

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 37-7893B
Date Received: 12/13/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES P CONGER Phone: (208)726-4421
C/O JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

JOAN CONGER Phone: (208)726-4421
C/O JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

2. Date of Priority: 03/17/1994

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	1	SW SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/15 10/31	0.51	88.9

7. Total Quantity Appropriated is:
0.51 C.F.S. and/or 88.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	1	SE	SW	IRRIGATION	2.4
			SW	SE	IRRIGATION	23
					Section Acres	25.4
					Total Acres	25.4

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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.

15. Basis of Claim: License

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 28 PM 2 28

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

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SUBCASE NO. 37-7893B

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

8/28/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/28, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

James Conger
Joan Conger
PO Box 62
Sun Valley ID 83353

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

08/03/2007

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

RIGHT NUMBER: 37-7893B

NAME AND ADDRESS: JOAN CONGER
PO BOX 62
SUN VALLEY ID 83353

JAMES P CONGER
PO BOX 62
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.510 CFS
88.90 AFY

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.

PRIORITY DATE: 03/17/1994

POINT OF
DIVERSION:

T01N R18E S1 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.510 CFS 88.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	SESW	2.40	T01N R18E S01	SWSE	23.00
25.4 ACRES TOTAL					

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

This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES CONGER
JOAN CONGER
PO BOX 62
SUN VALLEY ID 83353

RE: SRBA Claim(s) 37-7893B

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,



Trish Fawcett
Technical Records Specialist

cc: James P. Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

RECEIVED

AUG 02 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 37-7893B

Previous Mailing Address: Joan Conger, James P. Conger
C/o James P. Speck, Hogue Speck & Aanestad
P.O. Box 987, Ketchum, Idaho 83340

New Mailing Address: James P. Conger and Joan Conger
Post Office Box 62
Sun Valley, Idaho 83353

Telephone Number: (208) 726-3278

Signature of Claimant(s):

Please print your name below your signature

JAMES P. CONGER

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. Of Water Resources
1910 Northwest Blvd., Se. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. Of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. Of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-4800
Ph. 208/287-4800
FAX 208/287-6701

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

RECEIVED

August 1, 2007

AUG 02 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Southern Region
1341 Fillmore
Suite 200
Twin Falls ID 83301-3380

**Re: Change of Address of Notice of Claim -
Water Right No. 37-7893B - Joan Conger, James P. Conger
Our File No: 275/950415**

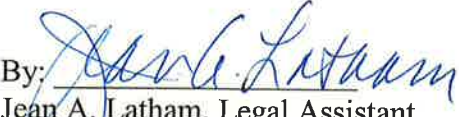
Dear Sir or Madam:

Enclosed please find the original and one copy of the Change in Address of Notice of Claim for our clients, Joan and James P. Conger. Please receipt date stamp the Change in Address, conform the copy and return it in the enclosed self-addressed envelope.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jean A. Latham, Legal Assistant
James P. Speck

:jal
Enclosure
cc: Client

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07893B

Priority: March 17, 1994

Maximum Diversion Rate: 0.51 CFS
Maximum Diversion Volume: 88.9 AF

It is hereby certified that JAMES P CONGER And
JOAN CONGER
C/O JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 2, 1981, and have submitted Proof of Beneficial Use on November 14, 1994. An examination indicates that the works have a diversion capacity of 1.43 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	0.51 CFS	88.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Twp 01N, Rge 18E, B.M. BLAINE 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	
01N 18E 1																	25.4
																	2.4
																	23.0

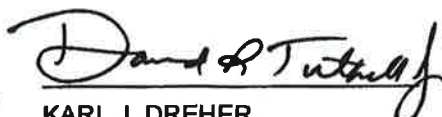
Total Acres: 25.4

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.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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 6th day of November, 2006.


for **KARL J. DREHER**
Director

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

uA
RECEIVED

NOV 06 2006

DEPARTMENT OF TELEPHONE
WATER RESOURCES (208) 726-4421
FACSIMILE
(208) 726-0732

November 2, 2006

Mr. Shelley W. Keen
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

Re: *Phil Conger/Water Right No. 37-7893B*

Dear Shelly:

Enclosed you will find the calculations of the irrigated acreage on Mr. Conger's parcel done by Galena Engineering, Inc. We believe this is a more accurate calculation of the land that has been developed under this permitted water right.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS/jef
Enclosure
cc: Phil Conger (w/encl.)

October 23, 2006

Jim Speck
Hand Delivered

RE: Conger Property – Glendale Rd. – Irrigated acreage calculations

Dear Jim:

We have calculated the areas of the upper and lower parcels from the Air Photo supplied by Phil. The lower parcel is 9.28 acres and the upper parcel 16.16 acres more or less. Please see the attached exhibit drawing for further clarification.

Sincerely,


Jim Zarubica, P.E.,





IRRIGABLE AREA CALCULATIONS FOR CONGER PROPERTY
BLAINE COUNTY, IDAHO



POB

POU
Permit 37-7893B
Conger

SW/SE Sec. 1
T. 1N R. 18E