

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 67-4265
Date Received: 7/22/2005
Receipt No: C078406
Received By:

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

1. Name of Claimant(s)

BOGNUDA LAND TRUST Phone: (805) 680-3426

C/O ROY BOGNUDA TTEE
680 CAMINO CABALLO
NIPOMO CA USA 93444-9559

2. Date of Priority: 01/01/1915

3. Source: SPRING Trib. to: MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	17	SE NW	WASHINGTON	

5. Description of diverting works:

STOCKWATER FROM SPRING PIPED TO POINTS OF USE IN NESW AND SESW OF SECTION 17,
T11N, R04W B.M., WASHINGTON COUNTY, ID

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.07	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 50 range cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	17	NE	SW	STOCKWATER	
			SE	SW	STOCKWATER	

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:

Stockwater: 50 range cattle for each of two (2) places of use.

15. Basis of Claim: Statutory Claim

RECEIVED
JUN 27 2005
Department of Water Resources

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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

Identification No. 67-4265

Date Received 6-27-05

Receipt Number C078406

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly Roy Bognuda, Trustee

1. Name of Claimant (s) Bognuda Land Trust Phone (805) 680-3426

Mailing Address 680 Camino Caballo, Nipomo, CA Zip 93444-9559

2. Date of Priority (Only one per claim) 01/01/1915 Month/Day/Year

3. Source of water supply (Check one) (x) Groundwater or Other () (a) Spring

which is tributary to (b) Mann Creek Name or kind of source

4. Location of point of diversion is: Township 11N Range 04W

Section 17 1/4 of SE 1/4 of NW 1/4, Govt. Lot -- BM.,

County of Washington

Additional points of diversion if any: None

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Stock water from spring piped to points of use in NESW and SESW of Section 17, T11N, R04W B.M., Washington County, Idaho

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stock water purposes from 01/01 to 12/31 amount 0.07 (cfs)

For purposes from to amount (Both dates are inclusive)

7. Total quantity claimed 0.07 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Stock water: 50 range cattle for each of two (2) places of use

SCANNED
JUN 29 2005

10. Place of use is: Township: 11N Range 04W
Section 17, NE 1/4 of SW 1/4, Govt. Lot _____, B.M.,
County of Washington for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any SESW, Section 17, T11N, R04W B.M., Washington County, Idaho

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

12. Do you own the property listed above as place of use? Yes X 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.
None

14. Remarks: None

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
(Statutory)

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 67-4265

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 one (1)

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

Signature of Claimant (s) Roy Bognuda Date 6-19-05

Date _____

For Organizations: I do solemnly swear or affirm that I am the Trustee

of Bognuda Land Trust _____, that I have signed the foregoing
Organization
document in the space below as Trustee of Bognuda Land Trust
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization Roy Bognuda, Trustee, Bognuda Land Trust

State of Idaho/or California)
County of Santa Barbara) SS.

Subscribed and sworn (or affirmed) before me this 16th day of June 1905



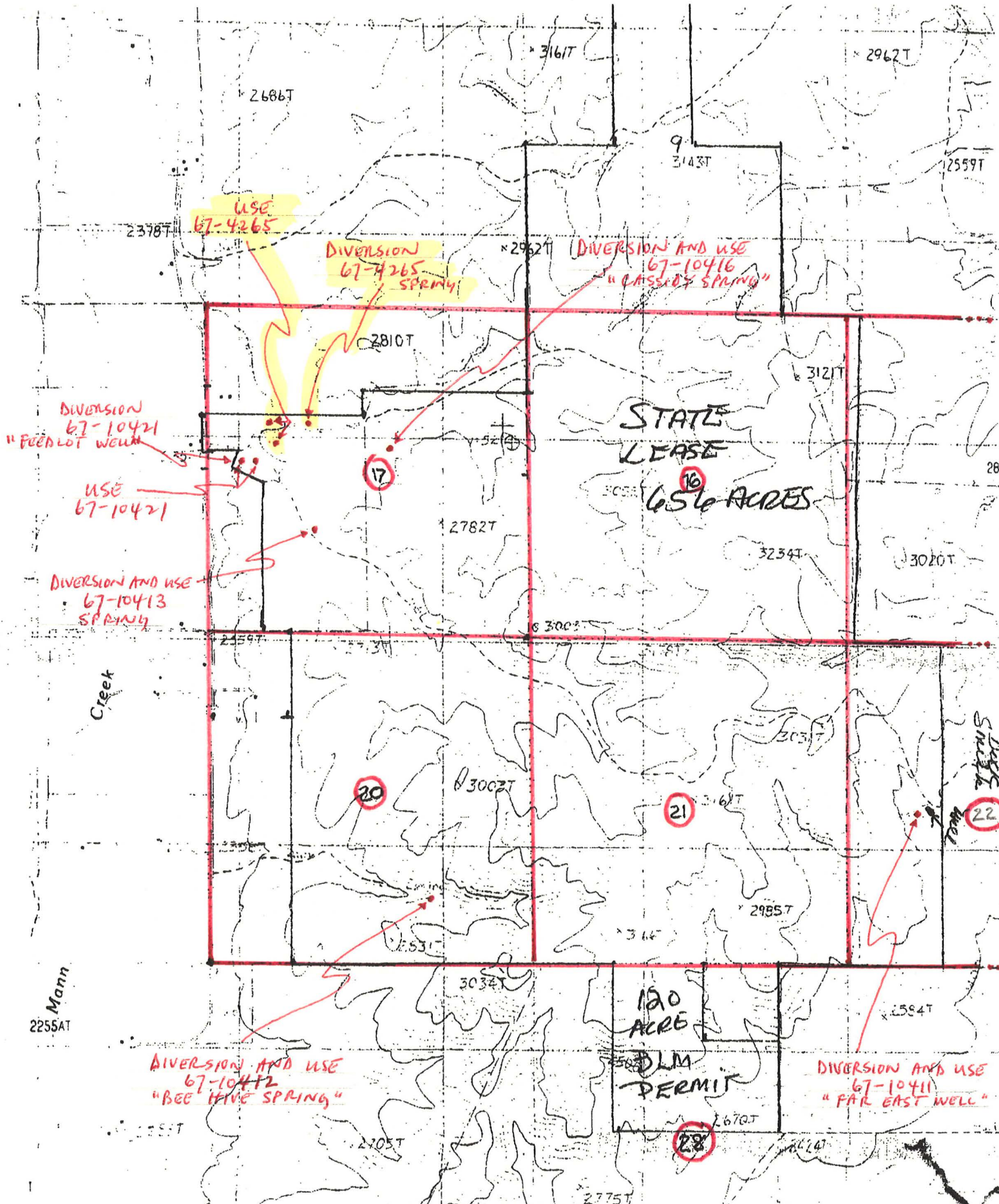
Notary Public Suzanna Huitron

Residing at Nipomo California

My Commission Expires March 7, 2006

Last Name Huitron Ident No. 1345581

SCANNED
JUN 29 2005



TOWNSHIP 11 NORTH RANGE 04 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO

SCANNED

11/19/2005

The locations of some of the water right points of diversion were annotated on this 1960 aerial photograph.

Dick Smith 549-0867 Bob Knauman 857-5317

Payment Amount \$25.00 Date Received 6/27/2005 1:55:24 PM Region State Status
Payment Type Check Check Number 40695

Payer WHITE PETERSON

Comment	NOTICE OF CLAIM TO A WATER RIGHT
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Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337		41503	1155

Signature Line (Dept. Representative)

JUN 9 2005

<http://wenet/apps/appsRecptScreens/EnterReceipt.asp>

WHITE PETERSON
ATTORNEYS AT LAW

WHITE PETERSON, P.A., an Idaho Professional Service Corporation

RECEIVED
JUN 27 2005
Department of Water Resources

PHILIP A. PETERSON

(208) 466-9272 (telephone)
(208) 724-6649 (cellular)
(208) 466-4405 (facsimile)
pap@whitepeterson.com

Offices:

CANYON PARK AT THE IDAHO CENTER
5700 EAST FRANKLIN ROAD, SUITE 200
NAMPA, IDAHO

Mailing Address:

Post Office Box 247
Nampa, Idaho (ID) 83653-0247

June 23, 2005

Idaho Department of Water Resources (IDWR)
Western Region
Attention: SRBA (Snake River Basin Adjudication)
322 East Front Street
Post Office Box 83720
Boise, Idaho (ID) 83720-0098

Re: Bognuda Land Trust Notice of Claim to a Water Right
Right #67-4265

Dear SRBA Administrator:

Representation. We represent Bognuda Land Trust, which recently purchased real property on which the above-referenced water right (point of diversion and place of use) is situated.

Background. This is a follow up on my telephone conversation of June 6, 2005, with Craig Saxton of your office regarding the above-referenced right. On May 13, 2005, we filed with the IDWR a Notice of Change in Water Right Ownership for, *inter alia*, the above-referenced water right. Subsequently, Mr. Saxton called indicating that, since this particular right had never been filed with the SRBA by Bognuda Land Trust's predecessor in interest, it would be necessary for Bognuda Land Trust to file a Notice of Claim to a Water Right for the water right.

Filing. Accordingly, please find an original and a copy of a Notice of Claim to a Water Right for Water Right #67-4265. Also enclosed is our check in the amount of \$25.00 for the filing fee. **Please file the original Notice and return a conformed copy, showing the filing data, to this office in the enclosed envelope.**

SCANNED
JUN 29 2005

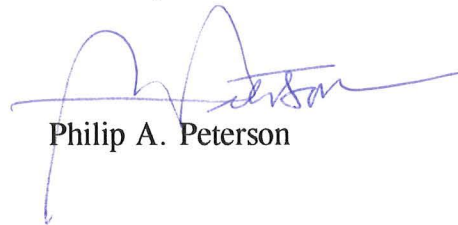
Idaho Department of Water Resources (IDWR)
Western Region
June 23, 2005
Page 2 of 2

RECEIVED
JUN 27 2005
Department of Water Resources

Questions. If you have any questions concerning the filing, please do not hesitate to contact me by telephone (466-9272) or at one of the addresses shown above on the letterhead.

Thank you very much.

Sincerely,



Philip A. Peterson

Enclosures

Copy to: Roy Bognuda

OOOO/A:\LET2.wpd

SCANNED
JUN 29 2005

MEMORANDUM

Date: June 6, 2005

To: Sally Sherman

From: Craig L. Saxton

Subject: Change of Ownership for water right record 67-4265

I received a change of ownership request for several partially decreed rights also listing 67-4265. The other water rights should be handled by Allocations. However, there was a note on the change of ownership stating that 67-4265 was not filed on in the SRBA. This has been confirmed.

I called the attorney Philip a Peterson, representing the client, on 6-6-05 and told him we were not taking action to change ownership on this right, rather his client would have to file a new claim. I told him how to download the claim form and to send it to this office with the filing fee.

However, we need to send them a letter stating that because it wasn't filed on in the SRBA, no action will be taken in regards to changing ownership on 67-4265. A new claim will need to be filed with the SRBA.

Could you send them a letter along those lines?

Thanks,

Craig

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

RECEIVED

MAY 16 2005

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

WATER RESOURCES
WESTERN REGION

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-4265 - AS			67-10421 - PD		
67-10411 - D					
67-10412 - D					
67-10413 - D					
67-10416 - D					

RECEIVED
MAY 19 2005
DEPARTMENT OF
WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form: * \$25.00 X 5 = \$125.00
- A. The appropriate **FILING FEE**. See instructions for fee amounts. * Water right #67-4265 has not yet been adjudicated, so no fee enc.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant(s) Duane L. Brent and Mary E. Brent**
410 Pioneer Road, Weiser, Idaho 83672
4. New Owner/Claimant(s) Roy Bognuda, Trustee, Bognuda Land Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 680 Camino Caballo
- City, State and ZIP Code Nipomo, California (CA) 93444-9559
- New Telephone Number () (805) 680-3426
5. Date you acquired the property September 27, 2004

** The Brents are both deceased. The real property on which the rights are situated passed to their children, who were the grantors in the attached Warranty Deed in favor of the New Owner listed in paragraph 4, above.

COPY

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

N/A

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

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

7. Signature of New Owner(s) or Claimant(s) Roy Bognuda Trustee Bognuda Land Trust
(include title if applicable) Roy Bognuda, Trustee, Bognuda Land Trust

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

For Office Use Only

Received by ST Date 5-17-05 Fee 125⁰⁰
 Received by ST Date 5-17-05 Receipt No. W032935
 Processed by _____ AJ Date _____ WR _____ Date _____

COPY

WARRANTY DEED

For Value Received

BEVERLY HELTON aka BEVERLY BRENT HELTON and BRENDA B. PRICE aka BRENDA BRENT PRICE and LUANE CONWAY aka LUANE BRENT WATSON, as their sole and separate property, and CHARLES D. AND JACQUELINE B. SHAUL TRUST w/t/a dated March 17, 1993

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

BOGNUDA LAND TRUST

whose current address is 680 CAMINO CABALLO
NIPOMO, CA 93444

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee its heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: SEPTEMBER 27, 2004

CHARLES D. AND JACQUELINE B. SHAUL
TRUST w/t/a dated March 17, 1993

Beverly Helton
BEVERLY HELTON

Jacqueline B. Shaul Trustee
JACQUELINE B. SHAUL, TRUSTEE

Brenda B. Price
BRENDA B. PRICE

Luane Conway
LUANE CONWAY

STATE OF IDAHO, COUNTY OF WASHINGTON

STATE OF IDAHO,
COUNTY OF WASHINGTON

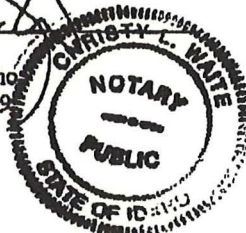
On this 27 day of September, 2004, before me, a notary public in and for the said State, Personally appeared BEVERLY HELTON, LUANE CONWAY BRENDA B. PRICE known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

On this 27th day of September, 2004, before me a notary public in and for the said State, Personally appeared JACQUELINE B. SHAUL, TRUSTEE FOR THE CHARLES D. AND JACQUELINE B. SHAUL TRUST w/t/a dated March 17, 1993 known or identified to me to be the person whose name is subscribed to the within instrument as TRUSTEE and acknowledged to me that she executed the same as such TRUSTEE.

Christy L. Wate
Notary Public
Residing at Weiser, Idaho
Comm. Expires 11/4/09



Christy L. Wate
Notary Public
Residing at Weiser, Idaho
Comm. Expires 11/4/09



Instrument # 195103
WEISER, WASHINGTON, IDAHO
2004-09-29 03:44:00 No. of Pages: 2
Recorded for: AMERITITLE
SHARON WIDNER
Ex-Officio Recorder Deputy
Index to: DEED

COPY

File Number: W10783

EXHIBIT "A"

TOWNSHIP 11 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

Section 9: Lots 3 and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 17: S $\frac{1}{2}$ NE $\frac{1}{4}$, South 62 rods of S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, LESS a portion of the W $\frac{1}{2}$ of Section 17, said Township and Range, more particularly described as follows:

Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 17, Twp. 11 N., R. 4W., B.M.; thence North along the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, 315 feet to the South line of an existing road; thence East parallel with the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 500 feet to the center of Mann Creek Irrigation Canal; thence Southerly along the center line of said Canal, a distance of 200 feet; thence Southeasterly 600 feet, more or less, to a point 900 feet East and 2380 feet North of the SW corner of said Sec. 17; thence South parallel with the West line of said SW $\frac{1}{4}$ a distance of 2380 feet to the South line of said SW $\frac{1}{4}$; thence West along the South line of said SW $\frac{1}{4}$ a distance of 900 feet to the SW corner of said SW $\frac{1}{4}$; thence North along the West line of said SW $\frac{1}{4}$, 2640 feet to the True Point of Beginning;

Section 20: E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, EXCEPTING THEREFROM the lands previously subdivided and platted as Link Bar Hills Estates recorded in Book 1 of Plats, pages 152 & 152A, and Revision of said plat recorded in Book 1 of Plats, pages 166 and 166A, in the office of the County Recorder of Washington County, Idaho.

FURTHER EXCEPTING the following described parcel:

A parcel of land situated within the NW $\frac{1}{4}$ of Section 20, Township 11 North, Range 4 West, Boise Meridian, more particularly described as follows:

Beginning at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.11N., R.4W., B.M.; Thence S 0°00'00" W, a distance of 31.41 feet along the west line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; Thence S 89°00'32" E, a distance of 1316.90 feet to a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20; Thence N 0°53'39" W, a distance of 433.52 feet to a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20; Thence S 89°44'22" W, a distance of 37.87 feet to a point on the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence S 0°26'37" E, a distance of 382.46 feet along the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence N 89°50'59" W, a distance of 1275.03 feet along the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

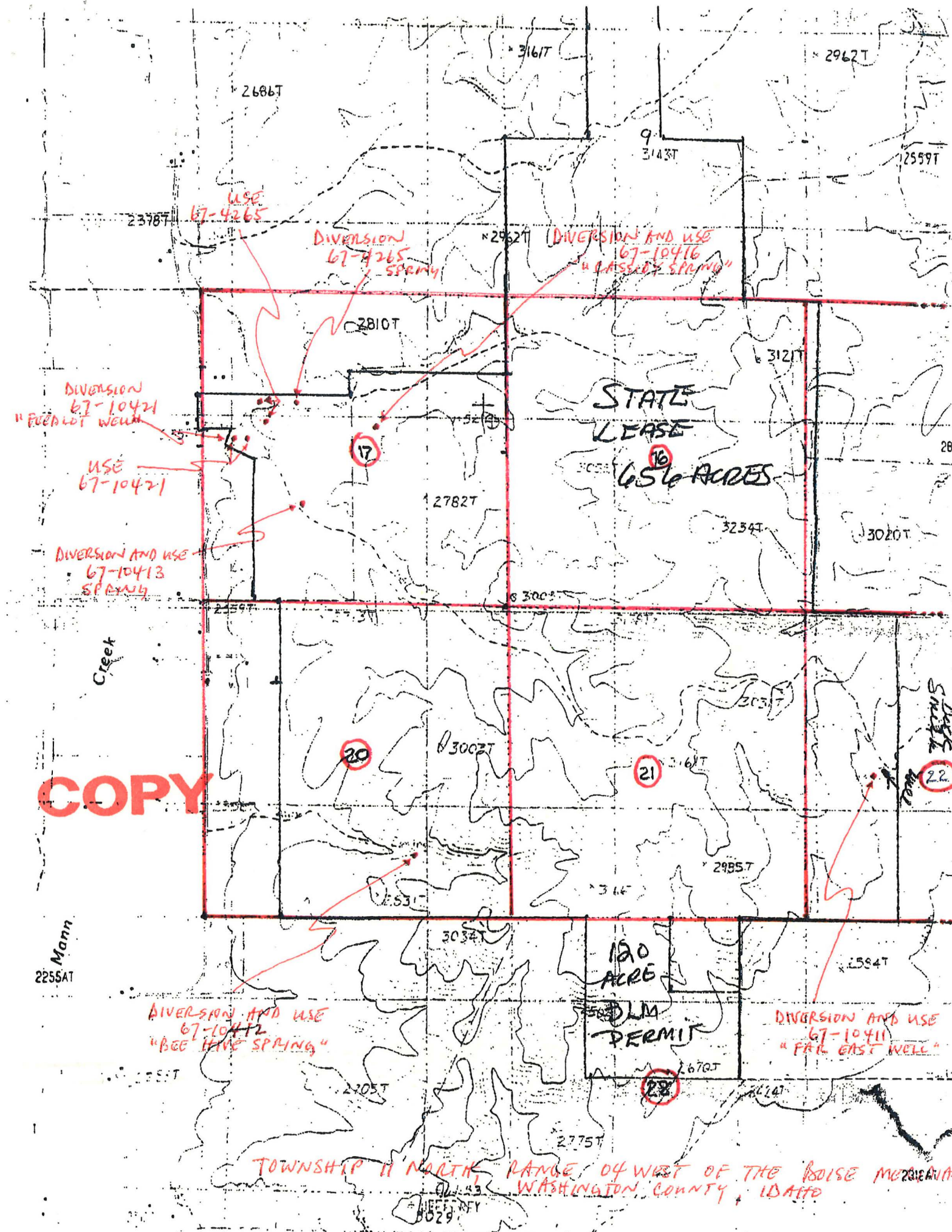
Section 21: Lots 1, 2, 3 and 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Section 22: W $\frac{1}{2}$ W $\frac{1}{2}$;

Section 28: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

COPY

COPY



TOWNSHIP 11 NORTH, RANGE 04 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO

WHITE PETERSON
ATTORNEYS AT LAW

WHITE PETERSON, P.A., an Idaho Professional Service Corporation

RECEIVED

MAY 16 2005
WATER RESOURCES
WESTERN REGION

PHILIP A. PETERSON

(208) 466-9272 (telephone)

(208) 724-6649 (cellular)

(208) 466-4405 (facsimile)

pap@whitepeterson.com

May 13, 2005

Offices:

CANYON PARK AT THE IDAHO CENTER
5700 EAST FRANKLIN ROAD, SUITE 200
NAMPA, IDAHO

Mailing Address:

Post Office Box 247
Nampa, Idaho (ID) 83653-0247

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho (ID) 83705-5082

Re: Bognuda Land Trust Notice of Change in Water Right Ownership

Dear Filing Clerk:

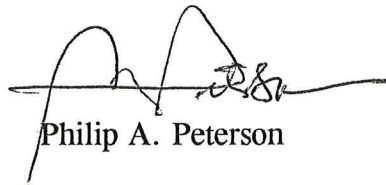
Enclosed is a Notice of Change in Water Right Ownership filed on behalf of our client, Bognuda Land Trust, together with our check for \$125.00, as and for the filing fee. Please file the original Notice, file stamp the copy, and return the conformed copy to our office for our records.

The Notice of Change in Water Right Ownership is for a total of six (6) water rights on the Bognuda Land Trust property. The enclosed check for \$125.00 is for five (5) rights which are listed on the Snake River Basin Adjudication website as "Partial Decree Filed," at \$25.00 per right. The sixth right, 67-4265, is not listed as partially decreed and is presumably still pending, and it is my understanding that no filing fee is due in that situation. Please advise immediately if this is not the case.

If you have any questions concerning the filing, please do not hesitate to contact me by telephone (466-9272) or at one of the addresses shown above on the letterhead.

Thank you very much.

Sincerely,



Philip A. Peterson

Enclosures

Copy to: Roy Bognuda (w/o enc.)
Ed Fields (w/o enc.)

07/25/2005

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

RIGHT NUMBER: 67-4265

NAME AND ADDRESS: BOGNUDA LAND TRUST
C/O ROY BOGNUDA TTEE
680 CAMINO CABALLO
NIPOMO CA 93444-9559

SOURCE: SPRING

TRIBUTARY: MANN CREEK

QUANTITY: 0.030 CFS

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

PRIORITY DATE: 01/01/1915

POINT OF DIVERSION:

T11N R04W S17 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

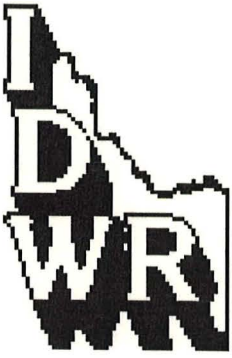
T11N R04W S17	NESW	T11N R04W S17	SWSW
---------------	------	---------------	------

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

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

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.

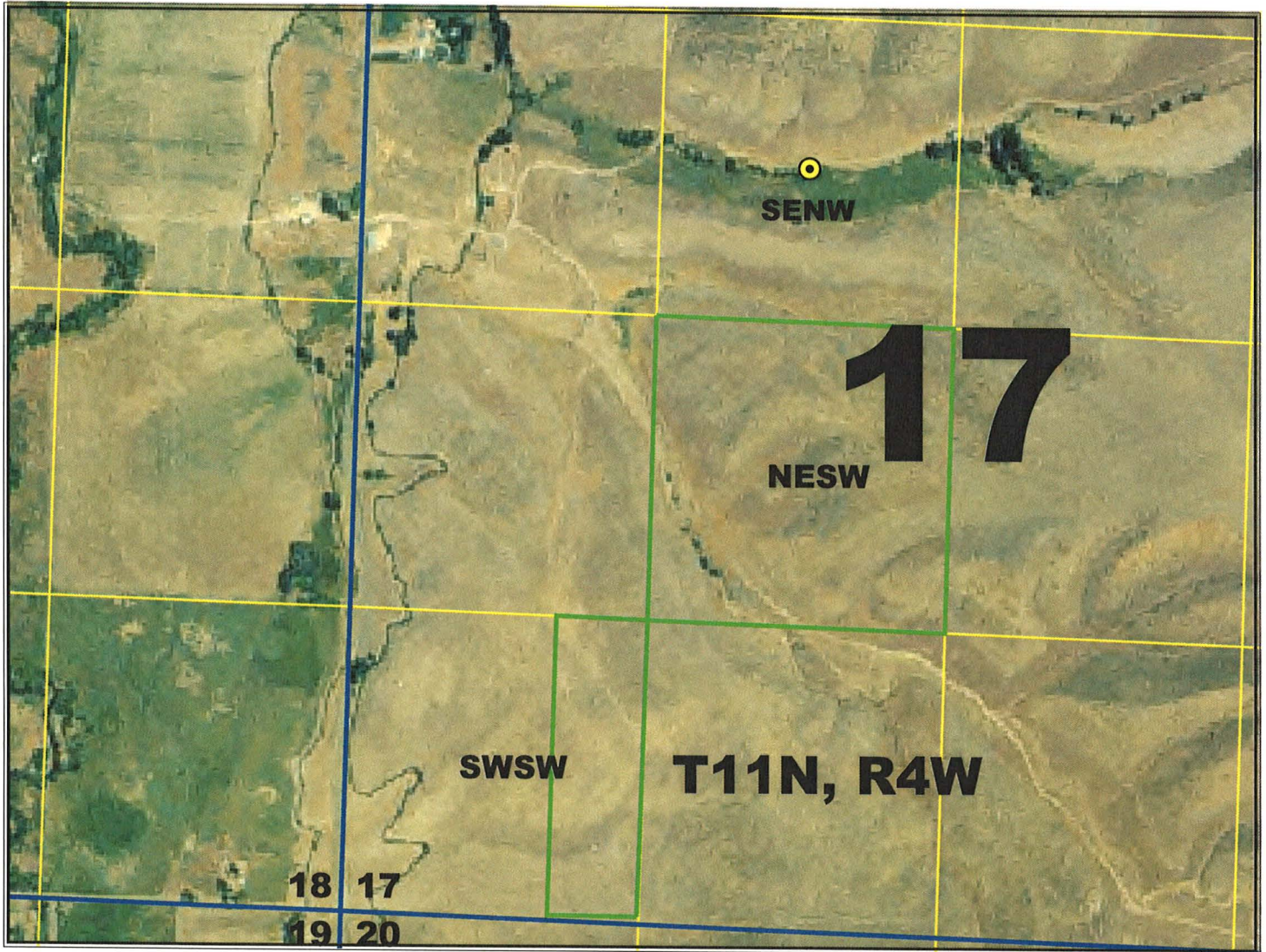
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 100 range cattle.



STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-04265



1320 0 1320 Feet

Purpose of Use: Stockwater

● 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: July 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4265 V1

WATER RIGHT NUMBER: 67-4265 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DUANE L BRENT 410 PIONEER RD WEISER, ID 83672 (208)549-0796
Original Owner	MARY E BRENT 410 PIONEER RD WEISER, ID 83672
Current Owner	BOGNUDA LAND TRUST C/O ROY BOGNUDA TTEE 680 CAMINO CABALLO NIPOMO, CA 93444-9559

Priority Date: 01/01/1915

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4NW1/4	Sec. 17, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	17																	
										X						X			

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. X02 Stockwater use is for 100 range cattle.
4. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4265 V1

Remarks:Comments:

1. csaxton 7/25/2005 Diversion Rate

Comment: Recommended diversion rate reduced from what was claimed to represent IDWR standard for 100 head of cattle.

2. csaxton 7/25/2005 Fees

Comment: Paid \$25

3. csaxton 7/25/2005 Stockwater

Comment: Stockwater: 50 range cattle for each of two (2) places of use.

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:

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: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	7/25/2005 11:35:39 AM	csaxton			Active
Priority Date	7/25/2005 11:36:08 AM	csaxton			Active
Summary			07/25/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/25/2005 11:35:40 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4265 V1

General	7/25/2005 11:36:08 AM	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 - De-minimis
POD	7/25/2005 11:36:33 AM	csaxton	Updated shape from PLS
POU	7/25/2005 11:37:12 AM	csaxton	Updated shape for Active POU
POU	7/25/2005 11:37:32 AM	csaxton	Updated PLS for Active POU
Summary	7/25/2005 11:41:10 AM	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? (No) 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?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4265

WATER RIGHT NUMBER: 67-4265

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DUANE L BRENT 410 PIONEER RD WEISER, ID 83672 (208)549-0796
Original Owner	MARY E BRENT 410 PIONEER RD WEISER, ID 83672
Current Owner	BOGNUDA LAND TRUST ✓ C/O ROY BOGNUDA TTEE 680 CAMINO CABALLO NIPOMO, CA 93444-9559

Priority Date: 01/01/1915 ✓

Basis: ~~Statutory Claim~~ - B-use

Status: Active

Source

SPRING

Tributary

MANN CREEK

Beneficial Use

STOCKWATER

From To

01/01 to 12/31 ✓

Diversion Rate0.070 CFS ✓
0.03Annual Volume

11 ✓

Total Diversion:0.070 CFS ✓
0.03

13 ✓

Location of Point(s) of Diversion

SPRING

SE1/4NW1/4 ✓

Sec. 17, Twp 11N, Rge 04W, B.M. ✓

WASHINGTON County

Place of Use ✓

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	04W	17									X								
											✓								

Conditions of Approval:

1. Stockwater: 50 range cattle for each of two (2) places of use. ✓

Remarks:Comments:

C18
X03 = Stock is 100 range cattle

Dates and Other Information:

Claim Received Date: 7/22/2005

Mitigation Plan: False

CLAIM TO A WATER RIGHT

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

(Name of Claimant)

83672

Telephone No. 549-0796

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 1915

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

Unnamed Spring

tributary to Manns Creek

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.07</u>	Use	<u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .07 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SE ¼ NW ¼, Sec. 17 Twp. 11N Rge. 4W 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. Describe any changes in the system and give the date of the change. 1 inch pipe from spring to two locations with concrete troughs

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

[illegible]

No. of acres _____

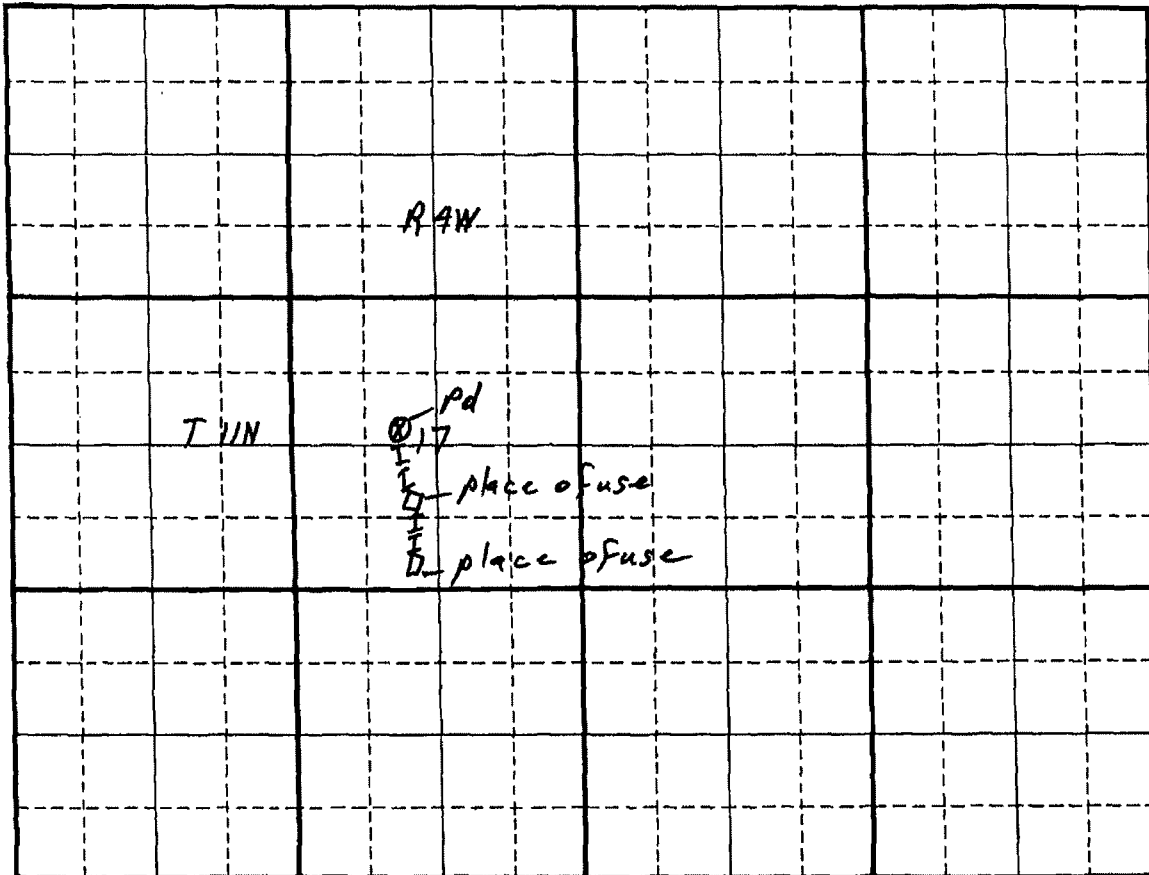
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

B) If water is used for other than irrigation, fully describe the use. Water is used for watering up to 300 head

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 8 day of February, 19 79.

Shane Grant
(Claimant)

David A. Tethill
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1980

FOR DEPARTMENT USE ONLY
Received by KK Date 2/19/79 Exception filed by: _____ Date _____
Prelim. check by CEK Date 2-26-79 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by KK Date 2/19/79 # 12574
Published in Signale American _____
Dates 2/22, 3/1 _____

IN THE MATTER OF:

Claim to a Water Right

State of Idaho

County of Washoe

AFFIDAVIT

being first duly sworn,

deposes and says: I, Duane Brent or Mary Brent, of
410 Pioneer Rd, Weiser, Idaho, do file a claim to a spring on
Sec 17 Township 11 N Range 4. This water was developed
and piped for livestock water use by a Goldsmith family
in about 1915. We have owned, and used this
spring since 1945. This water is piped to several
water tanks and used the year around. We purchased
the above lands from Maud Cassidy and Ed Connolly for
which lands, we have a recorded deed.

Duane Brent
(signature)

Subscribed and sworn to before me this 29 day of January 1979

Richard C. Cline
(notary public)

Residing at Weiser June 1, 1979
My commission expires

MICROFILMED

IN THE MATTER OF:

Claim to water right

AFFIDAVIT

State of Idaho

County of Washington

I Herbert Erickson being first duly sworn,
deposes and says:

I am familiar with the place
now owned by Duane and Mary Best
located in Sec. 17 - Twp. 11 N - R. 4. I had
lived neighbor to Mr. Goldsmith a former
owner of this place. I also worked for a
Mr. Cassidy one summer in about 1925. ^{former owner} Prior
to this time a large spring was developed
on this place and used for livestock,
several watering troughs were used for
this purpose. In 1936 I purchased a place
adjoining this property. In 1936 I have used
this water used continuously for livestock for
over 50 years.

Herbert Erickson
(signature)

Subscribed and sworn to before me this 30th day of January 19 79.

Wilmer M. Jones
(notary public)

Residing at Wells

My commission expires 5-10-81