

12/08/2006

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

RIGHT NUMBER: 67-4283

NAME AND ADDRESS: KENNETH L ASCHENBRENNER
6995 S RIDGEWOOD RD
NAMPA ID 83687-9018

R SHARON ASCHENBRENNER
6995 S RIDGEWOOD RD
NAMPA ID 83687-9018

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.740 CFS
1,185.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.18 cfs.
Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.

PRIORITY DATE: 11/15/1955

POINT OF DIVERSION:

T10N R05W S16 SESESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.740 CFS 1,185.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S16	NESW	39.50	T10N R05W S16	SWSW	37.70
T10N R05W S16	SESW	40.00	T10N R05W S16	NESE	39.70
T10N R05W S16	NWSE	25.10	T10N R05W S16	SWSE	38.50
T10N R05W S16	SESE	38.00	T10N R05W S21 Lot 1	NENE	4.90

263.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 309 acres in a single irrigation season. Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.

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

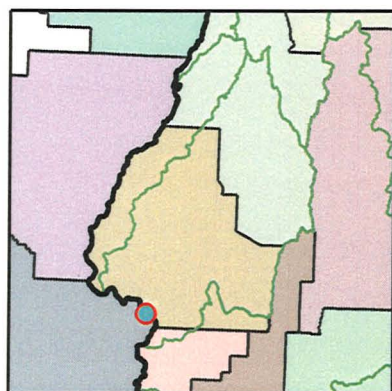
SRBA Recommendation:

67-4283

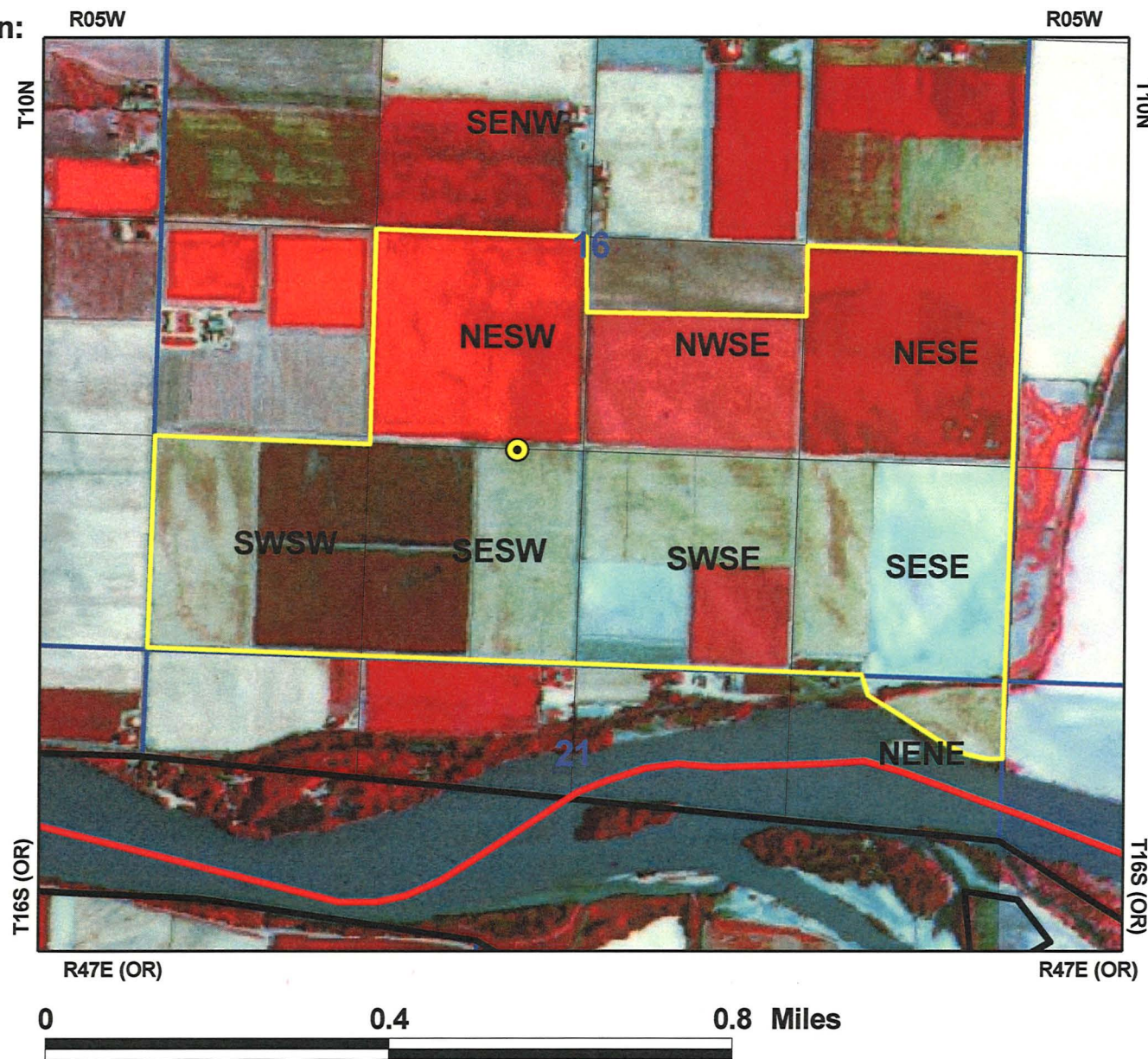
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



Prepared by J. Dean
On Friday, December 8, 2006
1987/88 Aerial Photography

11/20/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 8 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-4283

KENNETH L ASCHENBRENNER
6995 S RIDGEWOOD RD
NAMPA ID 83687-9018
Telephone Number: (208)888-3580

R SHARON ASCHENBRENNER
6995 S RIDGEWOOD RD
NAMPA ID 83687-9018
Telephone Number: (208)888-3580

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

1. you have listed the NESE Twice

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

Please include the 4.9 acres in 10N5W21 NENE as I purchased that field as well. It was listed on the original right.

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

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

DATE: Nov 30/06 SIGNATURE: Kenneth L Aschenbrenner

Please print your name: KENNETH L. ASCHENBRENNER

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

Reviewed and corrected. 12/8/06 JD

SCANNED
DEC - 4 2006

09/25/2006

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

RIGHT NUMBER: 67-4283

NAME AND ADDRESS: ROBERTS FARMS INC
1449 LARSEN RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.740 CFS
1,155.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.18 cfs.
Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.

PRIORITY DATE: 11/15/1955

POINT OF DIVERSION:

T10N R05W S16 SESESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.740 CFS 1,155.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R05W S16	NESW	39.50	T10N R05W S16	SWSW	37.70
T10N R05W S16	SESW	40.00	T10N R05W S16	NESE	37.70
T10N R05W S16	NESE	39.70	T10N R05W S16	NWSE	25.10
T10N R05W S16	SWSE	38.50	T10N R05W S16	SESE	38.00

296.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 309 acres in a single irrigation season. Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.

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



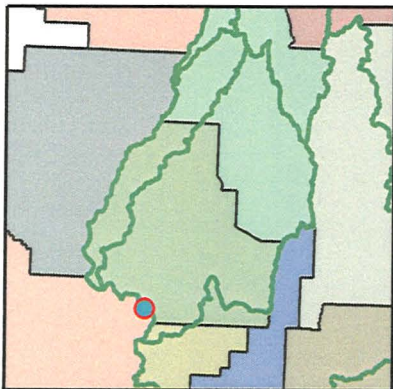
Idaho Department of Water Resources

SRBA Recommendation:

67-4283

Legend

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



Washington County
IDWR Basin 67



0 0.4 0.8 Miles

Prepared by J. Dean
On Monday, September 25, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4283 V1

WATER RIGHT NUMBER: 67-4283 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERTS FARMS INC 1449 LARSEN RD WEISER, ID 83672 (208)549-2507
Original Owner	BRADLEY H ROBERTS 1449 LARSEN RD WEISER, ID 83672 (208)549-2507

Priority Date: 11/15/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	3.740 CFS	1,155.00 AF
	<u>Total Diversion:</u>	3.740 CFS	1,155.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 16, Twp 10N, Rge 05W, 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	
10N	05W	16									39.5		37.7	40.0	39.7	25.1	38.5	38.0	258.5

Total Acres: 296.2

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 6.18 cfs.
Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.
2. E56 The rights listed below are limited to the irrigation of a combined total of 309 acres in a single irrigation season. Combined Right Nos.: 3-2005, 3-2009, 3-4012B, 3-10201, 3-10203, 3-10205, 67-4282, 67-4283.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4283 V1

Comments:

1. jdean 9/25/2006 Combined

Comment: This right was combined from 67-14543 and 67-14544. These claims were originally split from this claim incorrectly. For additional information, see memo in claim file.

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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.18		309

Combined Water Rights: 67-4282 , 67-4283 , 3-10201 , 3-10203 , 3-10205 ,
3-2005 , 3-4012B , 3-2009

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	9/25/2006 4:10:11 PM	jdean			Active
Priority Date	9/25/2006 4:11:58 PM	jdean			Active
POD	9/25/2006 4:12:25 PM	jdean			Active
Source	9/25/2006 4:13:01 PM	jdean			Active
POU	9/25/2006 4:14:33 PM	jdean			Active
Use	9/25/2006 4:15:11 PM	jdean			Active
Season	9/25/2006 4:17:32 PM	jdean			Active
Quantity	9/25/2006 4:20:05 PM	jdean			Active
Summary			09/25/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/25/2006 4:07:39 PM	jdean	Updated shape
POD	9/25/2006 4:07:51 PM	jdean	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4283 V1

Contacts	9/25/2006 4:10:12 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: KENNETH L ASCHENBRENNER - Contact Phone Number: 208-888-3580 Date of Field Exam: 7/27/06 PM Directions to Property:
Source	9/25/2006 4:13:01 PM	jdean	(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 - Source was verified as per field exam and affidavit of Lloyd Roberts.
Use	9/25/2006 4:15:11 PM	jdean	(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 - Purpose was verified as per aerial photography showing irrigation and field exam.
Season	9/25/2006 4:17:32 PM	jdean	(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 67-4283 V1

Quantity	9/25/2006 4:20:05 PM	jdean	(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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Theoretical capacity calculation was made based on pump horsepower and lift. Description for Question 10 - 256.5 acres * 4.5 afy/acre = 1155 afy
General	9/25/2006 4:11:58 PM	jdean	(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? (Yes) 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 of Lloyd Roberts states that he knows irrigation was taking place from this pump when his father rented the land in 1955.
POD	9/25/2006 4:12:25 PM	jdean	(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?
Summary	9/25/2006 4:40:07 PM	jdean	(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? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4283 V1

POU	9/25/2006 3:54:36 PM	jdean	Updated shape for Active POU
POU	9/25/2006 3:54:47 PM	jdean	Updated PLS for Active POU
POU	9/25/2006 4:14:33 PM	jdean	(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 - POU was verified as per aerial photography, field exam, and system/acre map from claimant.

Water Supply Bank:

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
September 22, 2006

To: 67-4283 Claim File
From: Jennifer Dean 
Subject: Combined Right

Roberts Farms originally filed the claim for 67-4283. The claim included land in both Section 16 and 21 of Township 10N, Range 05W. Later Roberts Farms sold all of the property in Section 16 to Ken Aschenbrenner. This resulted in 67-4283 being split into 67-14543 (Roberts Farms) and 67-14544 (Aschenbrenner).

In reviewing these claims for recommendation, it was discovered that the well that services this claim was never set up to irrigate ground in Section 21 or the portion of the land that was retained by Roberts Farms. The well for this claim is in Section 16 (as per field exam) and a road divides the land between Section 16 and Section 21. From conversation with claimants as well as from the field exam, it appears that there was never a way to get water across the road to the ground in Section 21.

In the file 67-14543 there are notes that relate to it being proposed to be disallowed. On 1/24/2006 Monica VanBussum entered the following comment related to this claim: "Per Sid Roberts from Roberts Farms, when property was split per change of ownership, the portion of the ground that was irrigated went to Aschenbrenner, claimant for 67-14544."

On 9/19/2006, I personally spoke with Sid Roberts to again confirm that he and Roberts Farms had no interest pursuing the portion of the claim that was split when the ownership was changed. He again confirmed that the well water was not used south of the road and that Aschenbrenner should hold all that the water right associated with the well.

The significance of recombining the claims is that it allows the entire diversion to be recommended to Aschenbrenner. This could not be accomplished by disallowing the portion of the claim that was retained by Roberts Farms.

SCANNED
SEP 25 2006

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 67-4283
Date Received: 10/10/1989
Receipt No: M004882
Received By:

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

1. Name of Claimant(s)

KENNETH L ASCHENBRENNER Phone: (208)888-3580

6995 S RIDGEWOOD RD
NAMPA ID USA 83687-9018

R SHARON ASCHENBRENNER Phone: (208)888-3580

6995 S RIDGEWOOD RD
NAMPA ID USA 83687-9018

2. Date of Priority: 01/01/1950

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	05W	16	SE NE SW	WASHINGTON	

5. Description of diverting works:

WELL, 5' DIAMETER, CONCRETE CASING, 30' DEEP, 25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.74	

7. Total Quantity Appropriated is:
3.74 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
10N	05W	16	SW	SE		IRRIGATION	38.5
			SE	SE		IRRIGATION	38
			NE	SW		IRRIGATION	39.5
			SW	SW		IRRIGATION	38.6
			SE	SW		IRRIGATION	39.1
			NE	SE		IRRIGATION	37.7
			NW	SE		IRRIGATION	25.1
						Section Acres	256.5
10N	05W	21	NE	NW	3	IRRIGATION	11.9
			NW	NW	4	IRRIGATION	15.5
			NE	NE	1	IRRIGATION	4.9
			NW	NE	2	IRRIGATION	3
						Section Acres	35.3
						Total Acres	291.8

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:

THIS WELL IS PRIMARILY USED TO IRRIGATE THE LAND PLANTED TO POTATOES, AND IS NOT USED TO IRRIGATE ALL OF THE LANDS DESCRIBED IN THE PLACE OF USE IN ITEM 10 IN THE SAME IRRIGATION SEASON.

This right is a combination of old Right Nos. 67-14543 and 67-14544.

15. Basis of Claim: Statutory Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4283

WATER RIGHT NUMBER: 67-4283

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERTS FARMS INC 1449 LARSEN RD WEISER, ID 83672 (208)549-2507

Priority Date: 01/01/1950

Basis: Statutory Claim

Status: **PARENT**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.740 CFS	
<u>Total Diversion:</u>		3.740 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16, Twp 10N, Rge 05W, 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	
10N	05W	16									39.5		38.6	39.1	37.7	25.1	38.5	38.0	256.5
10N	05W	21	4.9	3.0			11.9	15.5											35.3
			L 1	L 2			L 3	L 4											

Total Acres: 291.8

Conditions of Approval:Remarks:

- General THIS WELL IS PRIMARILY USED TO IRRIGATE THE LAND PLANTED TO POTATOES, AND IS NOT USED TO IRRIGATE ALL OF THE LANDS DESCRIBED IN THE PLACE OF USE IN ITEM 10 IN THE SAME IRRIGATION SEASON.
- Explanatory This right split per change of ownership into 67-14543 and 6-14544.

Comments:Dates and Other Information:

Claim Received Date: 10/10/1989
 State or Federal: S
 Owner Name Connector: OR
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4283

WATER RIGHT NUMBER: 67-4283

Owner Type Name and Address
Current Owner ROBERTS FARMS INC
 1449 LARSEN RD
 WEISER, ID 83672
 (208)549-2507

Priority Date: 01/01/1950
Basis: Statutory Claim
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.740 CFS	3.35
	<u>Total Diversion:</u>	3.740 CFS	0.39

Location of Point(s) of Diversion
GROUND WATER SE1/4NE1/4SW1/4 Sec. 16, Twp 10N, Rge 05W, 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	
10N	05W	16									39.5		38.6	39.1	37.7	25.1	38.5	38.0	256.5
10N	05W	21	4.9	3.0			11.9	15.5											4.9
			L 1	L 2			L 3	L 4											30.4

Total Acres: ~~291.8~~ 261.4
30.4

Conditions of Approval:

Remarks:

- General THIS WELL IS PRIMARILY USED TO IRRIGATE THE LAND PLANTED TO POTATOES, AND IS NOT USED TO IRRIGATE ALL OF THE LANDS DESCRIBED IN THE PLACE OF USE IN ITEM 10 IN THE SAME IRRIGATION SEASON.

Comments:

Dates and Other Information:

Claim Received Date: 10/10/1989
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 08 2003
WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
67-4283 <i>ok to split CS</i>			03-2009		
03-4011		X	03-2005		
~~03-4011~~			03-2007		X
~~03-4012~~		X	03-4012A		X
03-4012B			03-2001A		
67-4282 <i>ok to change CS</i>					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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) are 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) ROBERTS FARMS INC.
1449 LARSEN ROAD, WEISER, ID 83672
4. New Owner/Claimant(s) KENNETH L. ASCHENBRENNER AND R. SHARON ASCHENBRENNER
Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 4990 NORTH MERIDIAN ROAD
- City, State and ZIP Code MERIDIAN, ID 83642
- New Telephone Number 208) 898-3580
5. Date you acquired the property 02/1/03

SCANNED
MAR 31 2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>03-4012</u>		
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		100 ACRES
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 <u>03-2007</u>		
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		78 ACRES
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Reginald A. Ashenbrenner
(include title if applicable) Sharon Ashenbrenner

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 <u>DAH</u>	Date <u>10-8-03</u>	Fee <u>0</u>	
Received by <u>Sharon Ashenbrenner</u>	Date <u>3-31-05</u>	Receipt No. _____	
Processed by <u>Sharon Ashenbrenner</u>	Date <u>3-31-05</u>	WR _____	Date _____
<u>ok to change B67 claims 3-30-05</u>			SCANNED
			MAR 31 2005

DEED

FOR VALUE RECEIVED, ROBERTS FARMS, INC.
a corporation duly organized and existing under the laws of the State of Idaho, grantor, does
hereby Grant, Bargain, Sell and Convey unto

KENNETH L. ASCHENBRENNER AND R. SHARON ASCHENBRENNER,
husband and wife

grantee whose current address is 4990 NORTH MERIDIAN ROAD
MERIDIAN, ID 83642

The following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

Instrument # 191339

WEISER, WASHINGTON, IDAHO

2003-10-01

03:09:00 No. of Pages: 2

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 6.00

THE PROPERTY HEREIN DESCRIBED IS SITUATED IN OR NEAR FARM OR RANCH
PROPERTY. THE INTENT IS TO ENCOURAGE AGRICULTURAL USE AND MINIMIZE
CONFLICTS WITH NON-FARM NEIGHBORS. NON-FARM RESIDENTS MAY BE SUBJECTED
TO COMMON, CUSTOMARY, AND ACCEPTED FARM & RANCH PRACTICES THAT ARE
CONDUCTED IN ACCORDANCE WITH STATE AND FEDERAL LAWS BUT ORDINARILY &
NECESSARILY PRODUCE NOISE, DUST, SMOKE & OTHER IMPACTS. THE GRANTEES,
INCLUDING THEIR HEIRS, ASSIGNS & LEASES, BY THE RECORDING OF THIS STATEMENT,
ACCEPT THE POTENTIAL IMPACTS OF ACCEPTED FARM & RANCH PRACTICE AS NORMAL
AND NECESSARY AND PART OF THE RISK OF HAVING A DWELLING IN THIS AREA.
GRANTEE ACKNOWLEDGES THE NEED TO AVOID ACTIVITIES THAT CONFLICT WITH
NEARBY FARM AND RANCH USES.

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 Grantees,
their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has
caused its corporate name to be hereunto subscribed by its President and its corporate seal to be
affixed by its Secretary this 29th day of September, 2003.

BY

Bradley H. Roberts
President

Sidney W. Roberts
Secretary

STATE OF IDAHO

On this 29th day of September, 2003, before me, a Notary Public
in and for said State, personally appeared BRADLEY H. ROBERTS and
SIDNEY W. ROBERTS, known to be to be the President and Secretary of
the corporation that executed this instrument or the persons who executed the

SCANNED

MAR 31 2005

EXHIBIT "A"

IN TOWNSHIP 10 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

Lots 10, 11, 12, 13, 17, 18 and 19 of the SUNNYSIDE ORCHARD TRACT as the same are shown on the official plat of said Sunnyside Orchard Tract on file in the office of the County Recorder of Washington County, Idaho, SAVE AND EXCEPT THEREFROM the North 86.86 feet of Lots 10 and 19 of said Sunnyside Orchard Tract. Together with an easement for a right-of-way for a water pipeline across Lot 14 of the Sunnyside Orchard Tract as granted by agreement dated and recorded April 23, 1962, official records.

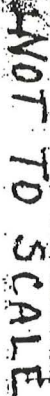
Section 16: SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 21: Government Lot 1.

SAVE AND EXCEPT THEREFROM the following described portion: Beginning at the southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16; thence running northeasterly at an angle of 29°00' to a point which is 70 feet North of the South line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 feet East of the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence running East 315 feet to a point 3 feet West of an existing sidewalk on the west side of a cement foundation; thence running South to the Snake River; thence Westerly down and along the said Snake River to the West boundary line of Government Lot 1 of said Section 21; thence North along the said West boundary line to the point of beginning.

Together with road right of way as established in Deed recorded November 22, 2002 as Instrument No. 187853, Official Records.

N: 1447996.48
E: 2265282.05



Robertus Phares-Jarvis

Q
N
W

NOT TO SCALE

SCANNED
MAR 3 1 2005

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: A67-04283
Date Received: 10-10-89
Receipt No: m4882
Received By: LW
CA 5-4-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERTS FARMS, INC. 208-549-2507
Address: 1449 LARSEN ROAD
WEISER, ID 83672

2. Date of Priority: JAN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	16	SE	NE	SW		WASHINGTON

5. Description of diverting works:
WELL, 5' DIAMETER, CONCRETE CASING, 30' DEEP, 25 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.740		

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

8. Total consumptive use is 654.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	16	NE	SW		IRR	39.5
			SW	SW		IRR	38.6
			SE	SW		IRR	39.1
			NE	SE		IRR	37.7

A67-04283

Page 1

Date: 05/04/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	16	NW		SE		IRR	25.1
			SW		SE		IRR	38.5
			SE		SE		IRR	38.0
			Section Acres					256.5
		21	NE		NE	1	IRR	4.9
			NW		NE	2	IRR	3.0
			NE		NW	3	IRR	11.9
			NW		NW	4	IRR	15.5
			Section Acres					35.3
			Total Acres					291.8

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:

03-02005, 03-02007, 03-02009, 03-04011, 03-04012

14. Remarks:

THIS WELL IS PRIMARILY USED TO IRRIGATE THE LAND PLANTED TO POTATOES, AND IS NOT USED TO IRRIGATE ALL OF THE LANDS DESCRIBED IN THE PLACE OF USE IN ITEM 10 IN THE SAME IRRIGATION SEASON.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 02 1992

(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: 1

I do solemnly swear or affirm that I am Secretary of
Roberts Farms Inc, that I have signed the foregoing
Organization document in the space below as Secretary of
Roberts Farms Inc and that the statements contained in the
Organization foregoing document are true and correct.
William W Roberts

Didney W Roberts
Signature of Authorized Agent

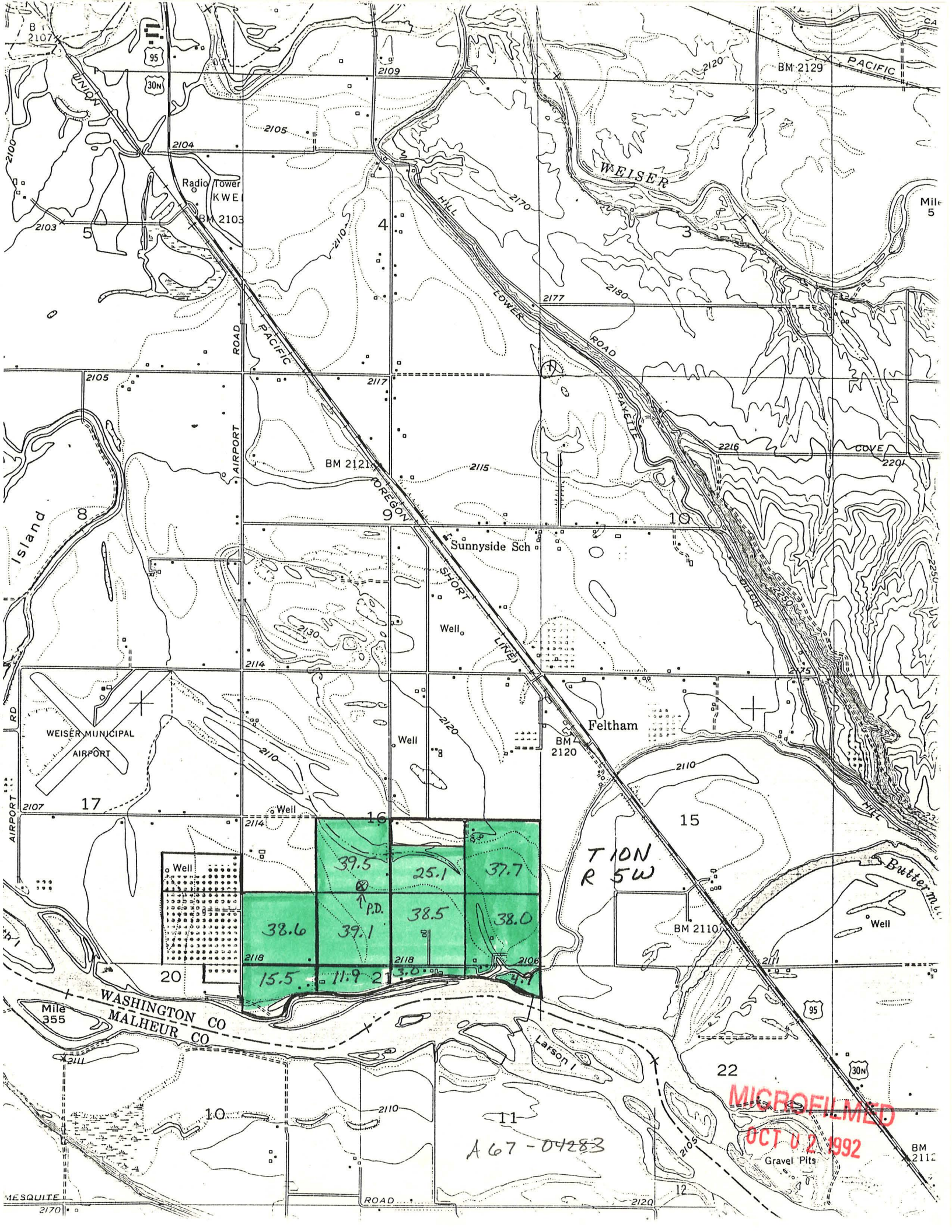
Sea Roberto Tarnas Inc.
Title and Organization

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of October 19 89 Linda

e this 10 day
Linda Warner
Notary Public

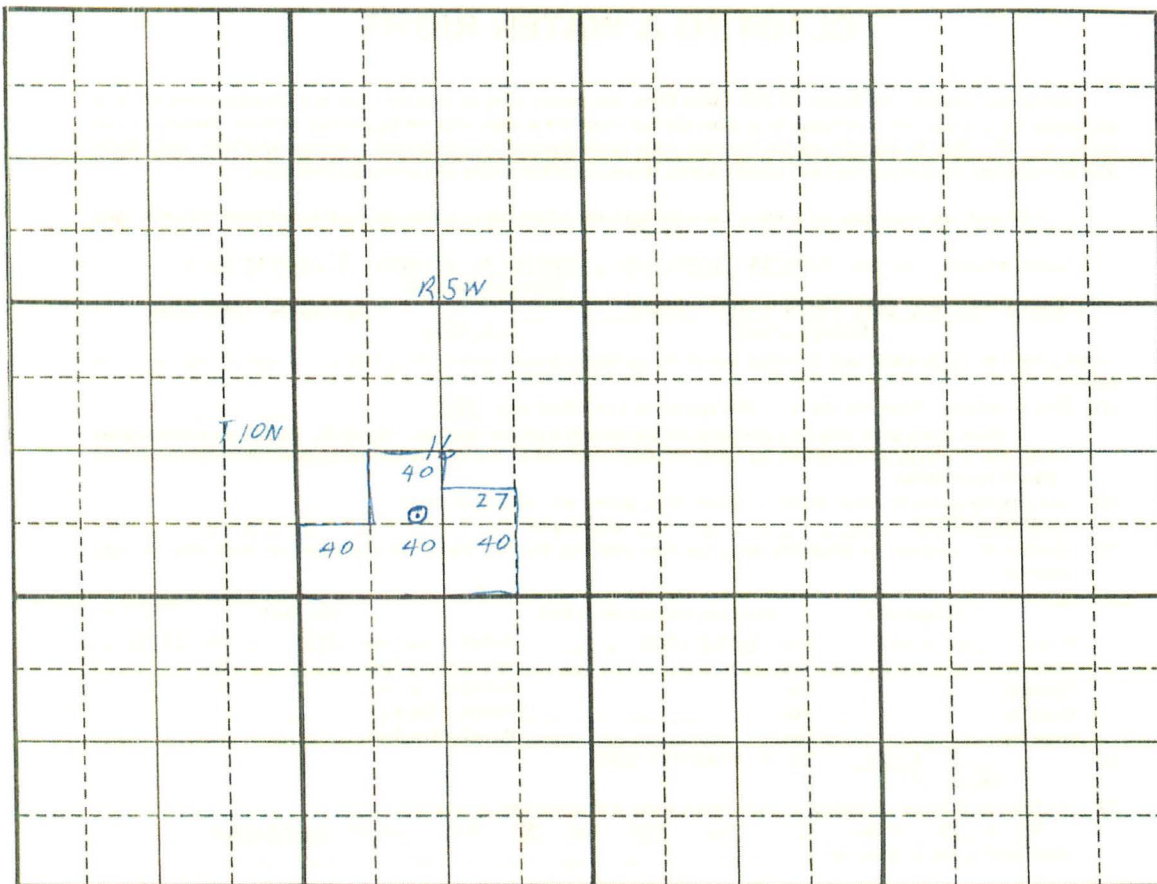
Residing at Linda A. Werner
Residing at Boise, Idaho
 My Commission Expires December 8, 1994



MICROFILMED
OCT 12 1992

A 67 - 04283

(8) Remarks Supplemental water to License #03-2005.



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 9 day of June, 1979.

Bradley H. Roberts (Claimant)
(Claimant)

Kathleen A. Walker
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY

Received by GLS Date 7/19/79 Exception filed by: _____ Date _____
Prelim. check by CWB Date 7/10/79 Forwarded to claimant by: _____
\$20.00 fee received by KW Date 7/19/79 # 14435
Published in Signal American _____
Dates 7/19 & 7/26/79 _____ KK 8/8/79

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.

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