

11/14/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 67-14728

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

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

67-14728 not mentioned under 67-497 & 67-658
but is in 67-2213

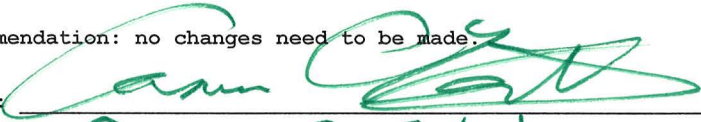
2. Describe the changes you wish to make in the proposed recommendation:

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: 11-29-06

SIGNATURE:


Cameron C. Ertel

Please print your name:

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

12-19-06: 67-14728 is not mentioned under 67-497 & 67-658
Because the AOU for this right doesn't
overlap the AOU for 67-497 and 67-658.

The limit cond where 67-2213 is 2.3 bce
is because this is an enlargement of
acreage for 67-2213. The original diversion
Rate B/W this right & 67-2213 cannot
exceed the licensed/original div Rate
for 67-2213.



12-19-06

SCANNED
DEC 08 2006

07/07/2006

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

RIGHT NUMBER: 67-14728

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

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.390 CFS

Right Nos. 67-2213 and 67-14728 are limited to a total combined diversion rate of 3.6 cfs.

PRIORITY DATE: 03/15/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T15N R02W S16 SESESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.390 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R02W S32	SWNE	5.50	T15N R02W S32	SENE	16.00
T15N R02W S32	NESW	1.90	T15N R02W S32	NWSE	4.20

27.6 ACRES TOTAL

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

This right is based upon an enlargement of Right No. 67-2213 pursuant to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 27.6 acres within the place of use described for this right.



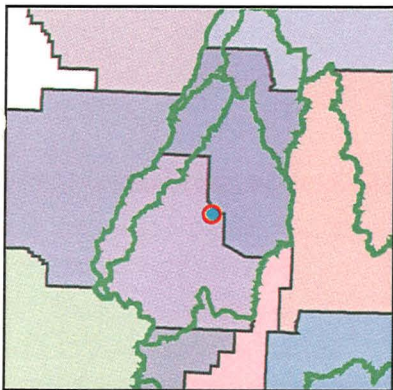
Idaho Department of Water Resources

SRBA Recommendation:

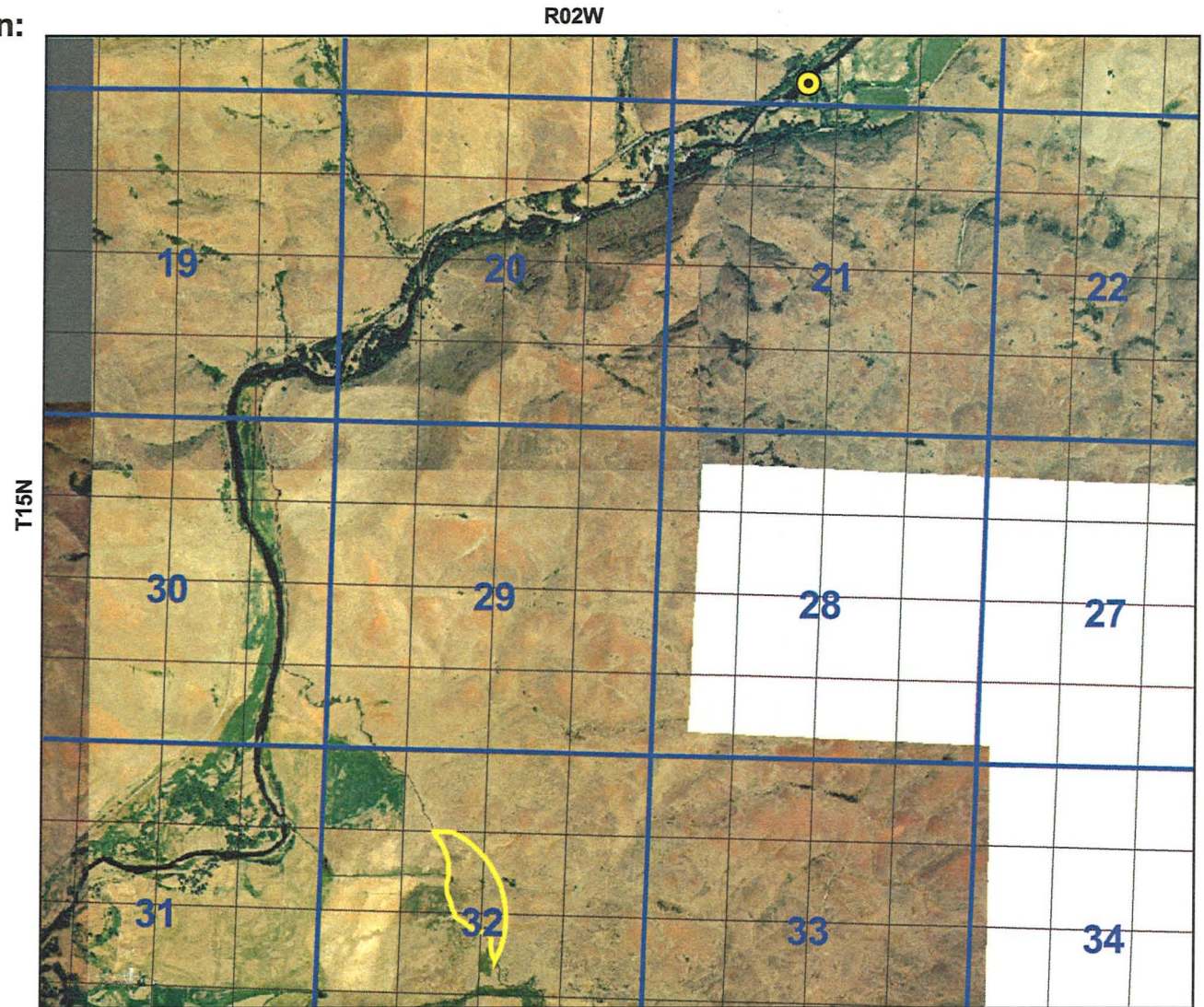
67-14728

Legend

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

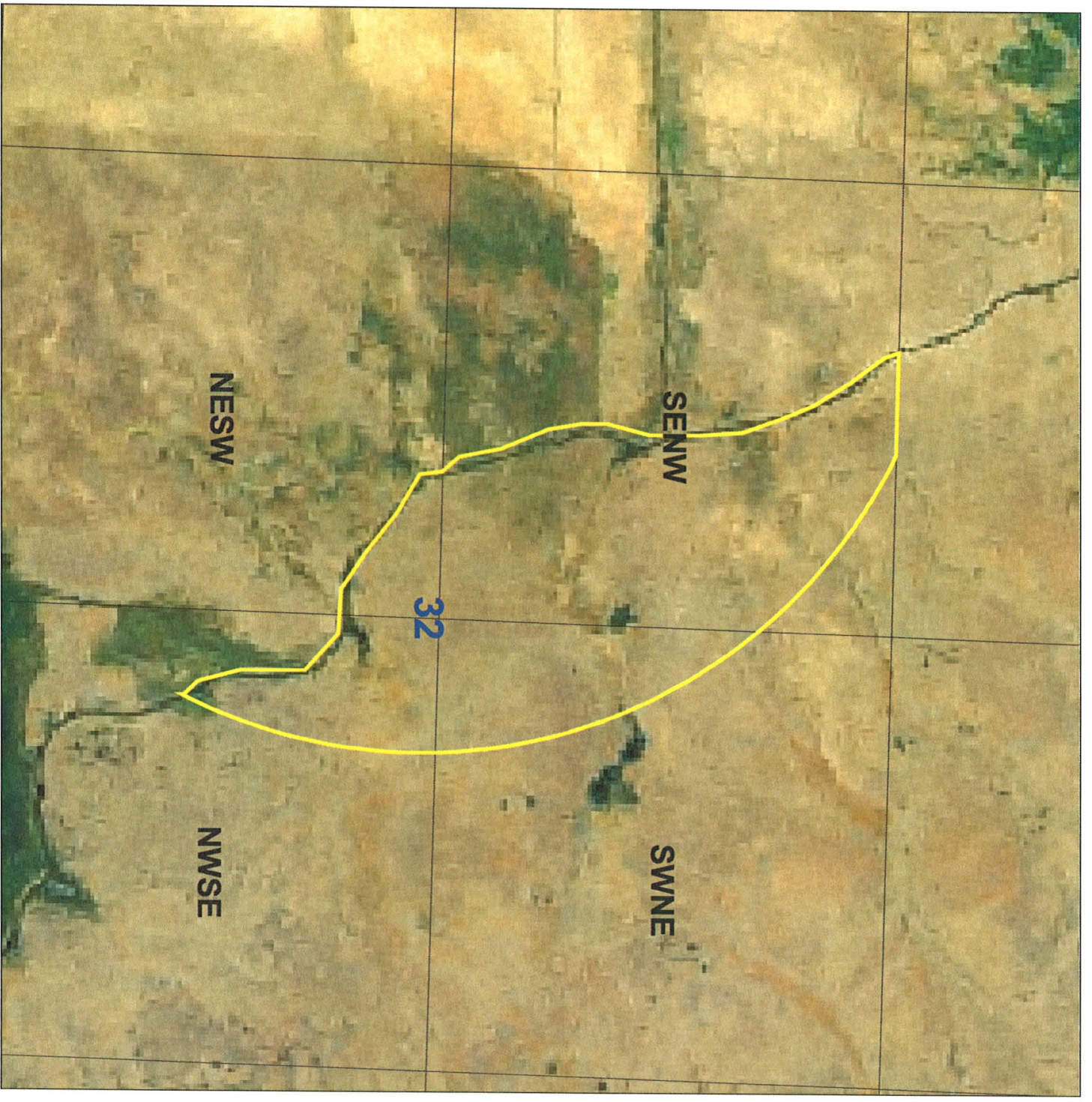


Adams, Washington Counties
IDWR Basin 67



Prepared by C. Saxton
On Friday, July 7, 2006
1987/88 Aerial Photography

67-14728



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14728 V1

WATER RIGHT NUMBER: 67-14728 V1

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

Priority Date: 03/15/1982

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.390 CFS	
	<u>Total Diversion:</u>	0.390 CFS	

Location of Point(s) of Diversion

WEISER RIVER	SE1/4SE1/4SW1/4	Sec. 16, Twp 15N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	02W	32			5.5				16.0	1.9						4.2			27.6

Total Acres: 27.6

Conditions of Approval:

1. K02 This right is based upon an enlargement of Right No. 67-2213 pursuant to Section 42-1426, Idaho Code.
2. 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.
3. K09 This right is for an enlargement of 27.6 acres within the place of use described for this right.
4. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. E51 Right Nos. 67-2213 and 67-14728 are limited to a total combined diversion rate of 3.6 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14728 V1

Remarks:Comments:

1. csaxton 7/7/2006 Diversion Rate

Comment: The diversion rate recommended for the enlargement was determined as follows: Take the diversion rate of 3.6 cfs from 67-2213 (right being enlarged) and divide it by the sum of the original acres, 225.3, and the enlargement acres 27.6:

$$(3.6 \text{ cfs}) / (225.3 \text{ ac} + 27.6 \text{ ad}) = 0.0142 \text{ cfs per acre}$$

Then multiply that diversion rate per acre by the enlarged acres:

$$(0.0142 \text{ cfs per acre}) * (27.6 \text{ ac}) = 0.39 \text{ cfs}$$

2. csaxton 7/7/2006 Enlargement

Comment: The enlargement was not made a PPU with 67-2213.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	7/7/2006 2:36:29 PM	csaxton			Active
Priority Date	7/7/2006 2:37:58 PM	csaxton			Active
POD	7/7/2006 2:38:19 PM	csaxton			Active
Source	7/7/2006 2:41:12 PM	csaxton			Active
POU	7/7/2006 2:41:44 PM	csaxton			Active
Use	7/7/2006 2:43:00 PM	csaxton			Active
Season	7/7/2006 2:43:19 PM	csaxton			Active
Quantity	7/7/2006 2:50:14 PM	csaxton			Active
Summary			07/07/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14728 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/7/2006 2:36:27 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review.
POU	7/7/2006 2:42:16 PM	csaxton	Updated shape for Active POU
POU	7/7/2006 2:42:26 PM	csaxton	Updated PLS for Active POU
POD	7/7/2006 2:40:20 PM	csaxton	Updated PLS
Summary	7/7/2006 2:56:12 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	7/7/2006 2:37:56 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (Yes) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 11. Is this claim an enlargement or expansion under 42-1426 or 42-1416B? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? Description for Question 12/13 - Affidavit from claimants neighbor.
POD	7/7/2006 2:38:17 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	7/7/2006 2:40:08 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14728 V1

Source	7/7/2006 2:41:12 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Enlargment of right where source has been previously verified.
POU	7/7/2006 2:41:45 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photography.
Use	7/7/2006 2:43:00 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Enlargment of right where purpose of use has been previously verified.
Season	7/7/2006 2:43:19 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14728 V1

Quantity	7/7/2006 2:50:15 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Since this is an enlargement claim, this does not allow diversion of more water than the claims it enlarges.
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Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 20, 2006

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

Re: Explanation of enlargement claim Overlap 67-497, 67-658, 67-2213, and potentially 67-14728.

Dear Mr. Ertel,

Per our conversation on 6-19-06, hopefully this will explain a little better of how I recommended the overlap for the above listed water rights.

67-497 was based on decree and was recommended for 1.2 cfs, 92 acres
this is 0.0125 cfs per acre; the standard of one inch per acre is 0.02 cfs

67-658 was based on decree and was recommended for 0.8 cfs, 64 acres
this is 0.0125 cfs per acre; the standard of one inch per acre is 0.02 cfs

67-2213 was based on a license and was recommended for 3.6 cfs, 225.3 acres
this is 0.0159 cfs per acre; the standard of one inch per acre is 0.02 cfs

The total then recommended on this parcel of ground is 5.6 cfs, 225.3 acres
This is 0.025 cfs per acre; the standard of one inch per acre is 0.02 cfs.

So when all the rights are being delivered, you will have more than one inch per acre on that ground. The only way I could recommend more than one inch per acre is to account for the ditch loss that might be incurred between the point of diversion and your property.

Now with the addition of the enlargement claim we have added 27.6 acres to the 225.3 totaling 252.9 acres.

The diversion rate I put on the enlargement claim was determined as follows.

Take the original diversion rate of the claim being enlarged (67-2213 was arbitrarily chosen) 3.6 cfs and divide it by the sum of the original acres, 225.3, and the enlargement acres, 27.6 acres:

$$(3.6 \text{ cfs}) / (225.3 \text{ ac} + 27.6 \text{ ac}) = 0.0142 \text{ cfs per acre}$$

Then multiply that diversion rate per acre by the enlarged acres:

$$(0.0142 \text{ cfs per acre}) * (27.6 \text{ ac}) = 0.39 \text{ cfs.}$$

But, because this is an enlargement claim, we are adding acres, not diversion rate. So the 0.39 cfs isn't going to mean a lot. The recommendations of all the rights for that property (67-497, 67-658, 67-2213, and 67-14728) will have a remark on them saying that when all the rights are used in combination, they will be limited to 5.6 cfs which is the sum of the diversion rate for the original rights 67-497, 67-658, 67-2213.

I don't know if this is any clearer, but maybe it will help. To summarize, the end result of the recommendations will be the ability to irrigate 252.9 acres with 5.6 cfs. This includes your land under the pivot on the east side of the creek and calculates to 0.022 cfs which is still above the standard 1 inch per acre.

Lastly, I have enclosed a copy of "HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION".

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

May 15, 2006

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

Re: New Enlargement Claim

Dear Mr. and Ms. Ertel,

I received the affidavit you sent regarding the additional irrigated land on the East side of the ditch. Based on this, I prepared an enlargement claim for that property.

To recap, an enlargement claim is filed for a water right that was developed after the mandatory permit statute (May 20, 1971), but before the commencement of the Snake River Basin Adjudication (November 19, 1987). This water right will allow you to irrigate the additional acreage without diverting any more water.

Take a look at the prepared claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return to my attention with the filing fee of \$78.00 **ASAP**. We still have some time, but if you want to pursue this claim, please get it back to me quickly. The fee breakdown is \$50.00 claim fee and \$1.00 per acre.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

C.H.E. Enterprises, Inc.
3054 Goodrich Road
Cambridge, Idaho 83610

RECEIVED
MAY 01 2006
DEPARTMENT OF
WATER RESOURCES

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Idaho Dept. of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

April 24, 2006

Dear Mr. Saxton:

Enclosed please find an affidavit regarding historic water use above the Cambridge Ditch Company's ditch on farmland located in SENW, SWNE, NESW, NWSE Sect. 32 15N2W and appurtenant to Water Right #s 67-00497, 67-00658, and 67-2213.

We apologize for the delay in getting this to you. Thank you for your time and consideration.

Sincerely,



Cameron C. Ertel
C.H.E. Enterprises, Inc.

SCANNED

MAY 01 2006

I, Mike Summers, neighbor to the Ertels, grew up in Cambridge and helped my Dad farm land in the Cove area adjacent to what is now the Ertel (C.H.E. Enterprises) ranch. I remember when Mr. Mautner, former owner of that ranch, put in an irrigation system on Section 32, in 1981 or 1982. I helped Mr. Mautner move the irrigation lines while I was in high school, and I graduated in 1983. I don't remember the exact configuration of the system, but I do remember that land above the Cambridge Ditch Company's ditch was irrigated, and encompassed the land currently under the Ertel pivot.



Mike Summers

Po Box 236

Cambridge ID 83610

State of Idaho
County of Washington

Subscribed before me on December 15, 2005.



Ann Hanson
Cambridge
3-31-10

SCANNED
MAY 01 2006

C. H. E. Enterprises
3054 Goodrich Rd.
Cambridge, Id. 83610

BOISE ID 837

28 APR 2006 PM 3 T

USA 39



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Id. Dept. of Water Resources
322 E. Front St.
Boise, Id. 83720-0098

83720+0098



200
78

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

RECEIVED

JUN 26 2006

DEPARTMENT OF
WATER RESOURCES

CIVIL CASE NUMBER: 39576

Ident. Number 67-14728
Date Received: 5/15/2006
Receipt No: C081554
Received By:

Enlargement Claim

Enlargement Claim

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHE ENTERPRISES INC Phone: (208) 257-3491

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

2. Date of Priority: 03/15/1982

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	02W	16	SE SE SW	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.39	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
15N	02W	32	SW	IRRIGATION	5.5
			SE	IRRIGATION	16
			NE	IRRIGATION	1.9
			NW	IRRIGATION	4.2

Section Acres 27.6
Total Acres 27.6

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-2213 , 67-497 , 67-658

BE

14. Remarks:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

This right is for an enlargement of 27.6 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 67-2213 pursuant to Section 42-1426, Idaho Code.

Right Nos. 67-2213 and 67-14728 are limited to a total combined diversion rate of 3.6 cfs.

This claim set to temporary status until signed by claimant and returned with the appropriate filing fee, at which time this remark will be removed from the claim (csaxton 5-15-06)

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Secretary/Treasurer of
Title
CHE Enterprises, that I have signed the foregoing
Organization

document in the space below as Secretary/Treasurer of

CHE Enterprises and that the statements contained in the
Title
Organization

foregoing document are true and correct. Barbara A. Eitel
Signature of Authorized Agent

Sec. Treas. CHE Enterprises
Title and Organization

June 19, 2006
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of June 2006

Ann Hanson

Notary Public

Residing at Cambridge

My commission Expires 3-31-10



Idaho Department of Water Resources Receipt

Receipt ID C081554

Payment Amount	\$78.00	Date Received	6/26/2006 2:31:59 PM	Region	State	Status	
Payment Type	Check	Check Number	3481				

Payer CHE ENTERPRISES**Comment** Filing Fee #67-14728

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$78.00	ADJUDICATION FILING FEE	0337		41503	1155

_____
Signature Line (Dept. Representative)