

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 67-4510
Date Received: 10/3/89
Receipt No: M004772
Received By:

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

1. Name of Claimant(s): CARL M CASE
PO BOX 399
CAMBRIDGE ID USA 83610

Phone: (208) 257-3911

JOANNE M CASE
PO BOX 399
CAMBRIDGE ID USA 83610

Phone: (208) 257-3911

2. Date of Priority: 01/01/1922

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	3	SW NE	WASHINGTON	

5. Description of diverting works:

HEADGATE, WEIR, AND DITCH FOR GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/31	0.34	
STOCKWATER	1/01	12/31	0.06	

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

SCANNED
APR 14 2004

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	14	NW NW NW NW		IRRIGATION STOCKWATER	15
					Section Acres	15
					Total Acres	15

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:

POINT OF DIVERSION WITHIN W 1/2 OF SWNE. WELL IS FOR DOMESTIC & STOCKWATER USES.
ASSUMED THAT RATE EXCEEDING 1" PER ACRE IS DUE TO DITCH LOSS
OWNERSHIP CHANGED BY LH 5/23/94
Ownership changed by DB 5/11/2001

15. Basis of Claim: Statutory Claim

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

RECEIVED
 JAN 22 2001
 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
67-4510					

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)

JACK RIPPEN
 RT. 1 BOX 206 CAMBRIDGE, ID 83610
 CREED NOAH
 CAMBRIDGE, ID 83610

4.

New Owner/Claimant(s)

CARL M & JOANNE M CASE
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO BOX 399

City, State and ZIP Code

CAMBRIDGE, ID 83610

New Telephone Number

208 257-3911

5.

Date you acquired the property

MARCH 31, 1994

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.

Entire Right

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>67-4510</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	<u>.17</u>	
Stock	<u>.03</u>	
Domestic	<u>—</u>	
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)
(include title if applicable)

Carl M. Reese

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Noah to Case

CONTRACT OF SALE

THIS AGREEMENT, made and entered into this ____ day of November, 1994, by and between RANDY E. NOAH and KATHRYN A. NOAH, husband and wife, CREED A. NOAH and MARY NOAH, husband and wife, and BILL E. NOAH and ZOLA A. NOAH, husband and wife, hereinafter referred to as Seller, and CARL MICHAEL CASE and JOANNE MARIE CASE, husband and wife, hereinafter referred to as Buyer.

SALE: Seller, in consideration of the covenants and agreements of Buyer hereinafter contained, agrees to sell and convey unto Buyer, and Buyer agrees to buy all that certain real property, together with all and singular the rights and appurtenances thereto in anywise belonging, situated in the County of Washington, State of Idaho, described as follows, to-wit:

More particularly described on attached Exhibit "A".

PRICE AND TERMS OF PAYMENT: Buyer agrees to pay for the premises and Seller agrees to accept as the purchase price therefor the sum of THIRTY-NINE THOUSAND SIX HUNDRED TWELVE AND NO/100 (\$39,612.00) DOLLARS, payable as follows:

A. TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS down, the receipt of which is hereby acknowledged.

B. The balance of TWENTY-NINE THOUSAND SIX HUNDRED TWELVE AND NO/100 (\$29,612.00) DOLLARS shall be payable in equal monthly payments of \$367.15 per month, with the first payment being due on ~~December 1, 1994~~ ^{January 1, 1994}, and a like payment on the 1st day of each

and every month thereafter until both principal and interest are paid in full. Interest shall accumulate at the rate of eight and one-half percent (8 1/2%) per annum from November 1, 1994, and shall be included in said payments. In the event of a payment in the amount of \$5,000.00 or more, the remaining balance shall be reamortized at 8 1/2% for the remaining term.

C. Buyer shall have the right and privilege to make any and all payments in advance of the due date without suffering any penalty or disadvantage.

PRIOR ENCUMBRANCES: The parties acknowledge that title to the herein described real property is vested in Arnold M. Rippen, a single man, and Jack L. Rippen and Della Rippen, husband and wife. The Buyers are further aware that the Sellers herein (the Noahs) are purchasing this property and other real property pursuant to a Contract for the Sale of Real property dated the 31st day of March, 1994, wherein the Rippens are the Sellers and the Noahs are the Buyers. The Buyers herein further understand that Noahs will have said property paid in full prior to final payment under this Contract of Sale, thereby passing free and clear title to the Buyers herein. The parties further understand and agree that the Rippen/Noah Contract of Sale is escrowed with Weiser Valley Title, Weiser, Idaho, and that this Contract will likewise be escrowed at Weiser Valley Title. Weiser Valley Title is hereby authorized and instructed to notify the Buyers herein

in the event of any default which Noahs may incur in the Rippen/Noah Contract in order that the Buyers herein can have an opportunity to correct that default. Any such correction (in the form of payments made by the Buyers herein) shall be credited on this Contract of Sale.

WARRANTY DEED AND ESCROW: At the signing of this Contract of Sale, the Seller shall also execute his good and sufficient Warranty Deed conveying said property to the Buyer. This deed, together with an executed copy of this contract of sale, shall be lodged with Weiser Valley Title Company, Weiser, Idaho, as escrow holder. In carrying out the trust imposed in it hereby, said escrow holder shall be guided by the terms and conditions of this contract of sale. If and when the Buyer shall have complied with all of the terms and conditions of this contract of sale, then the escrow holder is directed to deliver all escrowed papers to the Buyer.

NOTICE OF LAND SALE CONTRACT: Upon the signing of this agreement, the Buyer and Seller shall also execute a Notice of Land Sale Contract, stating that a contract of sale has been entered into between these parties, and stating that said contract is escrowed as herein provided. Said notice shall be recorded with the County recorder in which the land is situated in order to give notice of the Buyer's interest in said property.

POSSESSION OF PROPERTY: Buyer may enter into immediate possession of such property and continue in such possession for

and during the life of this agreement. Buyer shall maintain such premises and all improvements thereon in good repair, shall permit no waste thereof, and shall take the same care thereof that a prudent owner would take.

TITLE INSURANCE: The Seller shall within a reasonable time and not more than thirty days from the date of contract, provide a title insurance policy in the amount of \$39,612.00 showing title vested in Arnold M. Rippen, a single man, and Jack L. Rippen and Della Rippen, husband and wife, subject, however, to the hereinabove described Contract for the Sale of Real Property dated March 31, 1994, current taxes, and any easements of record. Subject also to building restrictions and protective covenants, a copy of which are attached hereto as Exhibit "B" and incorporated herein the same as though set out in full. Buyers acknowledge that they have read those building restrictions and Protective covenants and agree to be bound thereby. Costs of the Title Insurance Policy shall be paid by Seller, and the original Policy shall be placed in escrow.

TAXES, ASSESSMENTS AND IMPROVEMENT LIENS: Seller covenants to have paid all taxes on the herein described property for the year 1993. All 1994 tax assessments, water assessments or other assessments levied on said property shall be prorated as of the _____ day of November, 1994. Thereafter, all taxes and assessments levied against said property shall be paid by the Buyer. The Buyer shall not allow any such taxes, assessments,

improvement liens, or other charges to become delinquent on said property during the term of this Agreement.

ADDRESSES: For the purposes of any notices required under the provisions of this agreement, the following are the addresses of the parties until such time as each shall notify the other in writing of a change of address:

Seller: Randy E. & Kathryn A. Noah
Creed A. Noah & Mary Noah
Bill E. Noah & Zola A. Noah
Cambridge, Idaho 83610

Buyer: Mr. & Mrs. Carl M. Case

INSPECTION OF PREMISES: The Buyer acknowledges that he has been given full opportunity for inspection and accepts the property in its present condition without relying on any representation of the Seller or his agents.

FIRE INSURANCE: Buyer shall keep the buildings erected, and to be erected, upon such property insured against fire in the amount of the reasonable insurable value thereof in insurance companies to be approved by the Seller for the mutual benefit and protection of the parties hereto, showing Sellers as named insureds. A copy of said insurance policy shall be placed in escrow.

FORFEITURE: Time and punctuality of payment are of the essence and a material part of this contract; and in the event Buyer shall default in the performance of the terms of this

agreement, Seller may cause notice in writing to be given to Buyer, specifying the matter in which such default occurred. The notice shall be served upon Buyer by depositing the same in any United States Post Office, addressed to Buyer at Buyer's address specified herein or such other address as Buyer shall request in writing to the escrow holder, certified mail, postage prepaid, and such notice shall be deemed served upon its deposit in the post office as aforesaid. If Buyer shall fail to cure such default within thirty (30) days after the service of such notice as aforesaid, then Seller may elect to:

A. Declare the entire unpaid balance on the contract including principal, interest, taxes, assessments, attorneys' fees, and any other sums owing Seller to be immediately due and owing and,

B. Elect to either:

(1) Bring suit to establish the balance owing hereunder as a debt due by Buyer to Seller, and to foreclose this contract as a real estate mortgage securing said debt, in accordance with the laws of the State of Idaho relating to the foreclosure of real estate mortgages, including the right to a deficiency judgment; no notice to Buyer of election to pursue this remedy is required prior to suit, or (2) Declare this contract to be terminated due to said default. In that event, this contract shall be immediately terminated, and Buyer shall forfeit all rights to said premises, and all payments made hereon shall be

immediately terminated, and Buyer shall forfeit all rights to said premises, and all payments made hereon shall be retained by Seller as liquidated damages for the breach of this contract. In that event Buyer agrees to immediately surrender possession of the premises, and any improvements made thereon shall attach to and become a part of the real property, and shall be retained as liquidated damages. If notice of election of this remedy is not given in the notice of default, then an additional certified mail notice of the election to terminate the contract shall be given, and Buyer agrees to immediately vacate the premises upon receipt of the notice.

C. To pursue any other remedy in law or equity to enforce the performance of this contract, or to recover damages for breach thereof.

D. In the event it becomes necessary for either of the parties hereto to place this agreement in the hands of the attorney for enforcement of their rights hereunder, then the defaulting party agrees in such case to pay a reasonable attorneys' fee incurred by the prevailing party, and shall further pay the costs of preparation of any default notice, which sum shall be added to the balance due under the terms of this agreement, and payment of which shall be necessary to cure any default specified in such notice.

ESCROW FEE: It is mutually understood and agreed between the parties that the escrow fees will be equally divided between the parties.

LEGAL FEE: It is understood by all parties hereto that the attorneys drafting this agreement represent the Seller, and the Buyer is free to have this contract reviewed by an attorney of their own choosing. Buyer agrees to pay to the Seller an amount equal to one-half of the attorney fee incurred by the Seller as a reimbursement of the costs of drafting this agreement and accompanying documents.

ATTORNEY'S FEES: In the event suit or action arises hereunder for the enforcement of any of the rights of the parties hereto, the prevailing parties in such litigation shall be entitled, in addition to any other award meet by the Court, to a reasonable sum to be fixed by the Court for attorney's fees.

ADDITIONAL COVENANTS: This agreement expresses the entire agreement of said parties and no oral representations or warranties were made inducing either of the parties to enter into this Agreement. THIS AGREEMENT SHALL BE BINDING upon the heirs, executors, administrators and assigns of the parties hereto.

As used in this contract, the masculine, feminine or neuter gender, and the singular or plural number, shall each be deemed to include the others whenever the context so indicates.

IN WITNESS WHEREOF, the parties hereto have hereunto set
their hands and seals the day and year first above written.

Randy E. Noah
Randy E. Noah

Kathryn A. Noah
Kathryn A. Noah

Creed A. Noah
Creed A. Noah

Mary Noah
Mary Noah

Bill E. Noah
Bill E. Noah

Zola A. Noah
Zola A. Noah

"Sellers"

Carl Michael Case
Carl Michael Case

Joanne Marie Case
Joanne Marie Case

"Buyer"

STATE OF IDAHO)
) ss.
County of Washington)

On this the 30th day of November, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared RANDY E. NOAH and KATHRYN A. NOAH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public for said State
Residing at: Cambridge
com exp 11-18-99

STATE OF IDAHO)
) ss.
County of Washington)

On this the 30th day of November, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared CREED A. NOAH and MARY NOAH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public for said State
Residing at: Cambridge
com exp 11-18-99

STATE OF IDAHO)
) ss.
County of Washington)

On this the 30th day of November, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared BILL E. NOAH and ZOLA A. NOAH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

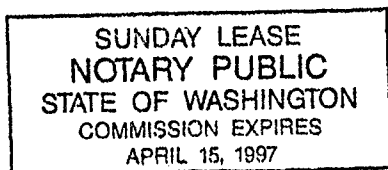
John A. Clemens
Notary Public for said State
Residing at: Orlando
Com exp 11-18-99

STATE OF Wash.)
) ss.
County of Clark)

DUPLICATE

On this the 21st day of November, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared CARL MICHAEL CASE and JOANNE MARIE CASE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.



Sunday Lease
Notary Public for said State
Residing at: Vancouver
ex. 4-15-97

IN TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN,
WASHINGTON COUNTY, IDAHO:

THAT PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 14 THAT LIES NORTH OF THE CENTERLINE OF COW CREEK ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 14, THENCE SOUTH 88°56'02" EAST 1318.17 FEET TO THE NORTHEAST CORNER OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 14, THENCE SOUTH 00°22'59" WEST, ALONG THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 14, 1019.83 TO A POINT ON SAID CENTERLINE OF COW CREEK ROAD, THENCE ALONG SAID CENTERLINE THE FOLLOWING ELEVEN CONSECUTIVE COURSES: (1) NORTH 68°38' WEST 98.80 FEET; (2) NORTH 49°44' WEST 88 FEET; (3) NORTH 40°21' WEST 163 FEET; (4) NORTH 59°17' WEST 134 FEET; (5) NORTH 76°33' WEST 285 FEET; (6) NORTH 71°36' WEST 134 FEET; (7) NORTH 73°20' WEST 109 FEET; (8) NORTH 81°30' WEST 93 FEET; (9) SOUTH 87°06' WEST 61 FEET; (10) SOUTH 74°51' WEST 61 FEET; (11) SOUTH 66°42' WEST 237 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID SECTION 14; THENCE NORTH 00°33'25" EAST 718.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, T.15N., R.3W., B.M.; THENCE SOUTH 88°56'02" EAST, ALONG THE NORTH LINE OF SAID SECTION 14, 910 FEET; THENCE SOUTH 500 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST A DISTANCE OF 170 FEET; THENCE SOUTH A DISTANCE OF 250 FEET; THENCE WEST A DISTANCE OF 170 FEET; THENCE NORTH A DISTANCE OF 250 FEET TO THE TRUE POINT OF BEGINNING.

*Rippen to Noah***NOTICE OF CONTRACT OF SALE**

NOTICE IS HEREBY GIVEN that the real property described as follows:

IN TOWNSHIP 15 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN:

SECTION 18: LOTS 1 AND 2

IN TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

SECTION 12: SE1/4

SECTION 13: S1/2NW1/4; NE1/4SE1/4; NE1/4

**SECTION 14: NE1/4SE1/4; SE1/4NE1/4; NW1/4NW1/4;
S1/2NW1/4; N1/2SW1/4; SW1/4NE1/4;
NW1/4SE1/4;**

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

Commencing at the Northwest corner of Section 14, Twp. 15 N., R. 3 W. B.M.; thence East on the said Section line a distance of 970 feet; thence South 500 feet to the true point of beginning; thence East a distance of 170 feet; thence South a distance of 250 feet; thence West a distance of 170 feet; thence North a distance of 250 feet to the point and place of beginning.

SUBJECT TO right-of-way for County Roads.

TOGETHER with all water, water rights, ditches, ditch rights, easements, hereditaments, minerals, and appertenances thereto.

This real property has been sold subject to the terms and conditions of an unrecorded contract of sale dated the 31st day of March, 1994.

SELLERS: JACK RIPPEN and DELLA RIPPEN,
husband and wife
3374 Cow Creek Road
Cambridge, Idaho 83610

ARNOLD M. RIPPEN,
a single man,
3374 Cow Creek Road
Cambridge, Idaho 83610

BUYERS: RANDY E. NOAH and KATHRYN A. NOAH,
husband and wife,
2874 Warfield Lane
Cambridge, Idaho 83610

CREED A. NOAH and MARY NOAH,
husband and wife,
3039 Highway 71
Cambridge, Idaho 83610

BILL E. NOAH and ZOLA A. NOAH
husband and wife
2490 West Pine Creek Road
Cambridge, Idaho 83610

POSSESSION: Under the terms of said contract Buyers are
entitled to possession, use and occupancy of said property from the
date of said contract so long as each and every covenant of said
contract shall be faithfully performed by Buyers.

TITLE: Title to the property remains in Sellers until the
entire purchase price is fully paid.

ESCROW AGENT: Weiser Valley Title
124 East Main Street
Weiser, Idaho 83672

INSTRUMENT NO. 159727
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

WEISER VALLEY TITLE
36 Min. past FIFTEEN o'clock P.M.
This 31ST day of MARCH 1994

INDEX TO CONTRACT OF SALE
MARY KATZ, Recorder. Fee: \$12.00
By Lisa McKnight Deputy
WEISER VALLEY TITLE

Emp. Index
Emp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

DATED this 31 day of March, 1994.

Jack Rippen
JACK RIPPEN Seller

Della Rippen
DELLA RIPPEN Seller

Arnold M. Rippen
ARNOLD M. RIPPEN Seller

Randy E. Noah
RANDY E. NOAH Buyer

Kathryn A. Noah
KATHRYN A. NOAH Buyer

Creed A. Noah
CREED A. NOAH Buyer

Mary Noah
MARY NOAH Buyer

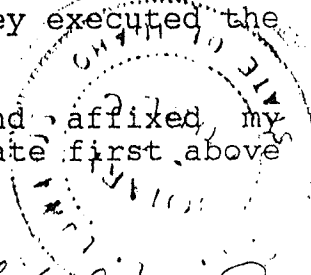
Bill E. Noah
BILL E. NOAH Buyer

Zola A. Noah
ZOLA A. NOAH Buyer

STATE OF IDAHO)
SS:
County of Washington)

On this the 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared JACK RIPPEN and DELLA RIPPEN, husband and wife, and ARNOLD M. RIPPEN, a single man, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

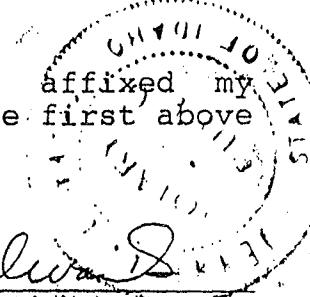
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.


Anna L. Edwards
Notary Public for Idaho
Residing at:
My Commission Expires: 3/27/97

STATE OF IDAHO)
SS:
County of Washington)

On this the 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared RANDY E. NOAH and KATHRYN A. NOAH, husband and wife, and CREED A. NOAH and MARY NOAH, husband and wife, BILL E. NOAH and ZOLA A. NOAH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.


Anna L. Edwards
Notary Public for Idaho
Residing at:
My Commission Expires: 3/27/97

RELEASE OF LIS PENDENS

COMES NOW, R. BRAD MASINGILL, attorney for RANDY E. NOAH and KATHRYN A. NOAH, husband and wife, and CREED A. NOAH and MARY NOAH, husband and wife, BILL E. NOAH and ZOLA A. NOAH, husband and wife, and hereby releases the Lis Pendens filed and recorded on the 8th day of March, 1993, as Instrument #156452 in Index to Notice of Action. This release is granted for the reason that the matter has been settled and the Noahs have purchased the subject property.


R. BRAD MASINGILL
Attorney at Law

SUBSCRIBED AND SWORN to before me, the undersigned, this 31st day of March, 1994.

INSTRUMENT NO. 159726
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

WEISER VALLEY TITLE

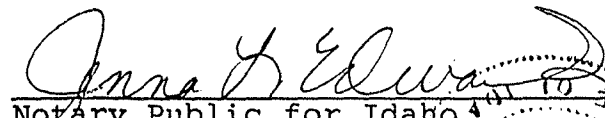
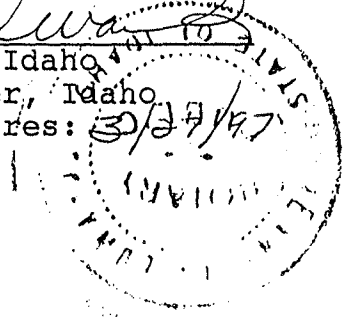
36 Min. past FIFTEEN o'clock P. M.
This 31ST day of MARCH 19 94

NOTICE OF ACTION-RELEASE

MARY KAHTZ, Recorder Fee: \$3.00

By J. J. McKnight Deputy
WEISER VALLEY TITLE

☒ Comp. Index
☒ Comp. Rel.
☒ Film
☒ Compare
☒ Card Rel.
☒ Bk. Rel.
☒ Up. date
☒ Return
☒ Copy


Notary Public for Idaho
Residing at: Weiser, Idaho
My Commission Expires: 3/27/97


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: **A67-04510**
Date Received: 10/ 3/1989
Receipt No: M004772
Received By: _____

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

1. Name: RANDY E NOAH
Address: 2874 WARFIELD LANE
CAMBRIDGE ID 83610
AND
Name: KATHRYN A NOAH
Address: 2874 WARFIELD LANE
CAMBRIDGE ID 83610
AND
Name: CREED A NOAH
Address: 3039 HIGHWAY 71
CAMBRIDGE ID 83610
AND
Name: MARY NOAH
Address: 3039 HIGHWAY 71
CAMBRIDGE ID 83610
AND
Name: BILL E NOAH
Address: 2490 WEST PINE CREEK ROAD
CAMBRIDGE ID 83610
AND
Name: ZOLA A NOAH
Address: 2490 WEST PINE CREEK ROAD
CAMBRIDGE ID 83610

2. Date of Priority: JAN 1, 1922

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	3	SW	NE			WASHINGTON

5. Description of diverting works:
HEADGATE, WEIR, AND DITCH FOR GRAVITY IRRIGATION

MICROFILMED
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.340		
STOCKWATER	01/01	12/31	0.060		

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/18 DAIRY, 20 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	14	NW	NW	IRR	15.0
			NW	NW	STOCK	
					Section Acres	15.0
					Total Acres	15.0

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:

A67-04514 OTHER RUSH CK. P/D OTHER AC; A67-10494 WELL

14. Remarks:

POINT OF DIVERSION WITHIN W 1/2 OF SWNE. WELL IS FOR DOMESTIC & STOCKWATER USES. ASSUMED THAT RATE EXCEEDING 1" PER ACRE IS DUE TO DITCH LOSS.

OWNERSHIP CHANGED BY LH 5/23/94.

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: _____

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AUG 05 1994

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAY 09 1994

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ SEE ATTACHED LEGAL DESCRIPTION
Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: SEE ATTACHED A67-10494, A67-04510
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
JACK AND DELLA RIPPEN AND ARNOLD RIPPEN
RT. 1 BOX 207
CAMBRIDGE, IDAHO 83610
- ☐ New Owner/Claimant (Purchaser):
RANDY AND KATHRYN NOAH
CREED AND MARY NOAH
- ☐ New Mailing Address:
BILL AND ZOLA NOAH
- ☐ New Telephone Number: () _____ - _____
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- _____
- _____
- _____

- ☐ Attach proof of ownership, describe proof attached: COPY OF RECORDED NOTICE OF CONTRACT

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Kathryn A. Noah Date 3/31/94
Creed & Mary Noah Date 3/31/94
- ☐ Signature of ~~New~~ Bill & Mary Noah Date 3/31/94
Owner/Claimant(s): Randy E. Noah Date 3/31/94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5-23-94 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5-23-94 By: JD

Claim Numbers of Split, if any:

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AUG 05 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that the real property described as follows:

IN TOWNSHIP 15 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN:

SECTION 18: LOTS 1 AND 2

IN TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN:

SECTION 12: SE1/4

SECTION 13: S1/2NW1/4; NE1/4SE1/4; NE1/4

*SECTION 14: NE1/4SE1/4; SE1/4NE1/4; NW1/4NW1/4;
S1/2NW1/4; N1/2SW1/4; SW1/4NE1/4;
NW1/4SE1/4;*

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

Commencing at the Northwest corner of Section 14, Twp. 15 N., R. 3 W. B.M.; thence East on the said Section line a distance of 970 feet; thence South 500 feet to the true point of beginning; thence East a distance of 170 feet; thence South a distance of 250 feet; thence West a distance of 170 feet; thence North a distance of 250 feet to the point and place of beginning.

SUBJECT TO right-of-way for County Roads.

TOGETHER with all water, water rights, ditches, ditch rights, easements, hereditaments, minerals, and appertenances thereto.

This real property has been sold subject to the terms and conditions of an unrecorded contract of sale dated the 31st day of March, 1994.

MICROFILMED
AUG 05 1994

SELLERS: JACK RIPPEN and DELLA RIPPEN,
husband and wife
3374 Cow Creek Road
Cambridge, Idaho 83610

ARNOLD M. RIPPEN,
a single man,
3374 Cow Creek Road
Cambridge, Idaho 83610

BUYERS: RANDY E. NOAH and KATHRYN A. NOAH,
husband and wife,
2874 Warfield Lane
Cambridge, Idaho 83610

CREED A. NOAH and MARY NOAH,
husband and wife,
3039 Highway 71
Cambridge, Idaho 83610

BILL E. NOAH and ZOLA A. NOAH
husband and wife
2490 West Pine Creek Road
Cambridge, Idaho 83610

POSSESSION: Under the terms of said contract Buyers are
entitled to possession, use and occupancy of said property from the
date of said contract so long as each and every covenant of said
contract shall be faithfully performed by Buyers.

TITLE: Title to the property remains in Sellers until the
entire purchase price is fully paid.

ESCROW AGENT: Weiser Valley Title
124 East Main Street
Weiser, Idaho 83672

INSTRUMENT NO. 159727
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

WEISER VALLEY TITLE
36 Min. past FIFTEEN o'clock P. M.
This 31ST day of MARCH 1994

INDEX TO CONTRACT OF SALE
MARY KANTZ, Recorder. Fee: \$12.00
By Lisa McKnight Deputy

WEISER VALLEY TITLE

☒ Emp. Index
☒ Comp. Rel.
☒ Film
☒ Compare
☒ Card Rel.
☒ Bk. Rel.
☒ Up-date
☒ Return
☒ Copy

MICROFILMED

AUG 05 1994

DATED this 31 day of March, 1994.

Jack Rippen
JACK RIPPEN Seller

Della Rippen
DELLA RIPPEN Seller

Arnold M. Rippen
ARNOLD M. RIPPEN Seller

Randy E. Noah
RANDY E. NOAH Buyer

Kathryn A. Noah
KATHRYN A. NOAH Buyer

Creed A. Noah
CREED A. NOAH Buyer

Mary Noah
MARY NOAH Buyer

Bill E. Noah
BILL E. NOAH Buyer

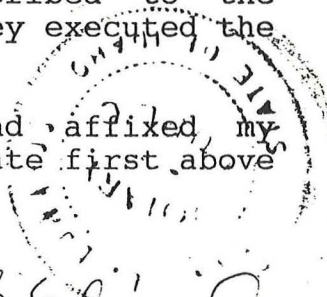
Zola A. Noah
ZOLA A. NOAH Buyer

MICROFILMED
AUG 05 1994

STATE OF IDAHO)
 SS:
County of Washington)

On this the 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared JACK RIPPEN and DELLA RIPPEN, husband and wife, and ARNOLD M. RIPPEN, a single man, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

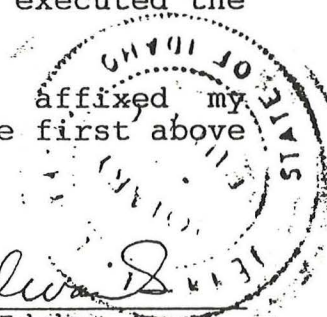
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.


Anna D. Edwards
Notary Public for Idaho
Residing at:
My Commission Expires: 3/27/97

STATE OF IDAHO)
 SS:
County of Washington)

On this the 31st day of March, 1994, before me the undersigned, a Notary Public in and for said State, personally appeared RANDY E. NOAH and KATHRYN A. NOAH, husband and wife, and CREED A. NOAH and MARY NOAH, husband and wife, BILL E. NOAH and ZOLA A. NOAH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.


Anna D. Edwards
Notary Public for Idaho
Residing at:
My Commission Expires: 3/27/97

MICROFILMED
AUG 05 1994

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: A67-04510
Date Received: 10/03/1989
Receipt No: M004772
Received By: SL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK RIPPEN 208-257-3731
Address: RT. 1 BOX 206
CAMBRIDGE, ID 83610

AND/OR

Name: DALE RIPPEN
Address: RT. 1 BOX 206
CAMBRIDGE, ID 83610

AND/OR

Name: ARNOLD RIPPEN
Address: CAMBRIDGE, ID 83610

2. Date of Priority: JAN 01, 1922

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	3	SW	NE			WASHINGTON

5. Description of diverting works:
HEADGATE, WEIR, AND DITCH FOR GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.340		
STOCKWATER	01/01	12/31	0.060		

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/18 DAIRY, 20 RANGE

A67-04510

Page

1

Date: 10/03/89

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OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15N	03W	14	NW		NW		IRR	15.0
			NW		NW		STOCK	

Section Acres 15.0

Total Acres	15.0
-------------	------

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:

A67-04514 OTHER RUSH CK. P/D OTHER AC; A67-10494 WELL

14. Remarks:

POINT OF DIVERSION WITHIN W 1/2 OF SWNE. WELL IS FOR DOMESTIC & STOCKWATER USES. ASSUMED THAT RATE EXCEEDING 1" PER ACRE IS DUE TO DITCH LOSS.

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: 1

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): Jack Rippen Date: 10/3/89

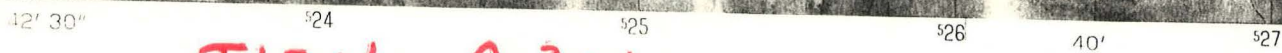
Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of Oct 19 89 Bruce A. Schild
Notary Public

Seal

Residing at BRUCE A. SCHILD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995



SCALE : 24000



Copies Of These Maps Can Be Obtained



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 11, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CARL M CASE
JOANNE M CASE
PO BOX 399
CAMBRIDGE ID 83610

Re: Notice of Claim to a Water Right No. 67-04510

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

SCANNED
APR 14 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 23, 1994

Re: Notices of Claim to a Water Right Nos. A67-04510, A67-10494

Bill E. Noah
Zola A. Noah
2490 West Pine Creek Road
Cambridge, ID 83610

Mr. & Mrs. Noah:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

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

LH:1

cc: Jack & Della & Arnold Rippen
Randy & Kathryn Noah
Creed & Mary Noah

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AUG 05 1994

Wiggins

11/18/91

P6. 1 of 2

67-07704

67-07723

OVERLAP REVIEW

P/O - see ASCS photo for 3 diversions close together

67-07704

67-07723

67-04542

67-04490 - Newbold

Wiggins

Same diversion pipe from creek.

Diversion capacity = 3.57 cfs

67-04154 Farners

A67-11094 Attebeary

}

Same diversion ditch (Farners Ditch)

but separate from Wiggins-Newbold.

Located adjacent to Wiggins-Newbold pld.

67-04510

Riggins Ditch located just North/northeast of the above two diversions.

P/U

67-07704

67-07723

same area, total of $\frac{80.1 \text{ ac}}{60 \text{ ac}} = 1.3 \text{ a/c/ac.}$

from strange

Same
ACRES,
Wiggins

67-04542

stat. claim $\frac{1.80 \text{ cfs}}{60 \text{ ac}} = .03 \text{ cfs/ac live flow}$

claims 25 ac. in NESW & 35 ac. in NESW

NOTE: A67-04542 claims $\frac{.80 \text{ cfs}}{40 \text{ ac}} = .02 \text{ cfs/ac}$

claims 40 ac. in NWSE.

Only 32 ac. found in NWSE.

Does owner want to amend A67-04542 to

change 8 ac. to NESW? to increase area

to 60 per 6/6/91 exam results? to increase flow to $60 \times .02 = 1.20$?

to be
determined
in
SRA
Recommendations
at
later
date

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OCT 02 1992

PHOTO PAGE 1 OF 1

DATE OF PHOTOS 6/6/91 OWNER RIPPENS

CLAIM NUMBER(S) A67-04510



P/O from Rush Creek for Rippens
Ditch. Looking N/NW, creek in background.
This is just N/NE of Wiggins-Newbold pipe
is Farness Ditch. Located in NWSWNE (or
possibly SWSWNE) S. 3.

See ASCS photo in Exam file for
67-07704 (Wiggins).

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OCT 02 1992

Wiggins

PL 11/8/91

Pg. 1 of

67-07704, 67-07723

OVERLAP REVIEW

P/O - see ASCS photo for 3 divisions close together

67-07704

67-07723

67-04542

67-04490 - Newbold

Wiggins

Same diversion pipe from creek.

Diversion capacity = 3.57 cfs

12329 - 67-04154 Farrans

14691 A67-11094 Atteberry

14692

Same diversion ditch (Farrans Ditch)

but separate from Wiggins-Newbold.

Located adjacent to Wiggins-Newbold pld.

67-04510

Riggins Ditch located just north/northwest of the above two diversions.

P/O

67-07704

67-07723

Same
ACRES,
Wiggins

Same area, total of $\frac{80.1 \text{ ac}}{60 \text{ ac}} = 1.3 \text{ ac./ac.}$

From storage

67-04542

stat. claim

$\frac{1.80 \text{ cfs}}{60 \text{ ac}}$

$= .03 \text{ cfs/ac live flow}$

claims 25 ac. in NESW & 35 ac. in NESW

NOTE: A67-04542 claims $\frac{.80 \text{ cfs}}{40 \text{ ac}}$

$= .02 \text{ cfs/ac}$

claims 40 ac. in NWSE.

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Only 32 ac. found in NWSE. OCT 02 1992

Does owner want to amend A67-04542 to change 8 ac. to NESW? to increase acre to 60 per 6/6/91 exam results? to increase flow to $60 \times .02 = 1.20$?

to be
determined
in

SRBA
Recommendations
at
later
date

OVERLAP REVIEW, CONTINUEDFOR SRBA PURPOSES:

Common DIVERSION FOR

A67-07704

1.40 cfs

A67-07723

1.00 cfs

A67-04542

.80 cfs (increase to 1.2 ?)

A67-04490

1.44 cfs

4.64 cfs- System capacity measured at high flow **3.57 cfs**

- Volume capacity for std. season 3/15 - 11/15:

$$(3.57)(246)(1.9835) = 1741.9 \text{ A.F.A.}$$

- Irrig. Req't (diversion volume) for $\frac{\text{area}}{\text{acre}} = 4.0 \text{ A.F.A./AC}$

$$\frac{1741.9}{4} = 435.5 \text{ acres can receive full}$$

div. volume from 3.57 cfs diversion

CC: A67-04542

A67-04510

A67-04490

A67-11094

67-04154

(no DJ claim found 11/8/91
per DJ2)

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OCT 02 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 21 1991

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07704
1. Owner: Kermit L. Wiggins Phone No. 207-3428
Current Address: P.O. Box 86 Cambridge Id. 83510
2. Accompanied by: same EXAM. DATE: 6/6/91
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Rush Creek tributary to Weiser River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 67-07723 -04542 ☐ Copies Attached ^{See 67-07723}
2. Other water rights with same point of diversion: 67-07723 -04542 -04490
-04154 -04510 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

Also see ASCS photo & orthophoto
for layout of system

NOTE MR. Wiggins was quite insistent that permit exams had already been done on 67-07704 + 67-07723 and expressed the opinion that something odd was going on. I told him that no such records could be found but that an additional & thorough search would occur. I have not found my exam info prior to my 6/6/91 exam. As I told him, perhaps he was thinking of dam safety exams or one of several some visit assist Watermaster.

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☒ Aerial Photo Attached (required for irrigation of 10 acres or more).

FILED
JUL 30 1992

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A buried 15" PVC pipe approx. 70' long diverts water from Rush Creek to a lockable headgate. Pipe reduces to 10" at headgate. A flowmeter (gpm + totalizer) 15' from headgate is on 10" line provides watermaster measurement. Pipeline is about 1 1/2 miles long & reduces to 8", then 6", and finally 4" by the time it reaches NE corner of plw. At that point, a second flowmeter (same type as first one) is found. 4" line runs west to deliver water to two adjoining reservoirs in N5SW S.10. A 6" outlet pipe from reservoir can return water to Rush Creek at a point in NWNWSE S.10. The outlet pipe also has a similar flowmeter. The location of the flowmeters & the type of meters (gpm + totalizer) allow watermaster measurements.

See Remarks on page 4 for continuation

4.

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

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	—		SW	NE	3	15N	3W	Washington	7 1/2' ortho & ASCS photo
									pld on line between NW & SW of SWNE. Same pld as 67-07723

6. Place(s) of Use:

Indicate Method of Determination ASCS photo

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	3W	10									28					32			60

(same acres as 67-07723)

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JUL 30 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
RAINBIRD Flowmeter	TRU-FLO			84-10-1192		
(this is flowmeter #1 in system)		#1 in	system			
" " "	"	#2 "	"	09-6-1168		
" " "	"	#3 "	"	unknown - cover is gone		

2. Measurements:

1st measured 1200-1400 gpm
 2nd measured (after cleaning some debris from around headgate)
 1500-1600 gpm
 Exam conducted during peak run-off period on cool, cloudy day
 following a day of rain. Water supply is quite good.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: MAX measured = 1600 gpm = 3.56506 = 3.57 cfs

can allow permit max 1.4 cfs div. to storage

2. Alternate Method for Checking Purposes:

N/A

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\quad (1) (40) \quad}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\quad (1) (1.5) (1825) \quad}$

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

2. Volume Calculations for Other Uses:

However, Right limited to storage amount of permit. Also, dam safety info shows capacity of 60 ac. for Wiggins Res. No 1. See Reservoir capacity comments for Res. #1 & #2 in 07-07723 exam.

JUL 30 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS *NARRATIVE CONT:*

Irrigation occurs via gravity system from 4" main with risers for wheel & hand lines. Direct flow diversion from the creek is measured & gravity irrigation is used. The watermaster then releases the corresponding amount of water from the reservoirs through the 6" line to return water (stored water) to the creek. Water can also exit the 4" irrigation line to the creek at a point in ~~SWNWSE~~ SWNWSE S.10 (but no flowmeter there). This is same system for gravity irrigation found in 67-04542.

Measuring device requirement is met in this system.

Water is stored in Wiggins Reservoir in NESW S.10 (Res. #1 in system).

Diversion capacity is 3.57 cfs.

Div. to storage is shown on permit as 11/1-12/31 & as 10/1-7/15 in item 6b.

Overlap - see attached pgs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Diversion to storage	1/1	12/31	1.4	—
Irrigation storage	1/1	12/31	—	60
→ Irrigation from storage	4/15	10/15	—	60
Totals:			1.4	60

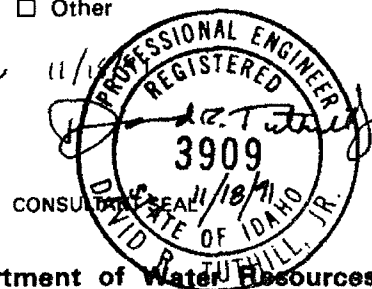
DO NOT RECOMMEND irrig. from storage period that exceeds other irrig. periods in water district # 67.

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Steve Lester
 Signature [Signature]
 Certification Date _____
 Field Report Preparation Date 6/6/1991



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

ENCLOSURE

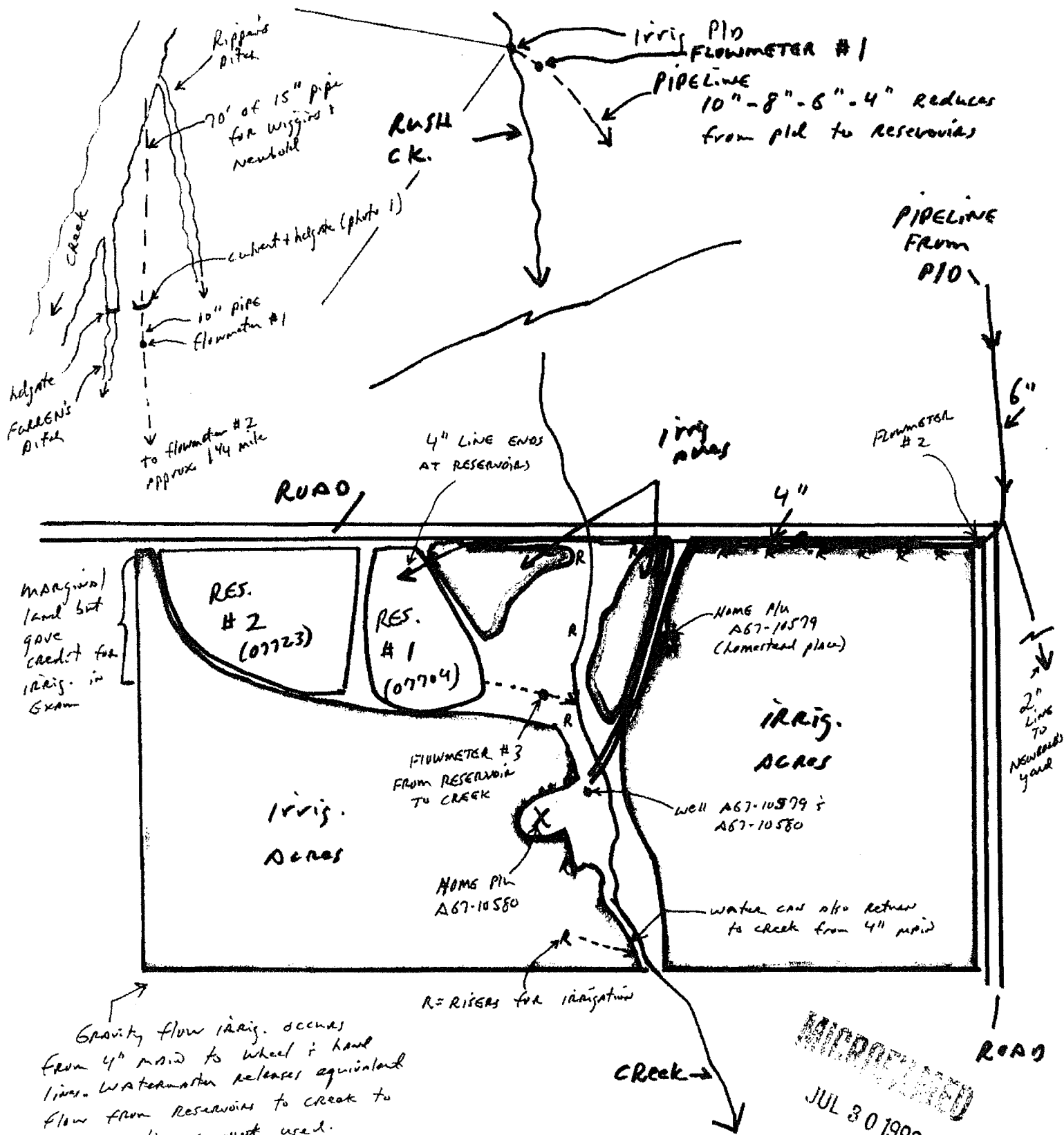
JUL 30 1992

SYSTEM DIAGRAM - Wiggins

67-07704

67-07723

67-10579 & 10580



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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 250 range cattle.



Idaho Department of Water Resources

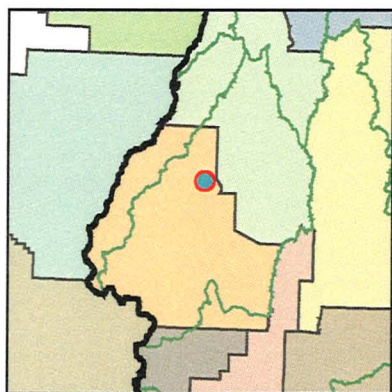
SRBA Recommendation:

67-4510

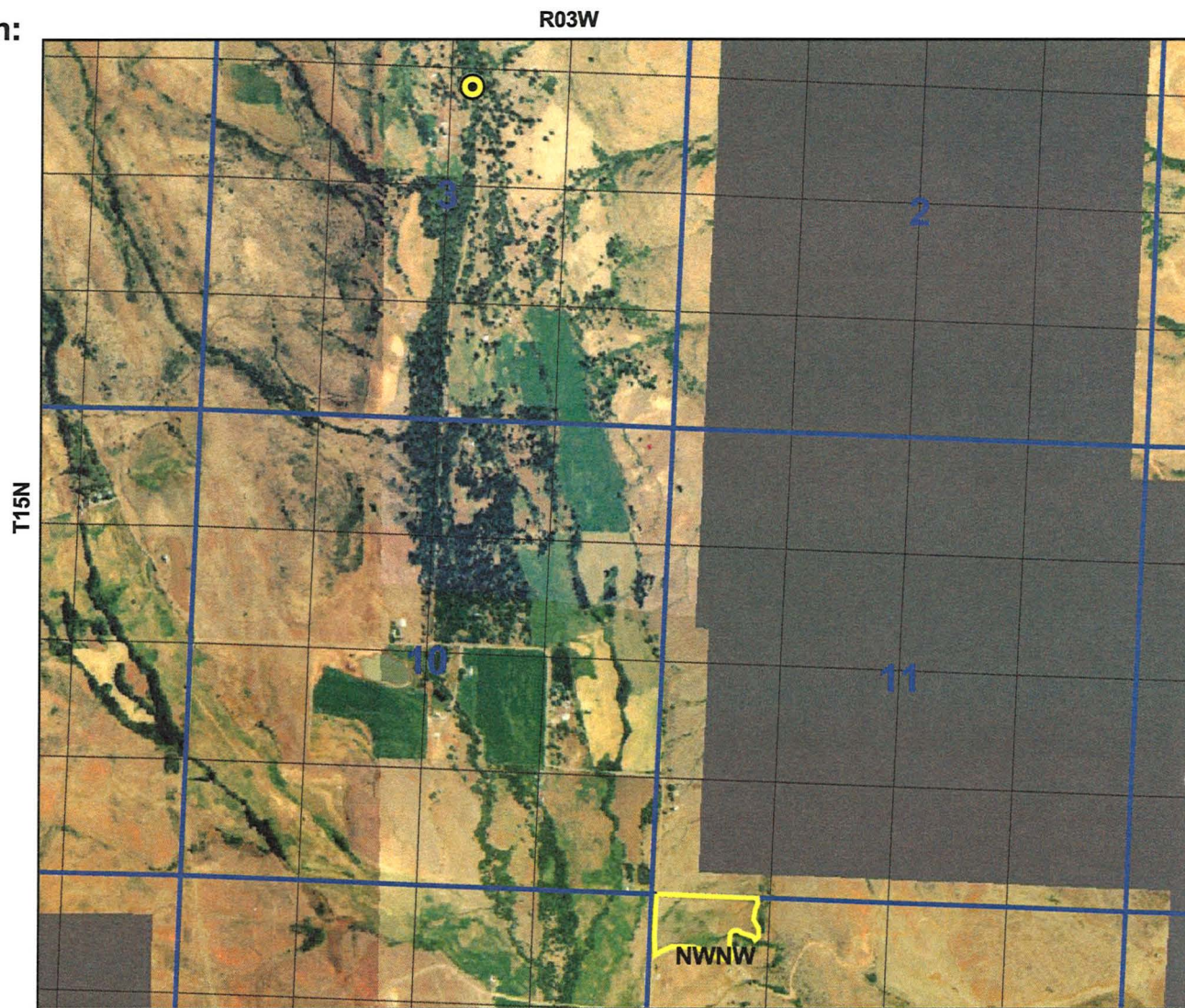
(Irrigation)

Legend

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



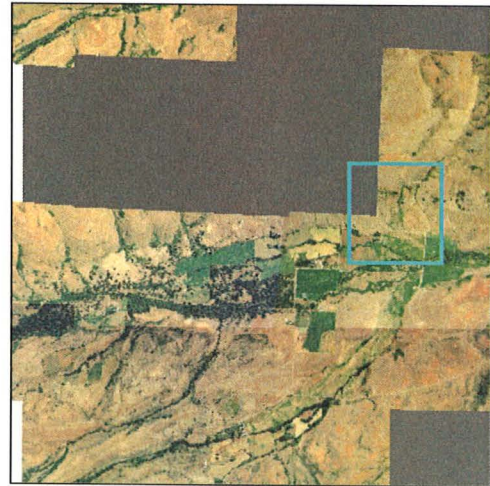
Washington County
IDWR Basin 67



0 0.8 1.6 Miles



Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

WATER RIGHT NUMBER: 67-4510 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACK RIPPEN RT 1 BOX 206 CAMBRIDGE, ID 83610 (208)257-3731
Original Owner	DALE RIPPEN RT 1 BOX 206 CAMBRIDGE, ID 83610
Original Owner	ARNOLD RIPPEN CAMBRIDGE, ID 83610
Original Owner	CREED A NOAH 3039 HWY 71 CAMBRIDGE, ID 83610
Original Owner	BILL E NOAH 2490 W PINE CREEK RD CAMBRIDGE, ID 83610 (208)257-3847
Original Owner	ZOLA A NOAH 2490 W PINE CREEK RD CAMBRIDGE, ID 83610 (208)257-3847
Original Owner	RANDY E NOAH 2874 WARFIELD RD CAMBRIDGE, ID 83610 (208)257-3727
Original Owner	MARY NOAH 3039 HWY 71 CAMBRIDGE, ID 83610
Original Owner	KATHRYN A NOAH 2874 WARFIELD RD CAMBRIDGE, ID 83610 (208)257-3727
Current Owner	CARL M CASE PO BOX 399 CAMBRIDGE, ID 83610 (208)257-3911
Current Owner	JOANNE M CASE PO BOX 399 CAMBRIDGE, ID 83610 (208)257-3911

Priority Date: 01/01/1946

Basis: Beneficial Use

Status: Active

Source

RUSH CREEK

Tributary

WEISER 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	0.300 CFS	
STOCKWATER	01/01 to 12/31	0.060 CFS	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Total Diversion: 0.360 CFSLocation of Point(s) of Diversion

RUSH CREEK

SW 1/4 NE 1/4

Sec. 3, Twp 15N, Rge 03W, 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	03W	14						15.0											15.0

Total Acres: 15

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	
15N	03W	14						X											

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. X02 Stockwater use is for 250 range cattle.
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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Comments:

1. mvanbussum 11/1/2006 Use
Comment: Per C. Saxton, recommend as stockwater.
2. mvanbussum 11/1/2006 POD
Comment: POD generated by looking at Steve Lester field exam notes and original claim map.
3. mvanbussum 11/1/2006 Contacts
Comment: Field examiner Bosco Bosler contacted claimants at least twice and requested response, which was not received.
4. mvanbussum 11/1/2006 Use
Comment: In conversation with Weiser River Water Master Bosco Bosler on 9-28-2006, WM verified that water has been run once in the last 12 years.
5. mvanbussum 11/1/2006 Priority Date
Comment: Claimants have failed to provide evidence of priority.
6. mvanbussum 12/11/2006 NOE Priority Date
Comment: Per NOE correspondence, claimant requested irrigation be recommended but provided no evidence of priority. No change in recommendation is warranted.
7. mvanbussum 12/13/2006 NOE Priority Date
Comment: Received affidavit from Hubert Ward, DOB 11/09/1928, who has lived on Rush Creek for more than 60 years. Recommend first day of 1946. 2006 - 60 = 1946.

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	11/1/2006 1:53:04 PM	mvanbussum			Active
Priority Date	11/1/2006 1:53:33 PM	mvanbussum			Active
POD	11/1/2006 1:53:46 PM	mvanbussum			Active
Source	11/1/2006 2:01:18 PM	mvanbussum			Active
POU	11/1/2006 2:01:44 PM	mvanbussum			Active
Use	11/1/2006 2:03:19 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Season	11/1/2006 2:03:52 PM	mvanbussum	Active
Quantity	11/1/2006 2:04:20 PM	mvanbussum	Active
Summary		11/01/2006 mvanbussum	Active
Contacts	12/13/2006 12:41:52 PM	mvanbussum	Active
Priority Date	12/13/2006 12:42:18 PM	mvanbussum	Active
POD	12/13/2006 12:43:12 PM	mvanbussum	Active
Source	12/13/2006 12:43:59 PM	mvanbussum	Active
POU	12/13/2006 12:47:07 PM	mvanbussum	Active
Use	12/13/2006 2:25:56 PM	mvanbussum	Active
Season	12/13/2006 2:25:58 PM	mvanbussum	Active
Quantity	12/13/2006 2:26:01 PM	mvanbussum	Active
Use	12/13/2006 3:16:24 PM	mvanbussum	Active
Season	12/13/2006 3:16:44 PM	mvanbussum	Active
Quantity	12/13/2006 3:17:40 PM	mvanbussum	Active
Summary		12/13/2006 mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	12/13/2006 2:25:54 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
Season	12/13/2006 2:25:55 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
Quantity	12/13/2006 2:25:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
POU	12/13/2006 3:15:46 PM	mvanbussum	Updated PLS for Active POU
Summary	12/13/2006 3:19:29 PM	mvanbussum	(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? (No) 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	12/13/2006 3:15:12 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Use	12/13/2006 3:16:21 PM	mvanbussum	(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 - Imagery and comments from Weiser River Water Master Bosco Bosler verified purpose of use.
Season	12/13/2006 3:16:40 PM	mvanbussum	(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?
Quantity	12/13/2006 3:17:36 PM	mvanbussum	(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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per water delivery records from this ditch, can hold in excess of what is claimed.
Contacts	12/13/2006 12:41:51 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

General	12/13/2006 12:42:17 PM	mvanbussum	(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 from Hubert Ward provides evidence of priority to 1946.
POD	12/13/2006 12:43:11 PM	mvanbussum	(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?
Source	12/13/2006 12:43:58 PM	mvanbussum	(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 - Imagery and claimant correspondence and affidavit verified source.
POU	12/13/2006 12:47:06 PM	mvanbussum	(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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery verified POU.
POD	11/1/2006 1:59:49 PM	mvanbussum	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Contacts	11/1/2006 1:53:05 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	11/1/2006 1:53:34 PM	mvanbussum	(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 - Recommend as de minimus stockwater. No evidence of priority required.
POD	11/1/2006 1:53:47 PM	mvanbussum	(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	11/1/2006 2:07:42 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 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	11/1/2006 2:03:01 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Source	11/1/2006 2:01:19 PM	mvanbussum	(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 - Imagery and notes from field exam 6/6/1991 verified source.
POU	11/1/2006 2:01:46 PM	mvanbussum	(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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery and original claim map verified POU.
Use	11/1/2006 2:03:20 PM	mvanbussum	(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?
Season	11/1/2006 2:03:54 PM	mvanbussum	(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? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Recommended IDWR standard season of use for stockwater.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4510 V1

Quantity	11/1/2006 2:04:22 PM	mvanbussum	(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? (No) 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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Recommended as de minimus stockwater. No measurement required.
----------	----------------------	------------	--

Water Supply Bank:

December 7, 2006

RECEIVED

DEC 12 2006

DEPARTMENT OF
RESOURCES

Department of Water Resources
Adjudication Bureau
P. O Box 83720
Boise, ID 83720-0098
Attn: Monica Bussum

Dear Ms. Bussum,

In response to your telephone conversation with Mike Case regarding water right 67-4510, following is information regarding the history of use at that location.

All Rush Creek water usage originates from headgates located on my property. I have lived here on Rush Creek for more than 60 years. I was in my late teens when I moved here and therefore was old enough to know and remember who has used the water and for what.

I have farmed the property that this water right is tied to for 6 of the last 7 years. During the past 7 years we have reconstructed the upper end of the ditch to repair extensive damage done by owners of the land adjacent to my ranch and have cleaned and repaired the entire ditch with the exception of a 100 yard buried culvert on the Warner ranch north of the Case's. The water flow is restricted at the beginning of the culvert and needs to be cleaned to get proper flow. We have run water through the ditch but the flow needs to be improved.

The ditch was used in the 30's through the 60's by the KESTER family both for grain, alfalfa and stock water. The Case property is the only property at the south east end of upper Rush Creek that has been farmed. After the Kester's sold out the RIPPEN'S continued to farm the property. As I have said, the 15 acres below the existing Case residence and the 2 fields southeast of the residence are the only fields on that side of the hill that have been farmed.

Hubert Ward

Hubert Ward
DOB 11/09/28
Ward Road
Cambridge, ID 83610

SCANNED
DEC 13 2006

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 07 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: 67-4510

CARL M CASE
PO BOX 399
CAMBRIDGE ID 83610
Telephone Number: (208)257-3911

JOANNE M CASE
PO BOX 399
CAMBRIDGE ID 83610
Telephone Number: (208)257-3911

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

I WAS ISSUED 150000 GALS FOR IRRIGATION S/D 1-10/31 @ .34 CFS
YOU HAVE ELIMINATED THIS ON YOUR PROPOSAL.

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

PLEASE ADD THE IRRIGATION WATER TO THE STOCK WATER
WE HAVE SPENT CONSIDERABLE MONEY REBUILDING

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

THE UPPER 1/2 MILE OF THE DITCH WHERE KERMIT WIGGINS
WAS ALLOWED TO TEAR IT UP. WE ARE NOW
REPLACING 100 YARDS OF CULVERT PIPE ACROSS OUR

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

NEIGHBORS LAND (WARNER). IT WOULD BE
UNFAIR TO TAKE AWAY THE IRRIGATION PORTION OF
OUR WATER RIGHT AFTER THE EXPENSE WE
HAVE INCURRED REPAIRING THE DITCH.

MIKE CASE
CJM Case 12/4/06

SCANNED

DEC 08 2006

SEE ATTACHED WATER RIGHT.
no further EOP submitted — no change in recommendation MVR 12-11-06

11/14/2006

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

RECEIVED
DEC 07 2006
DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 67-4510
NAME AND ADDRESS: CARL M CASE
PO BOX 399
CAMBRIDGE ID 83610

JOANNE M CASE
PO BOX 399
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.060 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:
T15N R03W S3 SWNE 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	0.060 CFS
PLACE OF USE:	<u>STOCKWATER in WASHINGTON County</u> T15N R03W S14 NWNW		

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 250 range cattle.

SCANNED
DEC 08 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 67-4510
Date Received: 10/3/89
Receipt No: M004772
Received By:

COPY
FOR YOUR FILES
DO NOT RETURN

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

1. Name of Claimant(s): CARL M CASE
PO BOX 399
CAMBRIDGE ID USA 83610

Phone: (208) 257-3911

JOANNE M CASE
PO BOX 399
CAMBRIDGE ID USA 83610

Phone: (208) 257-3911

2. Date of Priority: 01/01/1922

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	3	SW NE	WASHINGTON	

5. Description of diverting works:

HEADGATE, WEIR, AND DITCH FOR GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/31	0.34	
STOCKWATER	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.4 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	03W	14	NW NW NW NW		IRRIGATION STOCKWATER	15
Section Acres						15
Total Acres						15

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:

POINT OF DIVERSION WITHIN W 1/2 OF SWNE. WELL IS FOR DOMESTIC & STOCKWATER USES.
ASSUMED THAT RATE EXCEEDING 1" PER ACRE IS DUE TO DITCH LOSS
OWNERSHIP CHANGED BY LH 5/23/94
Ownership changed by DB 5/11/2001

15. Basis of Claim: Statutory Claim

Mika
~~Carl Case~~

WR# 4510

257 3999
257 3911

POD + POU

Are they even using water from
where?

Priority Date?

9-28-06 1 Bosco called 2 times for sure and
told claimant to contact him.

- Water has only been run over these 1 time
in the 12 yrs Bosco was w/master.
- so not forfeited

Other Claims