

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 37-609E
Date Received: 8/25/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANK A BORNEMAN AND DOROTHY E BORNEMAN FAMILY PARTNERSHIP
2242 E 1700 S
GOODING ID USA 83330
Phone: (208)934-5098

2. Date of Priority: 04/01/1884

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER
LITTLE WOOD RIVER MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	SE NW SW	GOODING	
05S	15E	33	SE SW SE	GOODING	R

5. Description of diverting works:

CONCRETE AND DDROP BOARD DIVERSION TO SLOUGH DITCH (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.218	

7. Total Quantity Appropriated is:
2.22 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	
05S	15E	33	SE	SE	IRRIGATION	39	
			SW	SE	IRRIGATION	29	
			Section Acres		68		
06S	15E	4	NE	NE	1	IRRIGATION	40
			NW	NE	2	IRRIGATION	9.5
			SW	NE		IRRIGATION	33
			SE	NE		IRRIGATION	33
			Section Acres		115.5		
Total Acres		183.5					

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

After reviewing the information contained in the files for the 1995 ownership change I found that the place of use was mis-identified. I have corrected the records to reflect the change in location for the property purchased by Chambers. The change does not necessarily reflect the actual irrigated place of use though.

I changed the ownership from Lee to Borneman based upon a warranty deed trail. Based upon ascs maping and arcview I found that the irrigated place of use appeared greater than the initial claimed place of use. Ms Borneman elected to amend the claim to add the additional acres to the place of use. kkc 5-16-2002

THIS CLAIM CONSTITUTES MOST OF RT FORMED BY TRANS. 2440.(37-0609B WATER FOR LEE PROPERTY IS DIVERTED FROM THE SLOUGH DITCH AT THE POINT SHOWN AS REDIVERSION AND PUMPED VIA A 75 HP AND A 40 HP PUMP TO SPRINKLER SYSTEM.

MRS. ANNA SIMIS OWNS REMAINING PORTION OF THE RIGHT CREATED BY TRAN. 2440.

***** OWNERSHIP CHANGE RESULTED IN A SPLIT. A37-00609E(2.218 CFS) BELONGS TO LEE WITH 168 ACRES. A37-00609F(.15 CFS) BELONGS TO CHAMBERS WITH 22 ACRES.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2003

DOROTHY BORNEMAN
FRANK BORNEMAN
2242 E 1700 S
GOODING ID 83330

Re: SRBA Claim 37-609E
Water Rights 37-10784, 37-11027, 37-11100

Dear Mr. and Mrs. Borneman:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures.

cc: Russell Kvanvig

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

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

RECEIVED
 FEB 03 2003
 Department of Water Resources
 Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-11027	D/S	Feedue 25 ⁰⁰			
37-11100	D/S	Feedue 25 ⁰⁰			
37-609E	in	No feedue			
		tot \$50 ⁰⁰			

Partnership

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) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Dorothy Borne man
2242 E. 1700S. GOODING, ID. 83330

4. New Owner/Claimant(s)

Frank A. Borne man and Dorothy E Borne man
 Name Connector (Check one): [] and, [] or, [] and/or Family Partnership

New Mailing Address

2242 E. 1700S.

City, State and ZIP Code

GOODING, ID. 83330

New Telephone Number

208) 934-5098

5. Date you acquired the property

8-19-02

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

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

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) General Partner

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: [Signature] Date: 2/4/03 Fee: 50.00
 Receipted by: [Signature] Date: 2/4/03 Receipt No. 5025487
 Processed by: [Signature] AJ Date: 2/4/03 WR _____ Date: _____

Instrument # 196618

GOODING, GOODING, IDAHO

2002-08-26

09:23:59 No. of Pages: 4

Recorded for : STEPHAN, KVANVIG, STONE & TRAINO

HELEN EDWARDS

Fee: 12.00

Ex-Officio Recorder Deputy Stephan

COPY

QUITCLAIM DEED

FRANK A. BORNEMAN and **DOROTHY E. BORNEMAN**, husband and wife, and **FRANK A. BORNEMAN** and **DOROTHY E. BORNEMAN** as Trustees of The Frank and Dorothy Borneman Trust dated the 22nd day of November, 1993, hereinafter "Grantors," do release and forever quitclaim unto **FRANK A. BORNEMAN AND DOROTHY E. BORNEMAN FAMILY PARTNERSHIP**, whose address is 2242 East 1700 South, Gooding, Idaho 83330, hereinafter "Grantee," and to its heirs and assigns, all right, title and interest which Grantors now have or may hereafter acquire in the following:

Any and all water rights appurtenant to the real property described on Exhibit "A" attached hereto and by this reference made a part hereof, including, but not limited to, 389 shares of stock of the Big Wood Canal Company, 28 shares of stock in the American Falls Reservoir District #2, and State of Idaho Department of Water Resources Water Right Nos. 37-11027, 37-11100 and 37-609E.

TO HAVE AND TO HOLD, all singular the said premises, together with the appurtenances, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantor this 19 day of August, 2002.

Frank A. Borneman
FRANK A. BORNEMAN

by Dorothy E. Borneman P.O.A.
Dorothy E. Borneman
DOROTHY E. BORNEMAN

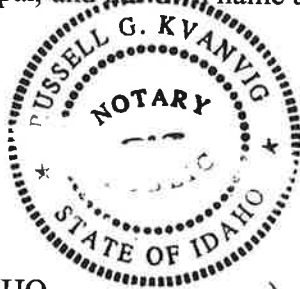
THE FRANK AND DOROTHY BORNEMAN TRUST
DATED THE 22ND DAY OF NOVEMBER, 1993

By Frank A. Borneman
FRANK A. BORNEMAN, Trustee

by Dorothy E. Borneman P.O.A.
By Dorothy E. Borneman
DOROTHY E. BORNEMAN, Trustee

STATE OF IDAHO)
)
) ss.
COUNTY OF GOODING)

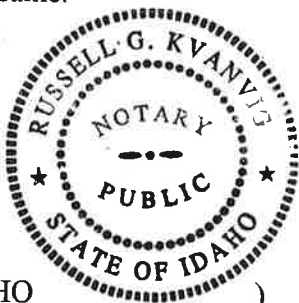
On this 19th day of August, 2002, before me, the undersigned, a Notary Public for Idaho, personally appeared DOROTHY E. BORNEMAN, known or identified to me to be the person whose name is subscribed to the foregoing instrument, as the Attorney-in-Fact of FRANK A. BORNEMAN, and acknowledged to me that she subscribed the name of FRANK A. BORNEMAN thereto as principal, and her own name as Attorney-in-Fact.




Notary Public for Idaho
My Commission Expires on 8-12-05

STATE OF IDAHO)
)
) SS.
COUNTY OF GOODING)

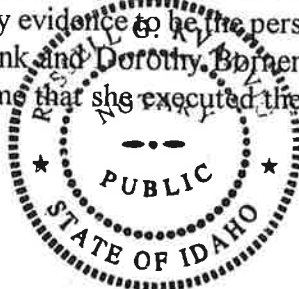
On this 19th day of August, 2002, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared DOROTHY E. BORNEMAN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public for Idaho
My Commission Expires on 8-12-05

STATE OF IDAHO)
COUNTY OF GOODING)
SS.)

On this 19 day of August, 2002, before me the undersigned, a Notary Public for Idaho, personally appeared DOROTHY E. BORNEMAN, known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, as trustee of The Frank and Dorothy Borneman Trust dated the 22nd day of November, 1993, and acknowledged to me that she executed the same as such trustees.



Russell Kvanvig
Notary Public for Idaho
My Commission Expires on 8-12-05

EXHIBIT A

PARCEL NO. 1

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT a tract of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Beginning at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence East 480 Feet;
Thence North 480 feet;
Thence West 480 feet;
Thence South 480 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 2

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 3

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER will all hereditaments and appurtenances thereunto belonging, including, but not limited to, water right for 28 acres in American Falls Reservoir District No. 2.

PARCEL NO. 4

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 35: That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying North of the Oregon Short Line Railroad right of way

Together with 122 shares of stock of the Big Wood Canal Company and together with all B.L.M. grazing rights and privileges appurtenant thereto.

PARCEL NO. 5

Township 6 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 4: Lot 2, EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Northwest corner of said Lot 2;
Thence East, 1320 feet;
Thence South 365.5 feet;
Thence West, 1320 feet parallel to the North line of said Lot 2;
Thence North 365.5 feet to THE POINT OF BEGINNING.

(Sometimes referred to as the South 29.35 acres of Lot 2.)

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the Little Wood River.

SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East, 435 feet;
Thence North, 170 feet;
Thence West, 435 feet;
Thence South 170 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF LOT 2 AND SW $\frac{1}{4}$ NE $\frac{1}{4}$ LYING NORTH OF THE MIDDLE OF THE LITTLE WOOD RIVER IN SECTION 4, TOWNSHIP 6 SOUTH, RANGE 15 EAST, OF THE BOISE MERIDIAN.

PARCEL NO. 6

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 33: S $\frac{1}{2}$ SE $\frac{1}{4}$; EXCEPT tract described as follows:

Beginning at the South quarter corner of said Section 33;
Thence East along the south boundary of said Section 33, 378.00 feet;
Thence North parallel with the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 650.00 feet;
Thence West, 78.00 feet;

Thence West along the North boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 300.00 feet to the Northwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 1320.00 feet more or less to THE POINT OF BEGINNING.

PARCEL NO. 7

Township 6 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 4: Lot 1 and that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the Little Wood River.

STEPHAN, KVANVIG, STONE & TRAINOR

ATTORNEYS AT LAW

ROBERT W. STEPHAN 1946-1992
RETIRED

RUSSELL G. KVANVIG
LAIRD B. STONE
KEVIN F. TRAINOR

WELLS FARGO BANK BUILDING
102 MAIN AVENUE SOUTH
POST OFFICE BOX 83
TWIN FALLS, IDAHO 83303-0083

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987

TELEPHONE 208/733-2722
FAX 208/733-3619

January 30, 2003

RECEIVED

FEB 03 2003

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Attn: Kelly Christensen
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Frank and Dorothy Borneman

Dear Kelly:

Thank you for all of your help on January 28, 2003. Based upon my understanding of our conversation I am enclosing the following documents in order to facilitate a transfer of certain water rights to the Borneman entities that now own the land. First, I am enclosing a Notice of Change in Water Right Ownership for water right numbers 37-11027, 37-11100, and water right number 37-609E. I am also enclosing a check made out to the Department of Water Resources for \$50 for the transfer fee of these water rights. As you will see in the Notice of Change in Water Right Ownership all 3 of these water rights should be transferred from Frank and Dorothy Borneman to The Frank A. Borneman and Dorothy E. Borneman Family Partnership. I am also enclosing a copy of the QuitClaim Deed recorded in Gooding County Idaho as Instrument No. 196618 whereby these water rights have been transferred to the Family Partnership. Deeds have previously been recorded transferring the underlying real estate to the Frank A. Borneman and Dorothy E. Borneman Family Partnership. I am also enclosing a Notice of Change in Water Right Ownership related to water right number 37-10784. This application is to transfer this water right from Frank and Dorothy Borneman to The Frank and Dorothy Borneman Trust dated November 22, 1993. I am enclosing a copy of the Warranty Deed whereby the underlying 40 acres was transferred by Frank and Dorothy Borneman to the Frank and Dorothy Borneman Trust. I am also enclosing a check for \$25 to represent the transfer fee for this application.

Please process both of these applications at your earliest convenience. Please provide me with conformed copies of documents reflecting the change in ownership for the family partnership and for the trust.

If you need any additional information about these matters, please do not hesitate to call. We thank you for all of your help.

Sincerely yours,

STEPHAN, KVANVIG, STONE & TRAINOR


Russell G. Kvanvig

RGK:ls

Enclosures

cc: Dorothy Borneman
w/enclosures