

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 37-20826
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANDREW DIGES Phone: (208)622-3399
PO BOX 834
BELLEVUE ID 83313

2. Date of Priority: 12/12/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	6	SW SE	BLAINE	

5. Description of diverting works:

new well to be drilled for lot 2

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.15	58.5

7. Total Quantity Appropriated is:

0.15 C.F.S. and/or 58.5 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
01S	19E	6	NW	SE	IRRIGATION	4
			SW	SE	IRRIGATION	16
					Section Acres	20
					Total Acres	20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 2, BLK 1, SCHOESSLER SUBDIVISION.

Rights 37-20826 and 37-20828 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20 acres.

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License



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 11, 2004

ANDREW DIGES
PO BOX 834
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-20826, 37-20828

Dear Mr. Diges:

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

Enc.

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.

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
37-20826					
37-20828					

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)
Kent + Kathy Schoessler
HC 62 Box 1600, Wells, NV 89835-9805
4. New Owner/Claimant(s)
Andrew Diges
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
Box 6545, Ketchikan, ID 83340
- City, State and ZIP Code
834 Bellevue 83313
- New Telephone Number
208 622-3399
5. Date you acquired the property
10-9-03

RECEIVED

OCT 14 2003

Department of Water Resources
 Boise, Idaho

6. If the change in ownership affects the entire 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)
- Andrew Diges*

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 <i>[Signature]</i>	Date <i>10/14/03</i>	Fee _____	
Received by <i>[Signature]</i>	Date _____	Receipt No. _____	
Processed by <i>[Signature]</i>	Date <i>2/11/04</i>	WR _____	Date _____

RECEIVED
OCT 14 2003
Department of Water Resources
Snake River Basin

Order No. 53148

RECEIVED

OCT 14 2003

Department of Water Resources
Bozeman, Montana

WARRANTY DEED

FOR VALUE RECEIVED

KATHY SCHOESSLER, an unmarried woman

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

ANDREW DIGES, an unmarried man

GRANTEE(s) whose address is: **P.O. Box 6545, Ketchum, ID 83340**

the following described real property in **Blaine** County, Idaho, to wit:

Lot 2 in Block 1 of SCHOESSLER SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 472231, records of Blaine County, Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 24, 2003

Kathy Schoessler
KATHY SCHOESSLER

State of Nevada

}
}ss.
}

County of Elko

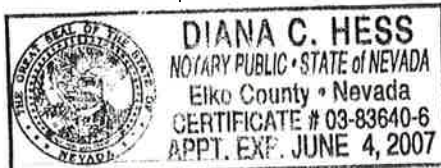
On this 25th day of September, in the year 2003, before me, the undersigned, personally appeared **KATHY SCHOESSLER** known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

Diana C. Hess

Notary Public

Commission Expires:



I hereby certify this document to
be a full true and correct copy of
the original.

AMERITITLE, INC.

AM

Order No. 53148

QUITCLAIM DEED

RECEIVED

OCT 14 2003

Department of Water Resources
Bureau of Water Rights

FOR VALUE RECEIVED

KATHY SCHOESSLER, an unmarried woman

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

ANDREW DIGES, an unmarried man

whose address is: **P.O. Box 6545, Ketchum, ID 83340**

the following described premises situated in **Blaine** County, Idaho, to wit:

.30 cfs of water pursuant to IDWR Nos. 37-20826 and 37-20828 (approved by IDWR Transfer No. 70246), in addition to any water rights DIGES may have pursuant to a domestic exemption or other exemption recognized by Idaho law.

together with their appurtenances.

Dated: **September 24, 2003**

Kathy Schoessler
KATHY SCHOESSLER

State of Idaho

}

}ss.

County of Blaine

}

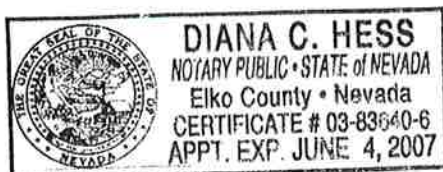
On this 25th day of September, in the year 2003, before me, the undersigned, personally appeared **KATHY SCHOESSLER**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

Diana C. Hess

Notary Public

Commission Expires:



I hereby certify this document to
be a full true and correct copy of
the original.

AMERITITLE, INC.

[Signature]

SCHESSLER SUBMISSION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO
SHEET 1 OF 3
Job No. 5817-011-001

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 37-20826
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHY SCHOESSLER Phone: (775)752-3184
HC 62 BOX 1600
WELLS NV 89835

KENNETH J SCHOESSLER Phone: (775)752-3184
HC 62 BOX 1600
WELLS NV 89835

2. Date of Priority: 12/12/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01S	19E	6	SW	SE	BLAINE	

5. Description of diverting works:

new well to be drilled for lot 2

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.15	58.5

7. Total Quantity Appropriated is:
0.15 C.F.S. and/or 58.5 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
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			SW	SE	IRRIGATION	16
					Section Acres	20
					Total Acres	20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Rights 37-20826 and 37-20828 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20 acres.

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 7, 2007

Baseline Canal Co & Baseline Pump Assn #2
C/O Cathy Zaccardi
PO Box 743
Hailey, ID 83333

RE: NOE for Recommendation for 37-2556A

Dear Mrs. Zaccardi:

Our office has received your "Notice of Error" for the above listed recommendation.

Based on your "Notice of Error" we have reviewed our recommendations associated with the original license 37-2556 of which you now indicate you should get 8.23 cfs or the entire original licensed amount.

As you may know the original license has been split by numerous transfers. The recommendations listed below are based in part by approved transfers or splitting up of the Schoessler portion of the original license you contend was illegally transferred.

<u>Recommendation</u>	<u>Owner</u>	<u>Amt (cfs)</u>
37-2556A	Baseline Canal Co	6.76
37-20621	Robert Hoffman	0.17**
37-20822	David Rendahl	0.25
37-20826	Andrew Diges	0.15
37-21273	PB Investments	0.40
37-21274	Gary Slette	<u>0.40</u>
Total Recommended		8.13

**Currently involved in a pending protested transfer

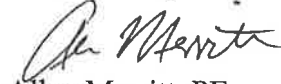
Please note that your claim in the SRBA claimed 6.76 cfs and that what was recommended. If you wish to amend your claim please formally do so. Even if you file an amended claim it will not automatically change your recommendation.

At this juncture it does not appear this matter can be resolved in the simple "Notice of Error" procedure. The Department currently lacks sufficient information to unravel the approved transfers these recommendations are based. To resolve the issue you will need

to file objections with the SRBA court to the above listed recommendations. We look forward to working with you and the other parties to resolve this matter.

By copy of this letter I am giving notice of this issue to the owners of the affected recommendations.

Respectfully,



Allen Merritt, PE
Southern Region Manager

CC: Robert Hoffman, 120 Baseline Rd, Bellevue, ID 83313
David Rendahl, PO Box 3104, Hailey, ID 83333
Andrew Diges, PO Box 834, Bellevue, ID 83313
Gary Slette, 3381 Willow Way, Twin Falls, ID 83301
PB Investments, PO Box 1906, Twin Falls, ID 83303-1906

01/06/2007

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FEB 02 2007

DEPARTMENT OF
WATER RESOURCES

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: 01/19/2007

Water right number: 37-2556A

BASELINE CANAL CO
C/O CATHY ZACCARDI
PO BOX 743
HAILEY ID 83333
Telephone Number: (208)678-5003

BASELINE PUMP ASSN # 2
C/O CATHY ZACCARDI
PO BOX 743
HAILEY ID 83333
Telephone Number: (208)578-5003

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

*** SEE BELOW ***

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

*** SEE BELOW ***

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

*** SEE BELOW ***

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

DATE: 23 Jan 2007 SIGNATURE: Cathy Zaccardi
Please print your name: Cathy Zaccardi

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

This was an illegal transfer. Ken Schoessler transferred approximately 1.47 CFS from Baseline Pump #2 to his own personal well. This is a supplemental well that is used on a rotation basis. Water cannot be taken out of the well; it must stay in the rotation system for use by the Association members. When the transfer was applied for, the Association was not contacted, resulting in an illegal transfer. Consequently, those who have been paying Association dues all of these years had no idea that water was transferred out. In addition, at the time of the transfer, there were 1000 shares in Pump #2. The water that was taken out was taken out in inches not shares, meaning no water can be taken out of the well.

The CFS is lower than it should be.

The CFS should read 8.23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

FORWARDING
ORDER EXPIRED

fund expired

ANDREW DIGES
PO BOX 634



RECEIVED
FEB 13 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Judication Bureau
P.O. Box 83720
a. ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNIT



PITNEY BOWES

\$ 00.870

02 1A

0004389393

NOV 24 2006

MAILED FROM ZIP CODE 83702

 **ATTEMPTED,
NOT KNOWN**

37-20828
37-20824

DIGES

ANDREW DIGES
PO BOX 834
BELLEVUE ID 83710

RECEIVED
DEC 13 2006
DEPARTMENT OF
WATER RESOURCES

11/20/2006

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

RIGHT NUMBER: 37-20826

NAME AND ADDRESS: ANDREW DIGES
PO BOX 834
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 0.150 CFS
58.500 AFY

Rights 37-20826 and 37-20828 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate.

PRIORITY DATE: 12/12/1979

POINT OF DIVERSION:

T01S R19E S6 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.150 CFS 58.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S06	NWSE	4.00	T01S R19E S06	SWSE	16.00
---------------	------	------	---------------	------	-------

20 ACRES TOTAL

Right Nos. 37-20826 and 37-20828 are limited to the irrigation of a combined total of 20 acres in a single irrigation season.

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

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The property is also known as Lot 2 of the Schoessler Subdivision.



Idaho Department of Water Resources

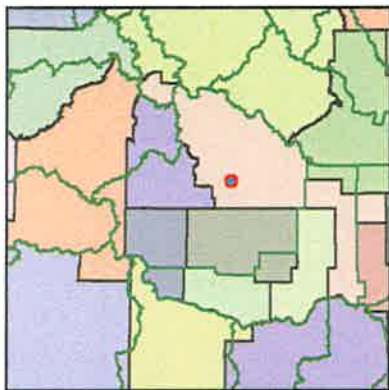
SRBA Recommendation:

37-20826

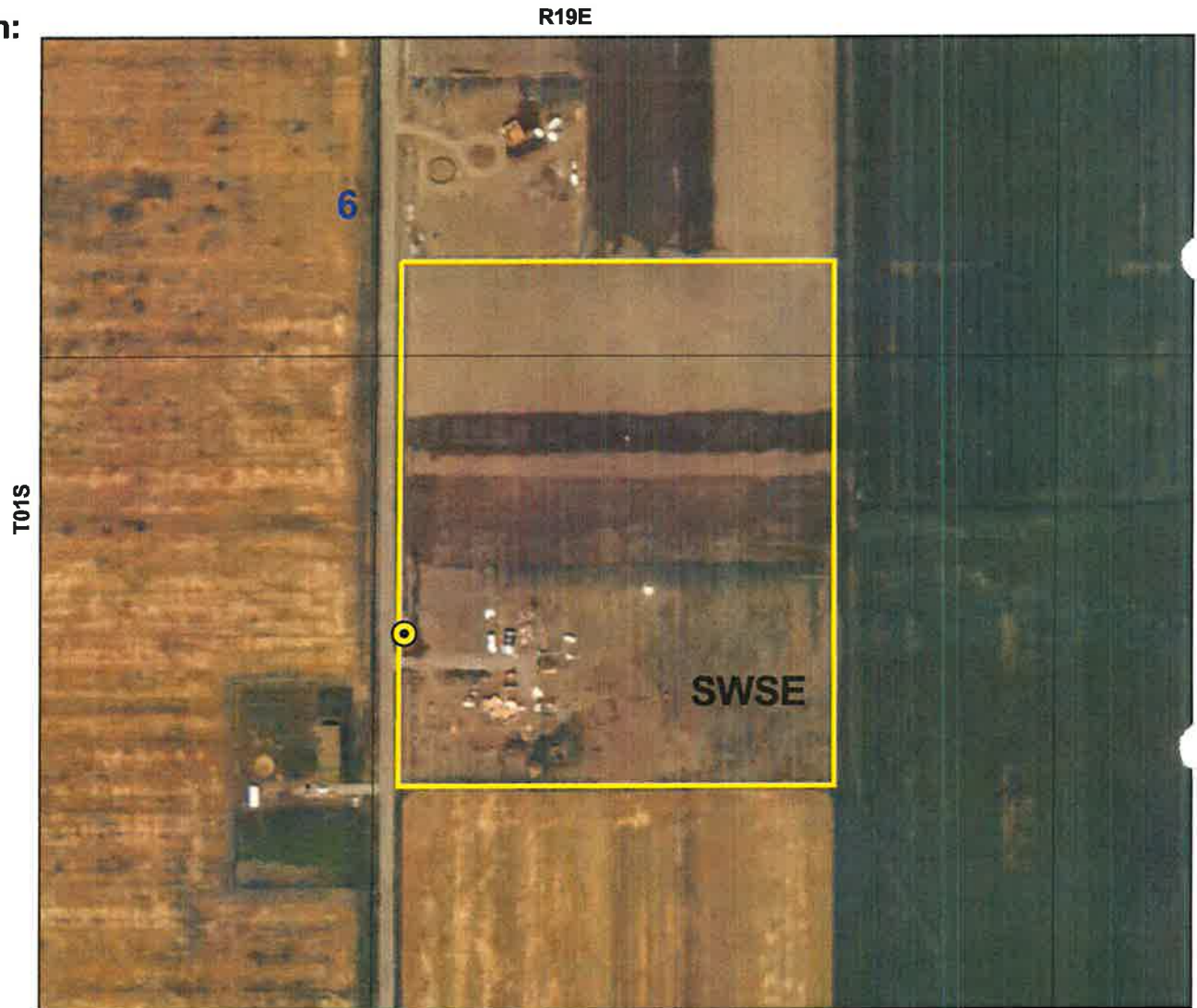
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by J. Stanton
On Tuesday, November 14, 2006
2004 Aerial Photography

Owner: Andrew Diges

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70246

This is to certify that: KATHY SCHOESSLER And
 KENNETH J SCHOESSLER
 HC 62 BOX 1600
 WELLS NV 89835
 (775)752-3184

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-20821	AJC/License	09/21/1954	1.03 cfs	N/A			GROUND WATER
37-20823	AJC/License	12/12/1979	0.61 cfs	239.7 af			GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-20821	YES	YES	NO	NO	NO	NO
37-20823	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-20821	37-20828	0.25 cfs	70 af	N/A	20.0	37-20827	0.78 cfs	N/A	N/A	62.0
37-20823	37-20826	0.15 cfs	58.5 af	N/A	20.0	37-20825	0.46 cfs	181.2 af	N/A	62.0
COMBINED										
TOTALS		0.30 cfs	70.0 af	20	20		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of February, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20828
As Modified by Transfer No. 70246

In accordance with the approval of Transfer No. 70246, Water Right No. 37-20828 is now described as follows.

Right Holder: KATHY SCHOESSLER And
KENNETH J SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

Priority Date: September 21, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.25 CFS	70.0 AF
			0.25 CFS	70.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 6 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	19E	6																	20.0

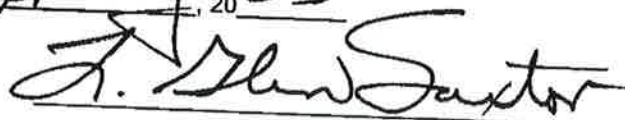
Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 37-20826 and 37-20828 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20 acres.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20826
As Modified by Transfer No. 70246

In accordance with the approval of Transfer No. 70246, Water Right No. 37-20826 is now described as follows.

Right Holder: KATHY SCHOESSLER And
KENNETH J SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

Priority Date: December 12, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.15 CFS	58.5 AF
			0.15 CFS	58.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 6 Twp 01S Rge 19E 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	
01S 19E 6															4.0	16.0	20.0

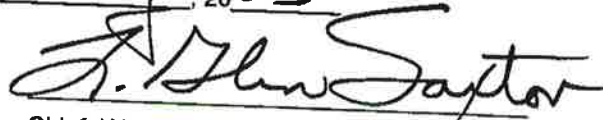
Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 37-20826 and 37-20828 when combined shall not exceed a total diversion rate of 0.30 cfs, a total annual maximum diversion volume of 70.0 af at the field headgate, and the irrigation of 20 acres.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of February, 2003


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20825
As Modified by Transfer No. 70246

In accordance with the approval of Transfer No. 70246, Water Right No. 37-20825 is now described as follows.

Right Holder: KATHY SCHOESSLER And
 KENNETH J SCHOESSLER
 HC 62 BOX 1600
 WELLS NV 89835

Priority Date: December 12, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.46 CFS	181.2 AF
			0.46 CFS	181.2 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NWNWNE Sec. 7 Twp 01S Rge 19E 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	
01S	19E	6																	10.0
01S	19E	7			26.0	26.0													52.0

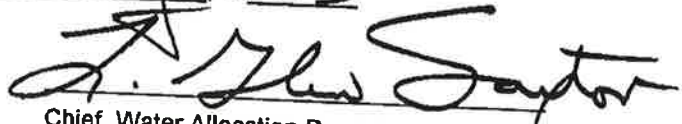
Total Acres: 62

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of February, 2003


 Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20827
As Modified by Transfer No. 70246

In accordance with the approval of Transfer No. 70246, Water Right No. 37-20827 is now described as follows.

Right Holder: KENNETH J SCHOESSLER And
KATHY SCHOESSLER
HC 62 BOX 1600
WELLS NV 89835

Priority Date: September 21, 1954

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From **To**
04/01 to 11/01

Diversion Rate

0.78 CFS

0.78 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

NWNE

Sec. 7 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 19E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	10.0
01S 19E 7			26.0	26.0													52.0

Total Acres: 62

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

MEMORANDUM

Date: December 10, 2002
To: Transfer 70246 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Applicants (Kenneth and Kathy Schoessler) are subdividing their farm into four lots and will be selling the lots. Transfer 70245 proposes splitting off the proportionate portion of claims 37-20618 and 37-20620 for lot 1 of the subdivision and changing the point of diversion to a new well to be drilled on lot 1. Transfer 70246 proposes splitting off the proportionate portion of claims 37-20618 and 37-20620 for lot 2 of the subdivision and changing the point of diversion to a new well to be drilled on lot 2. The remaining portions of 37-20618 and 37-20620 will remain appurtenant to the rest of the farm (lots 3 and 4) and will be diverted from the original (existing) well. Nothing will change with these remaining portions so they are not being transferred. The applicants attorney indicated that the eventual owners of lot 3 and lot 4 will share the use of the existing well via a well sharing agreement.

Note that claims 37-20618 and 37-20620 are based on parts of overlapping licensed rights 37-7817 and 37-2556B which are limited to 1.73 cfs and 117 acres. Claims 37-20618 and 37-20620 are for 102 of the 117 licensed acres. Lots 1 and 2 are both 20 acres in size, so transfers 70245 and 70246 both involve a 20/102 portion of claims 37-20618 and 37-20620 and the appropriate combined use limits from the original licenses.

Examination of the Departments records indicate that surface water claims 37-11749, 37-11750, 37-11751, and 37-11752, all in the name of Hoffman, appear to overlap claims 37-20618 and 37-20620. However, examination of the claim files reveals that the surface water claims 37-11749, 37-11750, 37-11751, and 37-11752 were apparently historically used on property now owned by Hoffman, just to the north of the Schoessler property involved with transfers 70245 and 70246. There are various documents in the claim files indicating that the surface water is not used on the Schoessler property involved with transfers 70245 and 70246. I assume that the eventual recommendations for these claims will not include the Schoessler property involved with transfers 70245 and 70246. I placed memos in these claim files giving the eventual AJ agent a heads up with these surface water claims.

It should be noted that the data entry work for the approvals of Transfer 70245 and Transfer 70246 are based on Transfer 70245 being approved first. The untransferred portions of Transfer 70245 will serve as the base rights for Transfer 70246 and the untransferred portions of Transfer 70246 reflect approvals of both Transfer 70245 and Transfer 70246.

Transfer 70245 and transfer 70246 both should be straightforward and approvable.

- **Authority to File:**

Applicants are listed as the current owners on SRBA claims.

- **Water Right Validity:**

Rights involved with the transfer are still pending in the SRBA and NAPP photography indicates the property involved with the application was irrigated around 1987. Forfeiture does not appear to be an issue.

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Transfer 70246 Evaluation of Sufficiency of Information Submitted Memo
December 10, 2002

- **Injury to Other Water Rights:**
Point of diversion location is only changing about ½ mile. Water to be used for original use (irrigation) in same general area as originally licensed.
- **Enlargement of Use:**
None apparent
- **Local Public Interest:**
Subdivision has been approved by Blaine County (per 12/10/2002 telecom with Blaine County Planning & Zoning)
- **Beneficial Use/Conservation of Water Resources:**
No change from historical use.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.