and Organization

Oct. 27, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of October 19 89

John Hargis
Notary Public

Seal

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

AG 7-04159

Page 4

Date: 10-27-89

MICROFILMED
OCT 02 1992

1/30/1988

RBA CLAIMS RECEIVING CHECKLIST

C012451

CLAIMANT'S NAME C.H.E. EnterprisesCLAIM IDENT. NO. A67-D 4159DATE RECEIVED 10/20/89

CK # _____

AMOUNT \$ _____

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. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
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 ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
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 ☐ *
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 ☐ *
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 ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by: RatDate: 11/2/89Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____
Claim data entered by: _____
Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

OCT 02 1992

12/19/2006

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

RIGHT NUMBER: 67-4159

NAME AND ADDRESS: CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.290 CFS

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T15N R02W S31 SENENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.290 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T15N R02W S31	SWNE	12.00	T15N R02W S31	SENE	28.00
T15N R02W S31	SENE	8.50	T15N R02W S31	NESW	37.00
T15N R02W S31	NESE	40.00	T15N R02W S31	NWSE	39.00

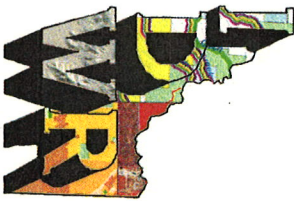
164.5 ACRES TOTAL

Right Nos. 67-37 and 67-4159 are limited to the irrigation of a combined total of 164.5 acres in a single irrigation season.

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

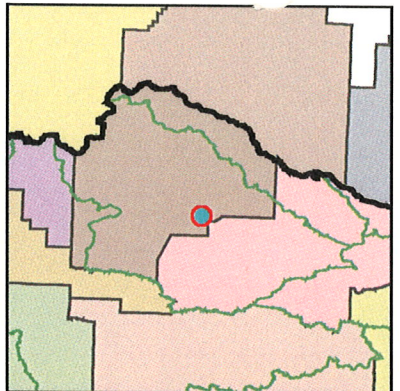


Idaho Department of Water Resources

SRBA Recommendation:
67-4159
(Irrigation)

Legend

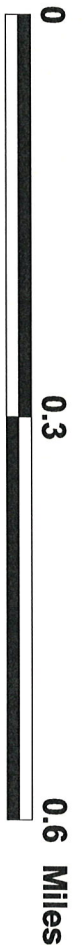
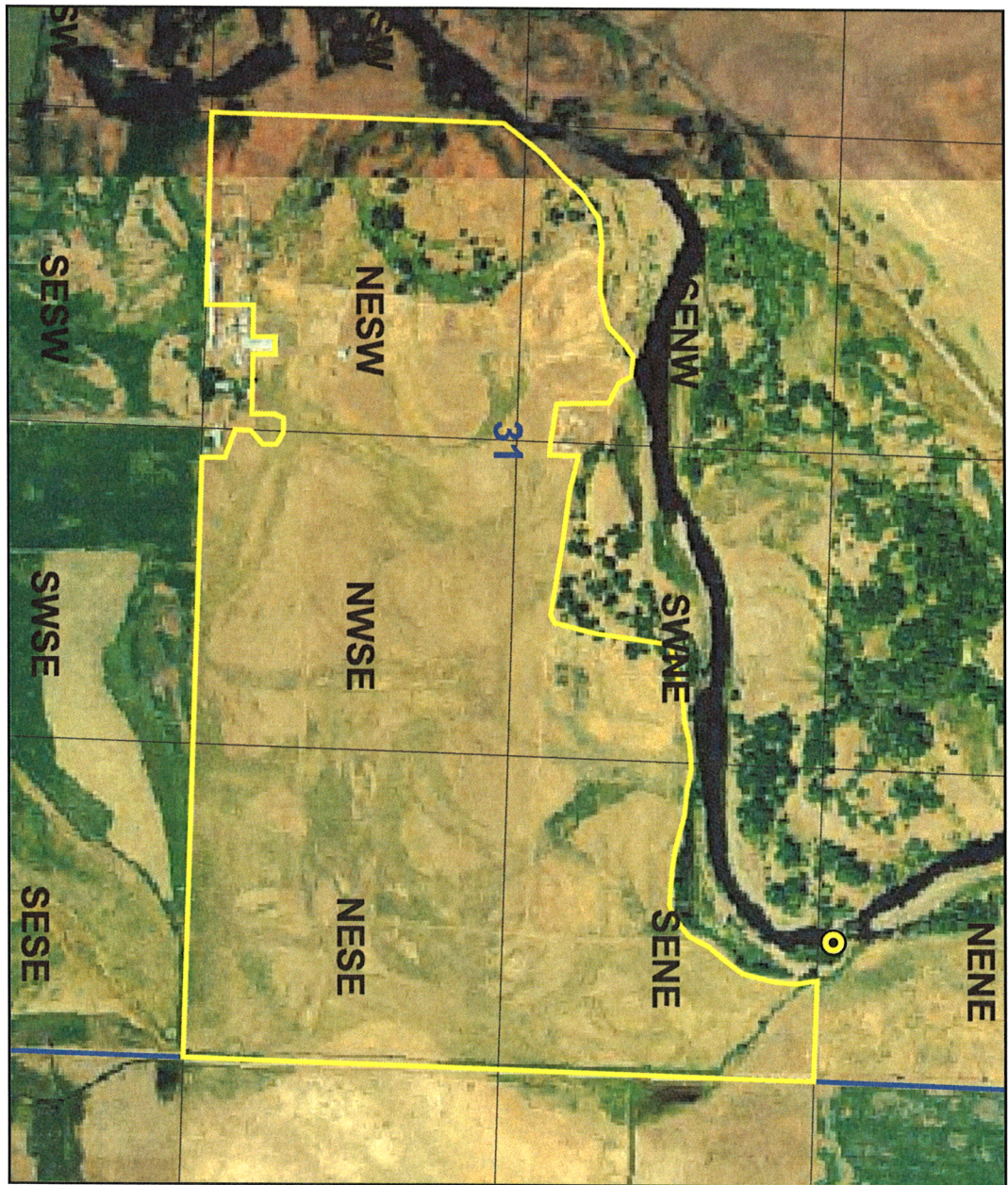
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67



T15N



Prepared by IDWR State Office
On Tuesday, December 19, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

WATER RIGHT NUMBER: 67-4159 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ERNA BRAUN
	CAMBRIDGE, ID 83610
Current Owner	CHE ENTERPRISES INC
	C/O CAMERON OR BARBARA ERTEL
	3054 GOODRICH RD
	CAMBRIDGE, ID 83610
	(208) 257-3491
Original Owner	THEODORE BRAUN
	CAMBRIDGE, ID 83610

Priority Date: 03/15/1943

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	2.290 CFS	
	<u>Total Diversion:</u>	2.290 CFS	

Location of Point(s) of Diversion

WEISER RIVER	SE1/4NE1/4NE1/4	Sec. 31, Twp 15N, Rge 02W, B.M.
WASHINGTON 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	
15N	02W	31			12.0	28.0				8.5	37.0				40.0	39.0			164.5

Total Acres: 164.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 67-37 and 67-4159 are limited to the irrigation of a combined total of 164.5 acres in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Comments:

1. csaxton 8/30/2005 POD

Comment: POD location really close to the line between QQs. Recommend where aerial photography puts it.

2. csaxton 8/30/2005 From Claim

Comment: Amended claim received 3/17/2003 by S.O.

3. csaxton 9/23/2005 POU

Comment: 2 acres added NE of the ditch per conversation with claimant. Property has been irrigated through seepage. Diversion through the ditch irrigates the ground through seepage. Without diversion through the ditch, that acreage would not receive seepage water. I feel this is beneficial use of the water. Three years ago sprinklers were added to that piece and irrigated.

4. csaxton 9/23/2005 Diversion Rate

Comment: Per conversation with Don Shaff, flood water claims on top of decreed Muir vs. Allison water, should not be limited to on inch per acre, rather the diversion rate for the flood water should be recommended for the amount of water that is equivalent to 1 inch per acre, minus the recommended diversion rate for the decreed water. Thus the total diversion of the overlapping rights will not exceed one inch per acre so no limiting remarks need to be added.

5. csaxton 1/31/2007 NOE/DR question

Comment: After receiving the DR copy of his recommendation Cameron called (1-31-07) to find out why we only changed the priority date from 1948 to 1943. He thought it should be earlier. I explained that since this is not a direct overlap with the decreed right, I could not recommend a priority date of one day after the decree but rather had to establish when that additional acreage was added and that was 1943. He was going to think about it and may or may not file an objection.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

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: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>
Contacts	8/30/2005 3:27:33 PM	csaxton			Active
Priority Date	8/30/2005 3:28:26 PM	csaxton			Active
POD	8/30/2005 3:28:37 PM	csaxton			Active
Source	8/30/2005 3:33:15 PM	csaxton			Active
POU	8/30/2005 3:33:41 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Use	8/30/2005 3:34:33 PM	csaxton	Active
Season	8/30/2005 3:34:59 PM	csaxton	Active
Quantity	8/30/2005 3:36:32 PM	csaxton	Active
Summary	08/30/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/19/2006 10:46:47 AM	csaxton	Updated shape for Active POU
POU	12/19/2006 10:46:56 AM	csaxton	Updated PLS for Active POU
POD	8/30/2005 3:30:19 PM	csaxton	Updated PLS
POU	8/30/2005 3:34:14 PM	csaxton	Updated PLS for Active POU
POU	9/23/2005 8:12:49 AM	csaxton	Updated PLS for Active POU
Contacts	8/30/2005 3:27:33 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Have been in contact with claimant on phone and in writing during the month of August 2005.
POD	8/30/2005 3:28:37 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	8/30/2005 3:28:27 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit supplied by claimant.
POD	8/30/2005 3:30:05 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Source	8/30/2005 3:33:16 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Have been in contact with claimant on phone and in writing during the month of August 2005.
POU	8/30/2005 3:33:41 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photography.
Use	8/30/2005 3:34:33 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Have been in contact with claimant on phone and in writing during the month of August 2005.
Season	8/30/2005 3:35:00 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Quantity	8/30/2005 3:36:32 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Calculated using data from license 67-2055 which is the same POD and diversion works.
Summary	8/30/2005 3:40:16 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	8/30/2005 3:34:05 PM	csaxton	Updated shape for Active POU
POU	9/23/2005 8:12:37 AM	csaxton	Updated shape for Active POU

Water Supply Bank:

11/14/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4159

CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3491

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

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

re-examine priority date - overlaps 67-37
see POU changes on layout 67-4159

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

(pou for
67-37#

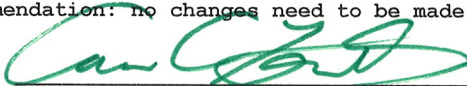
67-4159)

change quantity
if necessary
*possible

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

DATE: 11-29-06

SIGNATURE:



Please print your name:

Cameron C. Ertel

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

priority change to 1943

POU: Done

C. Ertel
12-19-06

SCANNED
DEC 10 8 2006



Idaho Department of Water Resources

SRBA Recommendation:

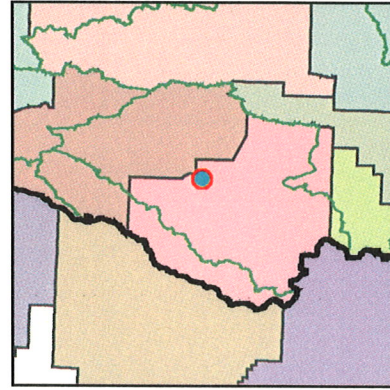
67-4159

(Irrigation)

67-37

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

R02W



T15N



09/23/2005

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

RIGHT NUMBER: 67-4159

NAME AND ADDRESS: CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.270 CFS

PRIORITY DATE: 03/15/1948

POINT OF DIVERSION:

T15N R02W S31 SENENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	2.270 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R02W S31	SWNE	11.0	T15N R02W S31	SENE	28.0
T15N R02W S31	SENE	9.3	T15N R02W S31	NESW	36.0
T15N R02W S31	NESE	40.0	T15N R02W S31	NWSE	39.0

163.3 ACRES TOTAL

Right Nos. 67-37 and 67-4159 are limited to the irrigation of a combined total of 163.3 acres in a single irrigation season.

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.

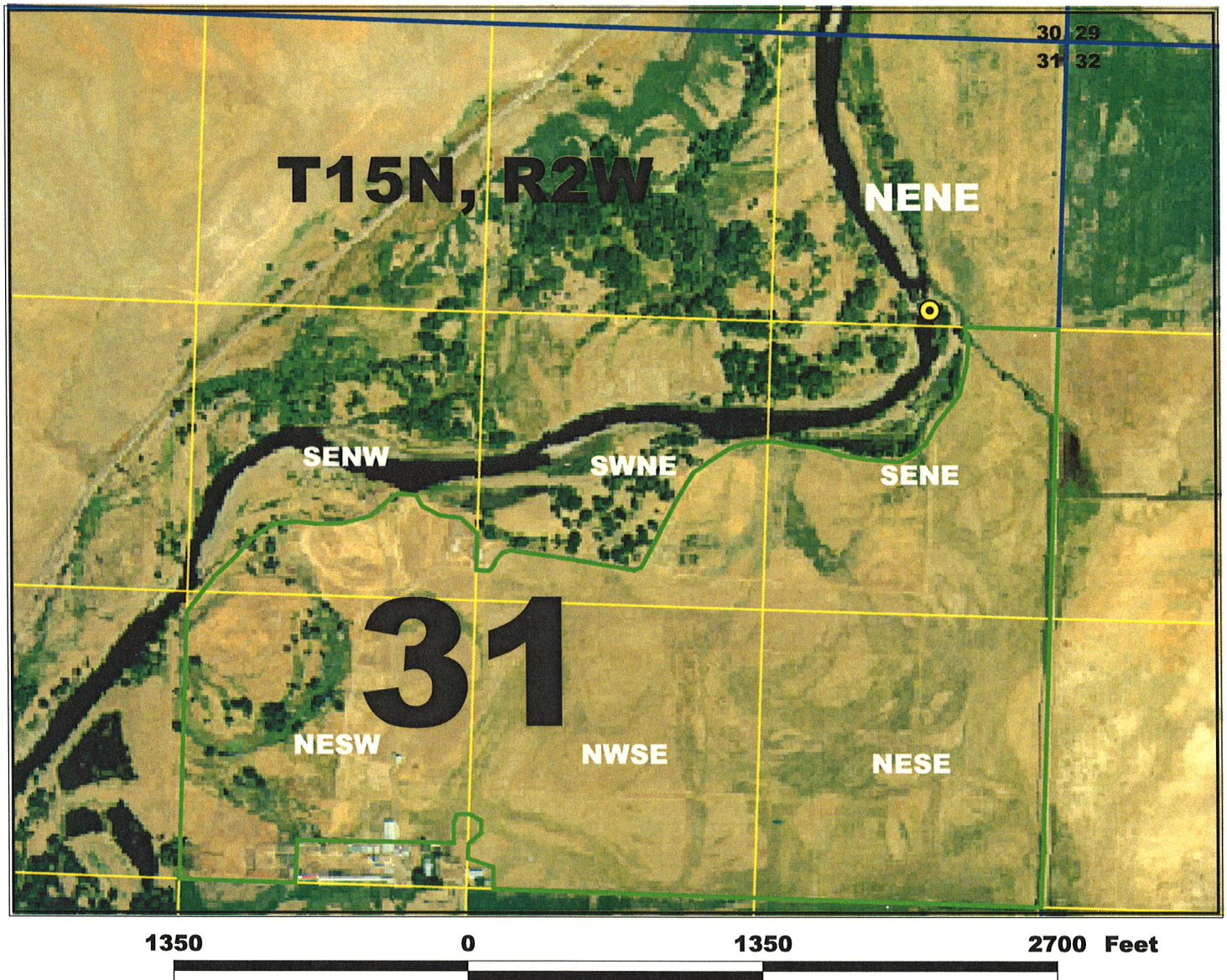
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



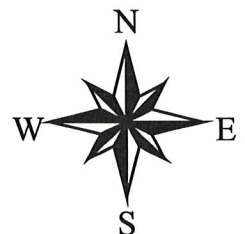
STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-37 & 67-4159



-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: September 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

WATER RIGHT NUMBER: 67-4159 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ERNA BRAUN CAMBRIDGE, ID 83610
Current Owner	CHE ENTERPRISES INC C/O CAMERON OR BARBARA ERTEL 3054 GOODRICH RD CAMBRIDGE, ID 83610 (208) 257-3491
Original Owner	THEODORE BRAUN CAMBRIDGE, ID 83610

Priority Date: 03/15/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	2.270 CFS	
	<u>Total Diversion:</u>	2.270 CFS	

Location of Point(s) of Diversion

WEISER RIVER	SE1/4NE1/4NE1/4	Sec. 31, Twp 15N, Rge 02W, B.M.
WASHINGTON 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	
15N	02W	31			11.0	28.0				9.3	36.0				40.0	39.0			163.3

Total Acres: 163.3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 67-37 and 67-4159 are limited to the irrigation of a combined total of 163.3 acres in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Comments:

1. csaxton 8/30/2005 POD

Comment: POD location really close to the line between QQs. Recommend where aerial photography puts it.

2. csaxton 8/30/2005 From Claim

Comment: Amended claim received 3/17/2003 by S.O.

3. csaxton 9/23/2005 POU

Comment: 2 acres added NE of the ditch per conversation with claimant. Property has been irrigated through seepage. Diversion through the ditch irrigates the ground through seepage. Without diversion through the ditch, that acreage would not receive seepage water. I feel this is beneficial use of the water. Three years ago sprinklers were added to that piece and irrigated.

4. csaxton 9/23/2005 Diversion Rate

Comment: Per conversation with Don Shaff, flood water claims on top of decreed Muir vs. Allison water, should not be limited to one inch per acre, rather the diversion rate for the flood water should be recommended for the amount of water that is equivalent to 1 inch per acre, minus the recommended diversion rate for the decreed water. Thus the total diversion of the overlapping rights will not exceed one inch per acre so no limiting remarks need to be added.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

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: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>
Contacts	8/30/2005 3:27:33 PM	csaxton			Active
Priority Date	8/30/2005 3:28:26 PM	csaxton			Active
POD	8/30/2005 3:28:37 PM	csaxton			Active
Source	8/30/2005 3:33:15 PM	csaxton			Active
POU	8/30/2005 3:33:41 PM	csaxton			Active
Use	8/30/2005 3:34:33 PM	csaxton			Active
Season	8/30/2005 3:34:59 PM	csaxton			Active
Quantity	8/30/2005 3:36:32 PM	csaxton			Active
Summary			08/30/2005	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/30/2005 3:30:19 PM	csaxton	Updated PLS
POU	8/30/2005 3:34:14 PM	csaxton	Updated PLS for Active POU
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General	8/30/2005 3:28:27 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit supplied by claimant.
POD	8/30/2005 3:30:05 PM	csaxton	Updated shape
Source	8/30/2005 3:33:16 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Have been in contact with claimant on phone and in writing during the month of August 2005.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

POU	8/30/2005 3:33:41 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photography.
Use	8/30/2005 3:34:33 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Have been in contact with claimant on phone and in writing during the month of August 2005.
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4159 V1

Summary	8/30/2005 3:40:16 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	8/30/2005 3:34:05 PM	csaxton	Updated shape for Active POU
POU	9/23/2005 8:12:37 AM	csaxton	Updated shape for Active POU

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 22, 2005

CHE ENTERPRISES INC
C/O CAMERON OR BARBARA ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

Re: Application for permit and seepage

Dear Mr. Ertel,

Enclosed are two copies of the application for permit with instructions per your request.

In addition, I did inquire about seepage as being considered a valid form of putting water to beneficial use. After a discussion with another agent, I found that ground irrigated by seepage has been recognized as valid irrigable ground in the past. I feel that based on the lay of the land and that you told me that the property has been irrigated through seepage from the ditch when water is being diverted through the ditch, I can add that acreage as recommended irrigated ground under claims 67-37 and 67-4159. That change will be reflected on the next mailing you receive.

Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Craig L. Saxton', is written over a light blue horizontal line.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

Contacts Data Entry Form**Claim Number: 67-4159**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	ERNA BRAUN		CAMBRIDGE	ID	83610	
Current Owner	CHE ENTERPRISES INC	C/O CAMERON OR BARBARA ERTEL 3054 GOODRICH RD	CAMBRIDGE	ID	83610	(208) 257-3491
Original Owner	THEODORE BRAUN		CAMBRIDGE	ID	83610	

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Ownership Info Good

Reviewer: C. GaudinDate: 8-30-05

Priority Date Data Entry Form

Claim Number 67-4159

Claimed Priority Date: 6/1/1914

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

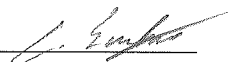
Water Right Priority Date: 6/1/1914

Water Right Basis: Statutory Claim

Recommended Priority Date 3 15 1948 Recommended Basis B-use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Affidavit from Fred Burton -

Reviewer: Date: 8-30-05

I, Fred Barton, born in 1917, lived and farmed in the Cove area of Cambridge from 1943 until the late 1950s, and was a neighbor to both my uncle Fred Jewell, who then owned farmland in Section 31 of Township 15N 2W, and Mr. Nessline (sp.?), an employee of his. I remember Mr. Nessline working for him in 1948, and that they were pumping water from the Weiser River at that time for purposes of irrigating the property. Also, I irrigated out of the same Pfost-Weston ditch that Fred Jewell had rights in. And I remember that he always paid for his shares even before he started pumping for irrigation.

Fred Barton

Fred Barton

Subscribed before me this 22nd day of August 2005.

Debbie S Maxwell
Notary Public State of Idaho

My Commission Expires On
August 24, 2007

Pertaining to Date of Priority for WR# 67-4159

Attn: *Craig Saxton*

Point of Diversion and Source Data Entry Form

Claim Number 67-4159

Claimed Point of Diversion and Source

T15N R02W S31 NWSENE Within WASHINGTON County Source: WEISER RIVER SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T15N R02W S31 SENW Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

<u>Weiser River</u>	<u>Snake River</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
15N	2W	31		SENESE	WA	Weiser

Other rights from this POD? 67-27

Document how the POD and Source were verified:

used POD defined in license 67-20510 as that
is what was claimed and where diversion rate
into comes from

Reviewer: Date: 8-30-05

Place Of Use Data Entry Form

Claim Number 67-4159

Claimed Place Of Use

T15N R02W S31	SWNE	40.0	T15N R02W S31	SENE	40.0
T15N R02W S31	SENE	40.0	T15N R02W S31	NESW	40.0
T15N R02W S31	NESE	40.0	T15N R02W S31	NWSE	40.0

Total Acres 240

 Use Claimed POU as Recommended POU

Water Right Place Of Use

T15N R02W S31	SWNE	40.0	T15N R02W S31	SENE	40.0
T15N R02W S31	SENE	40.0	T15N R02W S31	NESW	40.0
T15N R02W S31	NESE	40.0	T15N R02W S31	NWSE	40.0

Total Acres 240

Recommended Place of Use

 See corrections to claimed POU above

Twps	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 161.3

Document how the POU was verified:

See Attached map

* This Right and 67-37 limited to 161.3 ac

Reviewer:

C. G. Galt

Date:

8-30-05

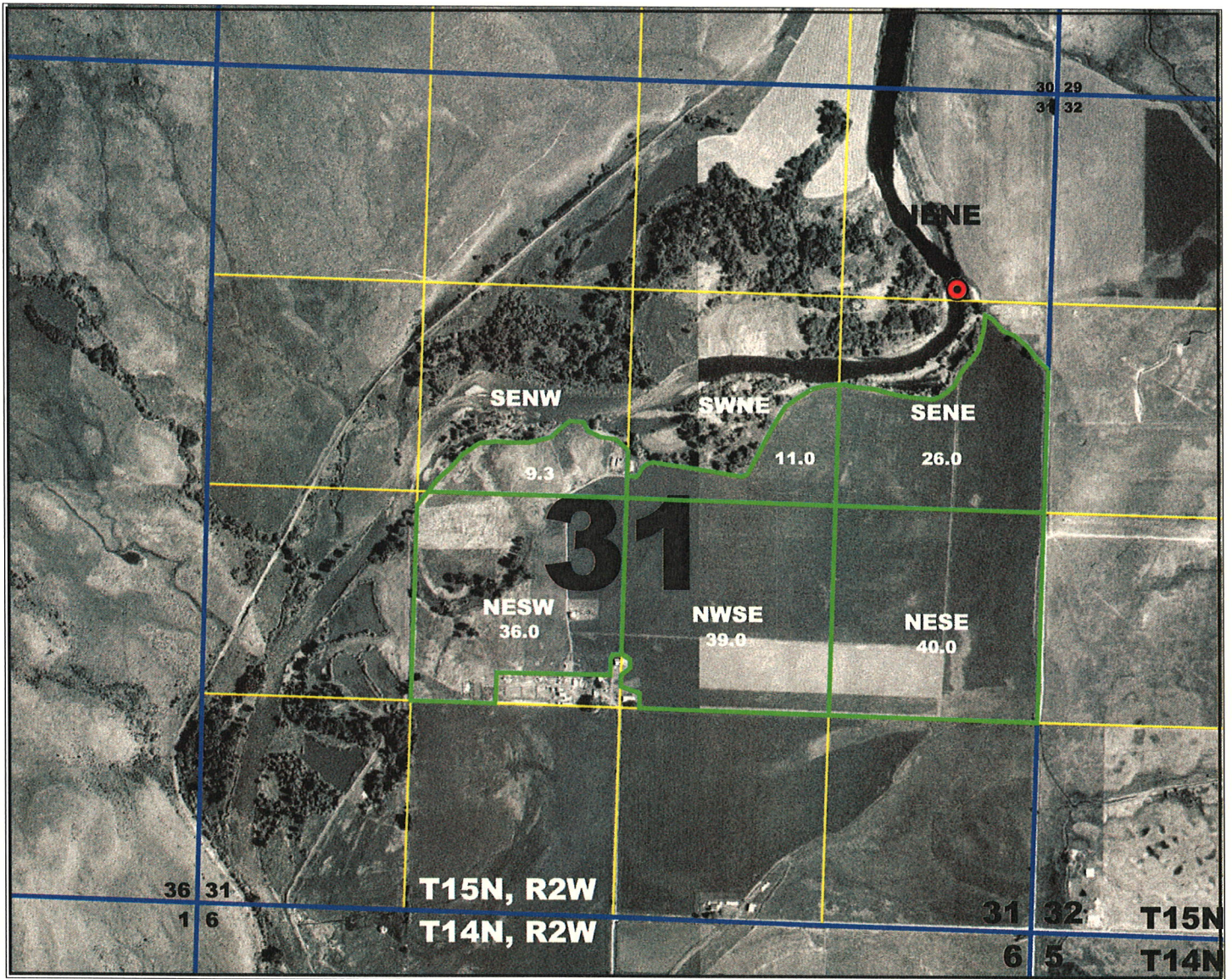


State of Idaho

Map Source: 1998 DOQQ

Claim #(s): 67-37 & 67-4159

Reference Map



1320 0 1320 2640 3960 Feet

● Point of Diversion

□ Claimed Place of Use

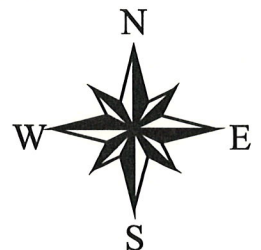
□ Tax Lot Property Bndy

□ Quarter Quarter Lines

□ Section Lines

Claimed Irrigated Acres: 240

Initial Acres Found: 161.3



Prepared By: Craig L. Saxton

Date: August 2005

Purpose of Use Data Entry Form

Claim Number 67-4159

Claimed Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

IRRIGATION

**Use Claimed Purpose of Use as Recommended Purpose of Use**

Water Right Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

IRRIGATION

Recommended Purpose of Use

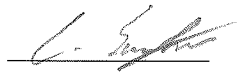
Water Use Number of Homes Number of Stock Acre Limit Number of Other

IRR				
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Document how the Purpose of Use was verified:

Reviewer: Date: 8-30-05

Period of Use and Quantity Data Entry Form

Claim Number **67-4159**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	04/01	10/31	4.8	

Overall Diversion Rate 4.8 Overall Diversion Volume

 Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	7/01	4.8	

Overall Diversion Rate 4.8 Overall Diversion Volume

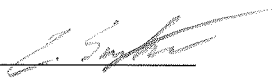
Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irr	3-15	10-31	3.23	N/A

Overall Diversion Rate 3.23 Overall Diversion Volume N/A

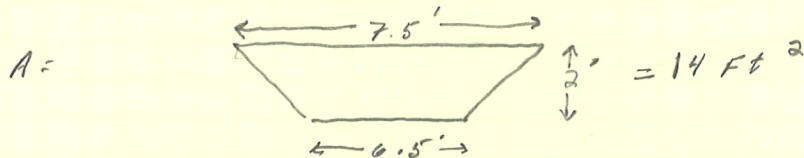
Document how the Period of Use and/or Diversion Rate were verified:

This Right and 67-37 limited to 3.23 cfs

Reviewer: Date: 8-30-05

From licensing FE for license: Ditch Capacity:

$$Q = \frac{1.486}{n} A R^{\frac{2}{3}} S^{\frac{1}{2}}$$



$$R = \frac{14 \text{ ft}^2}{2.8 \text{ ft}} = 4.95'$$



$$\sin 45^\circ = \frac{2}{x}$$

$$x = 2.8$$

$$n = 0.20$$

$$S = 0.00189$$

$$Q = \left(\frac{1.486}{0.2} \right) (14 \text{ ft}^2) (4.95')^{\frac{2}{3}} (0.00189)^{\frac{1}{2}}$$

$$Q = 37.3 \frac{\text{ft}^3}{s}$$

* According to Ditch information on the licensing FE for 67-02055, this Ditch has the capacity to carry flood water claimed.

C. Sauter 8-30-05

County: Washington
Stream: Weiser river
Amount: 2 sec.ft.
Use: Irrigation
Priority: 9-25-1912

STATE OF IDAHO

Water License No. 6780

WHEREAS, On the 27th day of October, A. D. 1910, Harry Abernathy,

of Cambridge, County of Washington, State of Idaho, duly made application (No. 9820) to me for a permit to use two (2) cubic feet per second of the waters of Weiser River

County of Washington, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 5th day of November, A. D. 1910, Permit No. 6780 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 5th day of November, A. D. 1911, and for the application to beneficial use of said water on or before the 5th day of November, A. D. 1912, and,

WHEREAS, On the 4th day of November, A. D. 1911, Harry Abernathy,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 6780, dated January 5, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of said water with date of priority of October 27, 1910, and

WHEREAS, On the 31st day of October, A. D. 1914, Harry Abernathy,

the holder of said permit, duly made proof of the application to beneficial use of two (2) cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Harry Abernathy

of Cambridge, County of Washington, State of Idaho, the holder and owner of said Permit No. 6780, a perpetual right, dating from September 25, 1912, to the use of two (2) cubic feet per second of the waters of Weiser River,

in the County of Washington and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 31, T. 15 N.,

R. 2 W.B.M.,

and conducted to and upon 100 acres, divided as follows: 35 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 30 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and 35 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 31, T. 15 N., R. 2 W.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 5th day of January, A. D. nineteen hundred and fifteen.

Herbert Wing,

(Seal)

Acting State Engineer:

67 2055

1745

67-2055

REPORT OF ENGINEER

1. State name of applicant and number of permit: Harry Abernathy Per. No 6780
2. State source of water supply: Weiser River
3. Location of point of diversion: NE 1/4 NE 1/4 Sec 31 T 15 N R 2 W B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

They Are

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 6.5
- (b) Width at water line: 7.5
- (c) Depth of water: 2.0
- (d) Grade per mile: 10.0
- (e) Capacity of ditch: 35 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It has - to capacity

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 35 Acres NE 1/4 SW 1/4, 30 Acres SW 1/4 NE 1/4
35 Acres SE 1/4 SE 1/4 Sec 31 T 15 N, R 2 W B.M.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Water under this permit is taken from the
Weston ditch direct through small laterals
wherever needed. Has no individual main ditch.

Examined Oct. 29-1919

T. Y. Bantz

STATE OF IDAHO,

County of _____

ss.

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

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

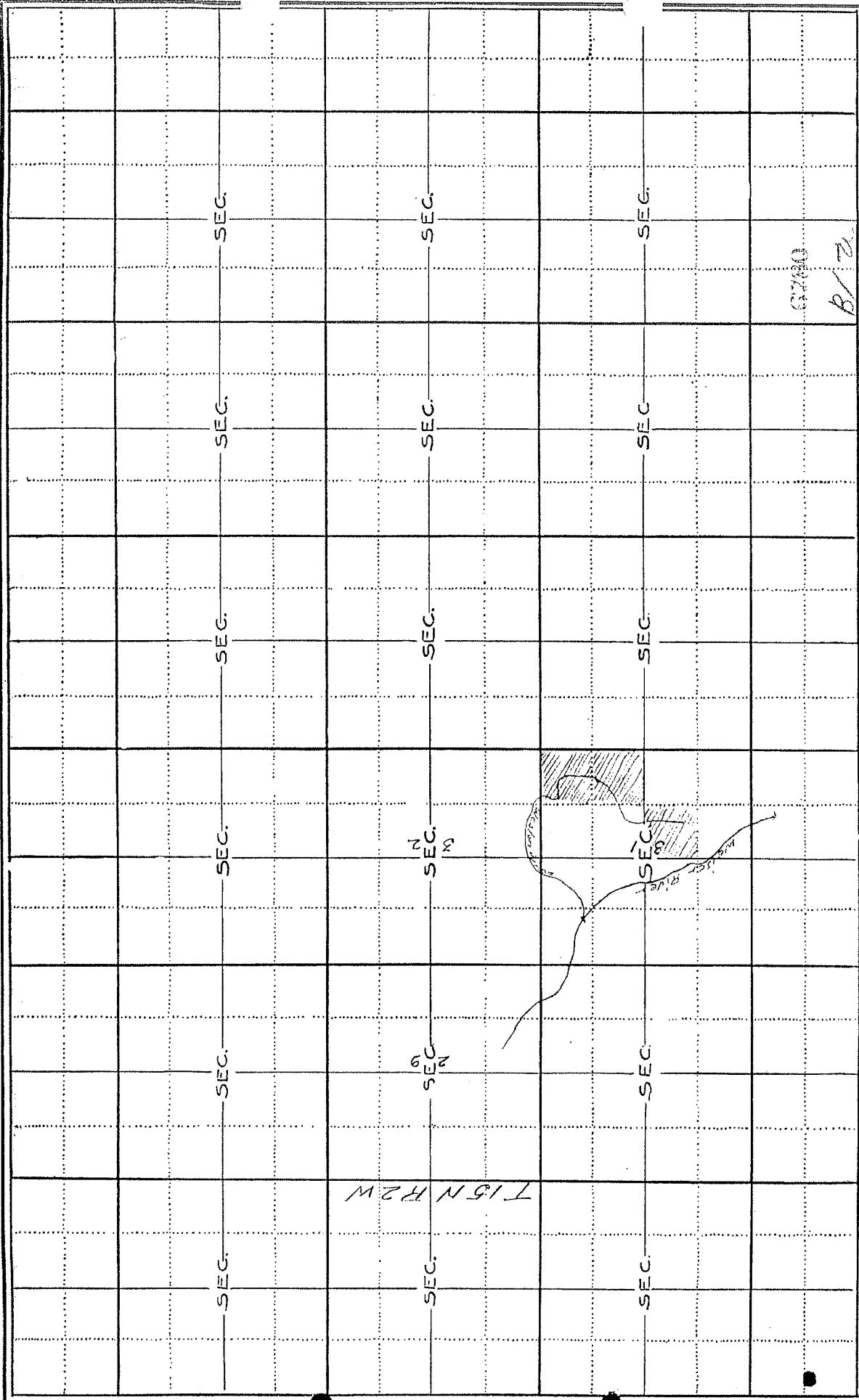
Notary Public.

6780

B. Z.

Name of Applicant Harry Abernathy Per. No. 6780

SCALE: 2 INCHES=1 MILE.
1/4" PLAN IN INK.
Printed
r sale by the State of Idaho, Boise, Idaho.



5-10-05 : Needs Evidence of Priority

: Needs flow measurement

: Same POD as 67-02055B

: POU overlap w/ 67-02055B

* Direct overlap w/ Cambridge

7-29-05 : Needs Evidence of Priority - Letter sent

: This does not appear to go thru the same ditch system as Cambridge ditch system

8-10-05 : $\pm 50\%$ Priority Date

: Cannon Ertel. 257-3482 called about Evidence of Priority. He can get back to the 50's but is going to try to get better.

8-11-05 : Fred Yule (Burton)

Ok. Cannon called and spoke with Burton who is 82 yrs old. His uncle Fred Yule had the property before and irrigated the ground and paid ditch assessments. We decided if Cannon could show that Yule paid for more water than was decreed, this could be evidence. He will look into it.

9-24-05 : Spoke w/ Cannon Ertel. He is sending in Affidavits

- Needs maps for Cow Creek chin (given to Bosco)

- Disallow 67-02048A - no use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 29, 2005

67-04159
CHE ENTERPRISES INC
C/O BARBARA A ERTEL
3054 GOODRICH RD
CAMBRIDGE ID 83610

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 67. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice 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.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will 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**".

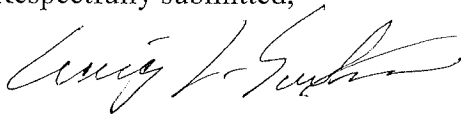
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **August 12, 2005** **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4800.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a field exam in order to verify the elements of your water right.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 67-04159

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Theodore &/or Erna Braun
(name of claimant)
of Cambridge, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Weiser River Flood Water
_____, tributary to, Snake River

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

Amount	<u>4.8 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Apr 1</u>	To	<u>July 1</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/t)		(dom., irri, stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 4.80 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1914

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

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 31 Twp. 15N Rge. 2W B. M. County of Washington

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. pump from river

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

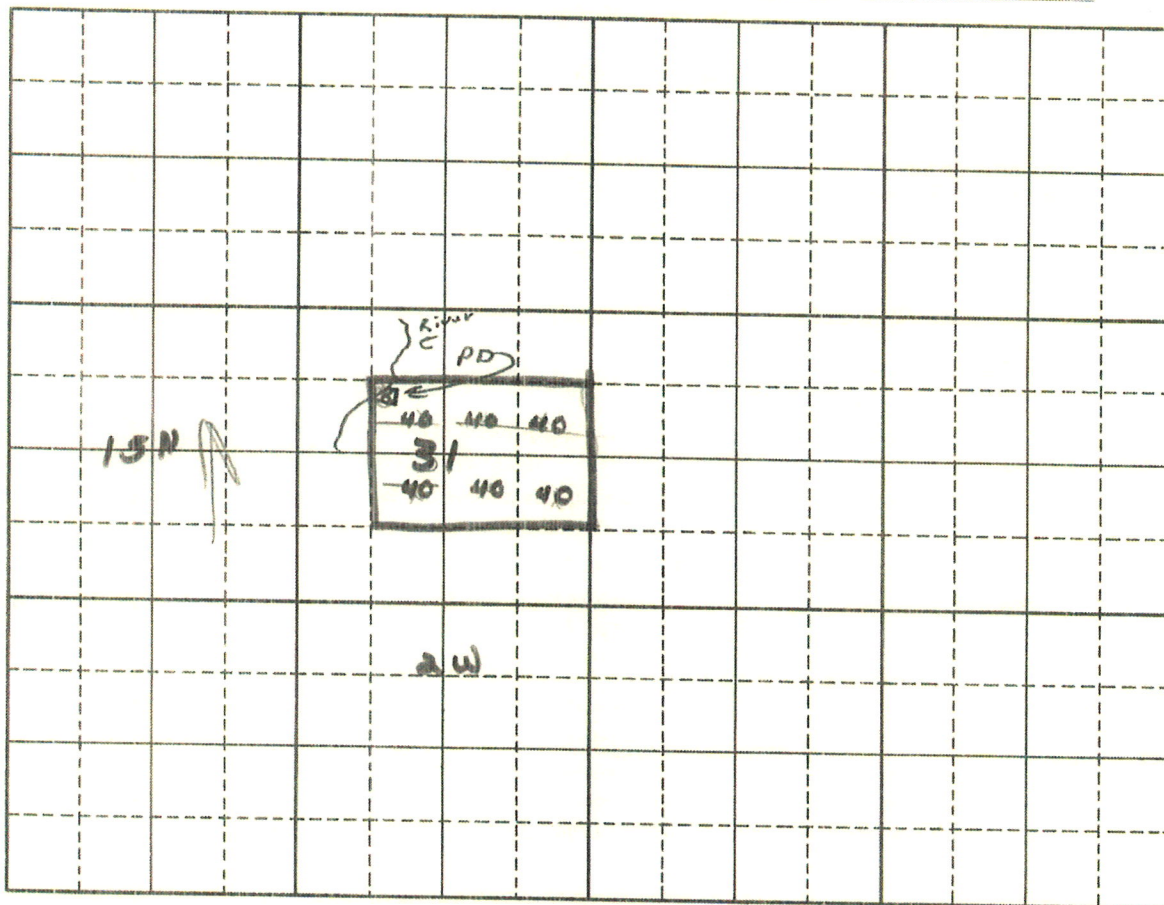
[illegible]

Total No. of acres 240

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
 County of Ada) ss.

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

X Theodore Drasin
 (Claimant)

Sworn to before me this 25 day of May, 19 76

Rita Bendish
 Notary Public
 Residing at Boise, Id

My commission expires March 8, 1980

For Department Use Only

Received by <u>CCB</u>	Date <u>27 May 76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CCB</u>	Date <u>27 May 76</u>		claimant by:	
\$10.00 fee received by <u>RB</u>	Date <u>#5002</u>			
Approved for publication by <u>RB</u>	<u>7-9-76</u>			
Published in <u>Upper & Lower Idaho News Reporter</u>				
Dates <u>May June 3-10</u>				