

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: A37-07638
Date Received: 9/07/1989
Receipt No: 5010404
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AMBROSE FARMS 208-536-5332
Address: P.O. BOX 247
WENDELL, ID 83355
2. Date of Priority: JUL 05, 1977
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S | 15E | 29 | | SE | NW | | CAMAS |
5. Description of diverting works:
PUMP & SPRINKLERS.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 9.000 | | |
7. Total Quantity Appropriated is:
9.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1200.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	15E	29	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A37-07638

Page 1

Date: 09/07/89

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	15E	29	SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	20.0
			SW		SW		IRR	20.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	480.0
							Total Acres	480.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
SHARES IN TWIN LAKES RES. CO.

14. Remarks:
THIS PERMIT HAS BEEN FIELD EXAMINED FOR LICENSE.
CLAIM IS BASED ON PERMIT AND NOT FIELD EXAM.

15. Basis of Claim: PERMIT

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 X 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 GENERAL MANAGER of
Title
Ambrose Farms, that I have signed the foregoing
Organization
document in the space below as GENERAL MANAGER of
Title
Ambrose Farms and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

GENERAL MANAGER, Ambrose Farms
Title and Organization

10-24-89
Date

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of October 19 89

William Cooper
Notary Public

Seal

Residing at Wendell, Idaho
My Commission Expires 4-28-91



Idaho Department of Water Resources

SRBA Recommendation:

37-7638

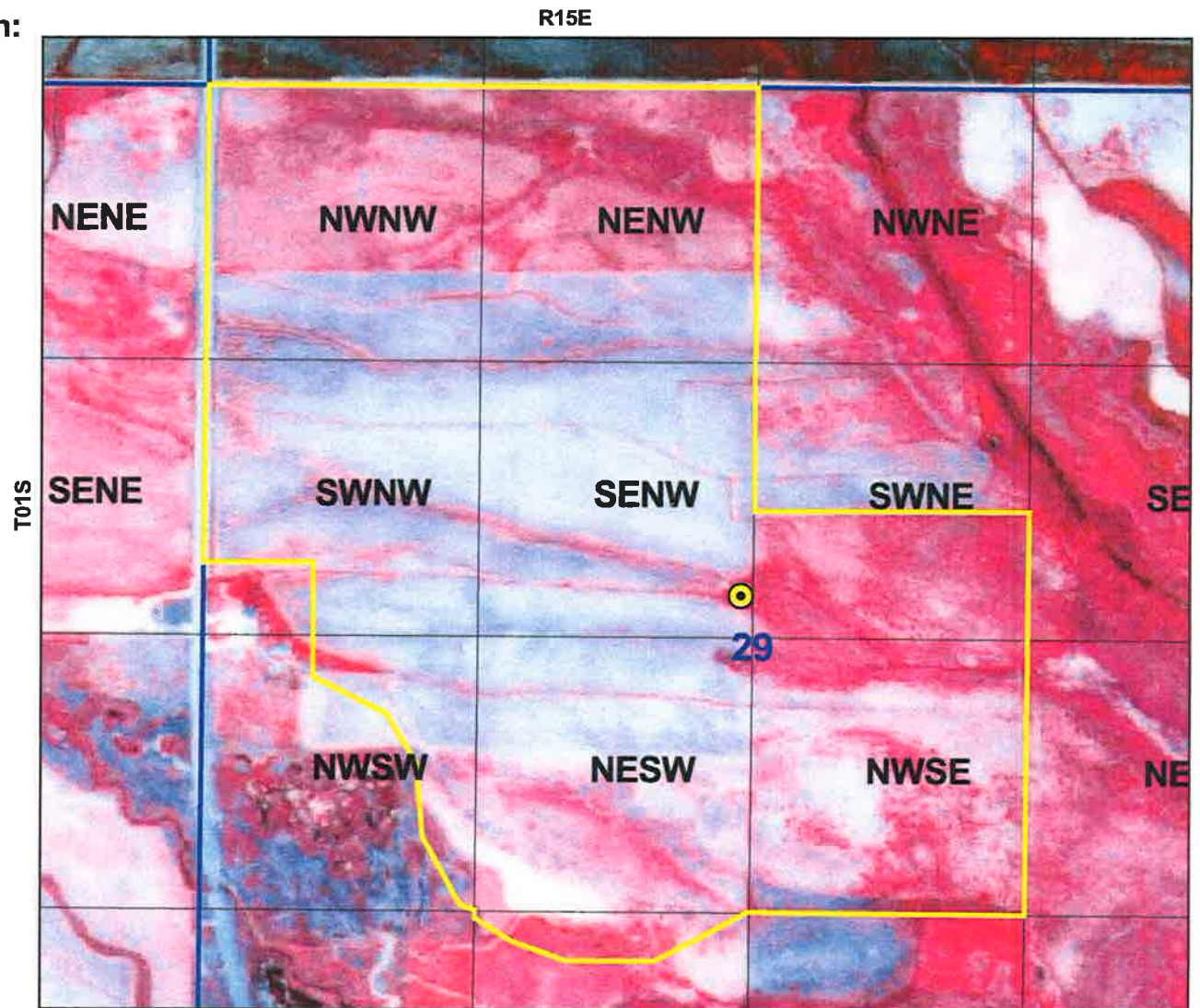
(Irrigation)

Legend

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



Camas County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by S. Clelland
On Friday, December 28, 2007
1987/88 Aerial Photography

12/28/2007

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

RIGHT NUMBER: 37-7638

NAME AND ADDRESS: RODNEY R GONSALES
RT 1 BOX 2070
CORRAL ID 83322

MELANIE J GONSALES
RT 1 BOX 2070
CORRAL ID 83322

CANDICE R SMITH
RT 1 BOX 2070
CORRAL ID 83322

SUNNIE C SMITH
RT 1 BOX 2070
CORRAL ID 83322

DALLAS E SMITH
RT 1 BOX 2070
CORRAL ID 83322

EDWARD E SMITH
RT 1 BOX 2070
CORRAL ID 83322

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.870 CFS
945.000 AFY

PRIORITY DATE: 07/05/1977

POINT OF DIVERSION:

T01S R15E S29 SENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.870 CFS 945.00 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01S R15E S29	SWNE	18.00	T01S R15E S29	NENW	40.00
T01S R15E S29	NWNW	40.00	T01S R15E S29	SWNW	36.00
T01S R15E S29	SENE	40.00	T01S R15E S29	NESW	40.00
T01S R15E S29	NWSW	11.00	T01S R15E S29	SESW	5.00
T01S R15E S29	NWSE	40.00			

270 ACRES TOTAL

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

12/28/2007

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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 - License

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07638

Priority: July 05, 1977

Maximum Diversion Rate: 4.87 CFS
Maximum Diversion Volume: 945.0 AF

It is hereby certified that RODNEY R GONSALES And
MELANIE J GONSALES And
EDWARD E SMITH And
SUNNIE C SMITH And
CANDICE R SMITH And
DALLAS E SMITH
RT 1 BOX 2070
CORRAL ID 83322

have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 05, 1977; and have
submitted Proof of Beneficial Use on July 15, 1982. An examination indicates that the works have a
diversion capacity of 4.87 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	4.87 CFS	945.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NW¼ Sec. 29, Twp 01S, Rge 15E, B.M. CAMAS 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	
01S 15E 29			18.0		40.0	40.0	36.0	40.0	40.0	11.0		5.0		40.0			270.0

Total Acres: 270

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22nd day of October, 2007.


for DAVID R. TUTTHILL, JR.
Director

Adjudication Claim Notes

Claim(s): 37-7638

Background Data

- Source is Groundwater
- Draft License for 4.87 cfs on 299 acres
- Claimed for 9.0 cfs on 480 acres

Place Of Use Data

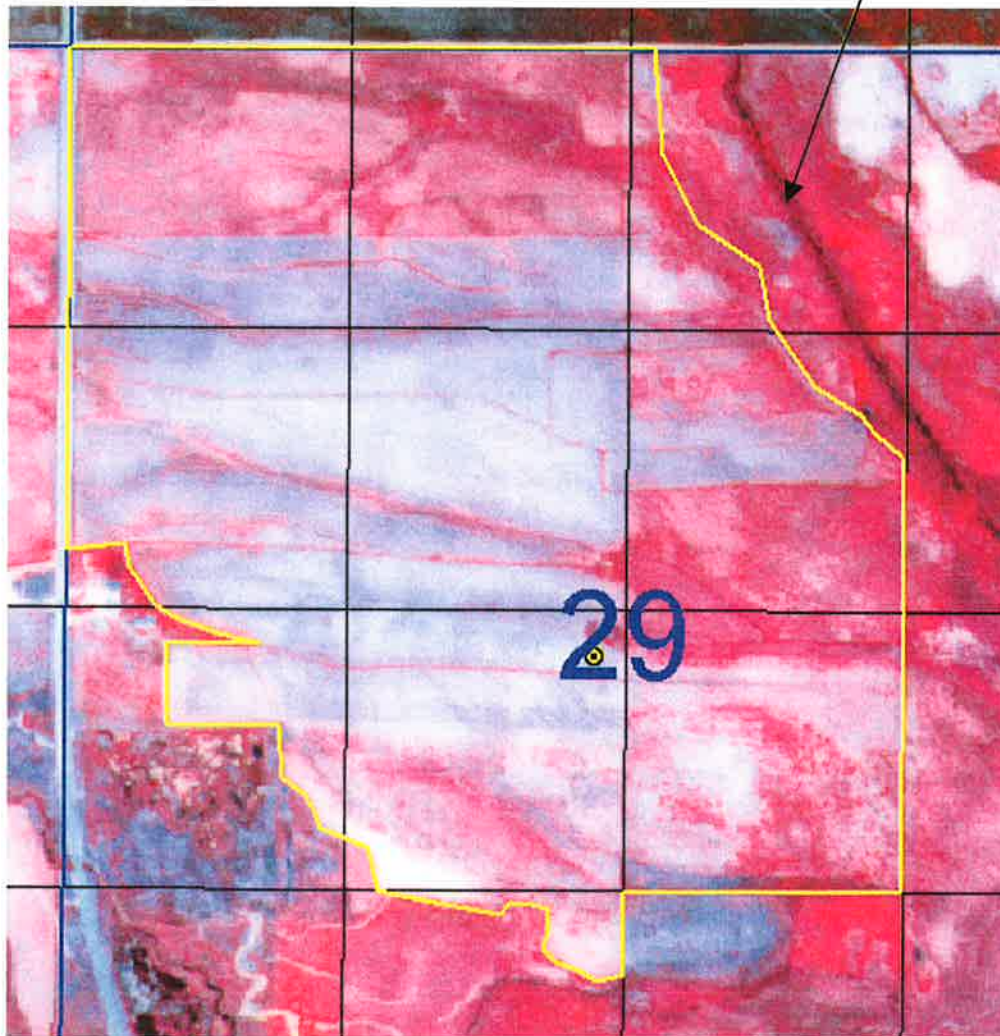
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

Miner Creek



Notes

T1S R15E Section 29

- POU and POD created in the permit process (imported from water permits).
- This right is in the permit process. The field exam is complete. Shelley Keen said on 11/15/05 that they are working on permits in other basins, but hope to get to permits in basin 37 in a couple months.

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

NOTICE OF ERROR
REPLY

Water Right No.: 37-7638

AMBROSE FARMS
PO BOX 247
WENDELL ID 83355
Telephone: 208-536-5332

RECEIVED
NOV 24 2006
DEPARTMENT OF
WATER RESOURCES

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

- (1) Owner
- (2) Rate of Diversion
- (3) Point of Diversion
- (4) Place of Use
- (5) Condition #2

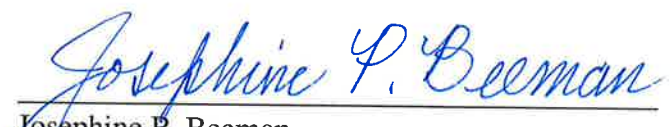
2. Describe the changes you wish to make in the proposed recommendation:

- (1) Owner: List the current owner. It is not Ambrose Farms.
- (2) Rate of Diversion: Recommend what will be on the draft license
- (3) Point of Diversion: NESW is correct. Was an amendment filed?
- (4) Place of Use: Use the information submitted by Bill Sweet (270 acres) or the field exams
- (5) Condition #2: Clarify that the ground water use is primary and not supplemental.

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

- (1) Owner: List current owner.
- (2) Rate of Diversion: It is inconsistent to leave the rate at the permitted rate of 9.0 cfs (draft license was 4.87 cfs) and reduce acres from the permitted 480 acres to 299.7 acres.
- (3) Point of Diversion: Was an amendment filed?
- (4) Place of Use: Neither the location nor the number of acres matches either of the field exams or the information submitted by Bill Sweet
- (5) Condition #2: Leaves important decisions, such as whether the ground water use is supplemental, to the permit licensing process.

DATE: November 21, 2006


Josephine P. Beeman
Attorney for Tom N. Ambrose

Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
208-331-0950

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, November 21, 2006 2:03 PM
To: 'Jo Beeman'
Cc: Retelle, Erin
Subject: RE: 37-7638

Jo,

On the preliminary recommendation for 37-7638 there is a remark that says:

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

The remark is used on claims based on permits. It is intended to mean that the water user must complete the licensing process in order to complete the appropriation process. Normally the other elements of the recommendation match those of the permit. In this case, the recommendation looks a little different from the permit. The bottom line, however, is that the license, when one is issued, will define the water right.

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----

From: Jo Beeman [mailto:jo.Beeman@beemanlaw.com]
Sent: Tuesday, November 21, 2006 1:00 PM
To: Jo Beeman; Keen, Shelley; Retelle, Erin
Cc: Norm Young; Joyce Angell (B&A); Office Beeman
Subject: RE: 37-7638

Shelley,

I just reviewed and attach the SRBA preliminary recommendation for 37-7638. SRBA claim 37-7638 is also attached.

Should the prelim be considered a draft for the license?

Thanks.

Jo

Josephine P. Beeman
Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

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11/21/2006

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From: Jo Beeman
Sent: Thursday, October 19, 2006 4:39 PM
To: 'Keen, Shelley'; Retelle, Erin
Cc: 'Norm Young'; 'Joyce Angell (B&A)'; Office Beeman
Subject: RE: 37-7638

Shelley and Erin,
 Thank you.

Jo

Josephine P. Beeman
 Beeman & Associates, P.C.
 Phone: 208-331-0950
 Fax: 208-331-0954
jo.beeman@beemanlaw.com

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From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Thursday, October 19, 2006 4:24 PM
To: Retelle, Erin
Cc: Jo Beeman
Subject: FW: 37-7638

Erin,

Hope you had a good experience in the field. When you have a moment on Friday, please update Jo Beeman and me regarding File 37-7638.

Thanks.

Shelley

-----Original Message-----

From: Jo Beeman [mailto:jo.Beeman@beemanlaw.com]
Sent: Thursday, October 19, 2006 4:18 PM
To: Keen, Shelley
Subject: 37-7638

Shelly,

Tom Ambrose called today about the status of 37-7638. Thanks.

Jo

Josephine P. Beeman

Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7638

WATER RIGHT NUMBER: 37-7638

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM E SWEET
Current Owner	, ID IDAHO STATE BANK PO BOX 909 GLENNS FERRY, ID 83623 (208)366-7492
Previous Owner	AMBROSE FARMS INC PO BOX 460 WENDELL, ID 83355-0460 (208)536-5324
Present Owner	RODNEY GONSALES RT 1 BOX 1056 FAIRFIELD, ID 83327 (208)764-2033
Present Owner	ED SMITH RT 1 BOX 2070 CORRAL, ID 83322

Priority Date: 07/05/1977

Basis: License

Status: Active DRAFT

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	4.870 CFS	
	<u>Total Diversion:</u>	4.870 CFS	1,046.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 29, Twp 01S, Rge 15E, B.M.
CAMAS 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	
01S	15E	29	11.0	35.0			40.0	40.0	35.0	40.0	38.0	16.0		4.0		40.0			299.0

Total Acres: 299

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7638

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1046.5 af at the field headgate for the lands above.
4. 104 If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7638

Comments:

1. eretelle 1/24/2005 license review

Comment: PoD - amendment needed

Measuring device requirement changed in 1981 (before the 2nd field exam) that condition is now inactive. R43 was suggested, but seems more restrictive than the now-inactive condition.

PoU is within the Big Wood River GW mgt. area

We do not have a record of assignment of permit to Ambrose Farms

PoU estimated from ArcView and gravity flow system sketch on 2nd FE (system that was in place when proof was submitted) acreage adjusted accordingly. Supplemental use. Rate limited by system capacity on first field exam.

2. eretelle 2/25/2005 owner address

Comment: I received a call from Linda at US Bank (formerly Idaho State Bank) 208-366-7492. The bank is the permit holder of record, but they have no interest in the water right. The copy sent to Ambrose Farms was returned due to an incorrect address. The secretary of state website shows Ambrose Farms, Inc. was forfeited in 1993. According to taxlot information, Sand Springs Ranch & Co. is now the owner of the property. Sand Springs Ranch & Co. is owned by Tom and Leone Ambrose (1997). The address given on the business document is: Sand Springs Ranch & Co., c/o Tom and Leone Ambrose, PO Box 399, Fairfield, ID 83327. The correspondence will be sent to that address.

3. eretelle 3/15/2005 phone call

Comment: I spoke to Darrin Nelson at Brockway Engineering today. He informed me that the land owner is now Camas Creek Ranch (Rod Gonzales 764-3904). I will re-send the amendment to the address I got from Rod Gonzales secretary.

Camas Creek Ranch

Rt. 1, Box 2070

Corral, ID 83322

4. eretelle 7/26/2005 correspondence

Comment: Correspondence is to go to the same address, but attention to Rod Gonsales and Ed Smith.

Rod Gonsales

Ed Smith

Rt. 1, Box 2070

Corral, ID 83322

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-7638

Dates and Other Information:

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

