

2120

T.10 N., R.5 W., B.M.
SECTION 9
SE $\frac{1}{4}$

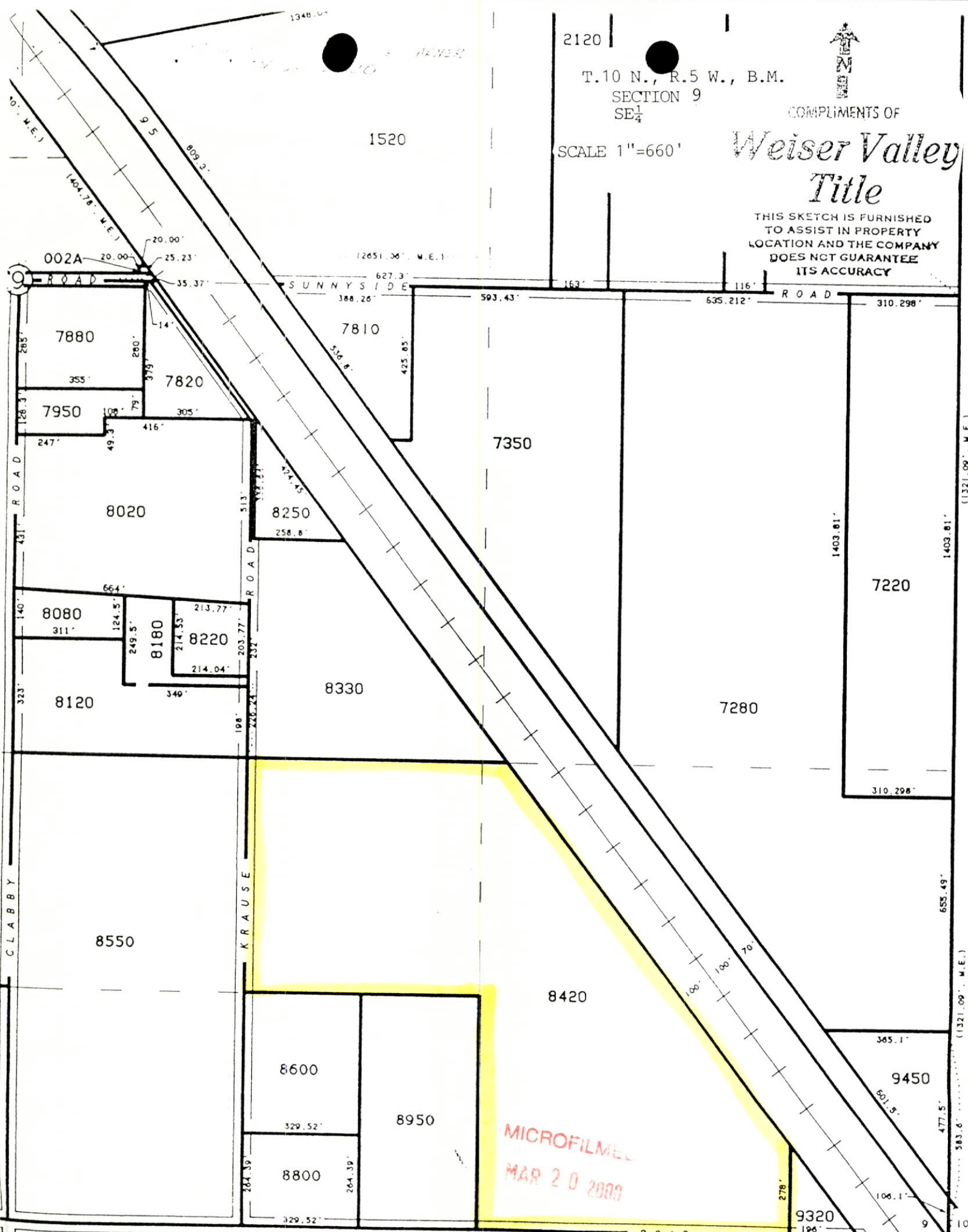
SCALE 1"=660'



COMPLIMENTS OF

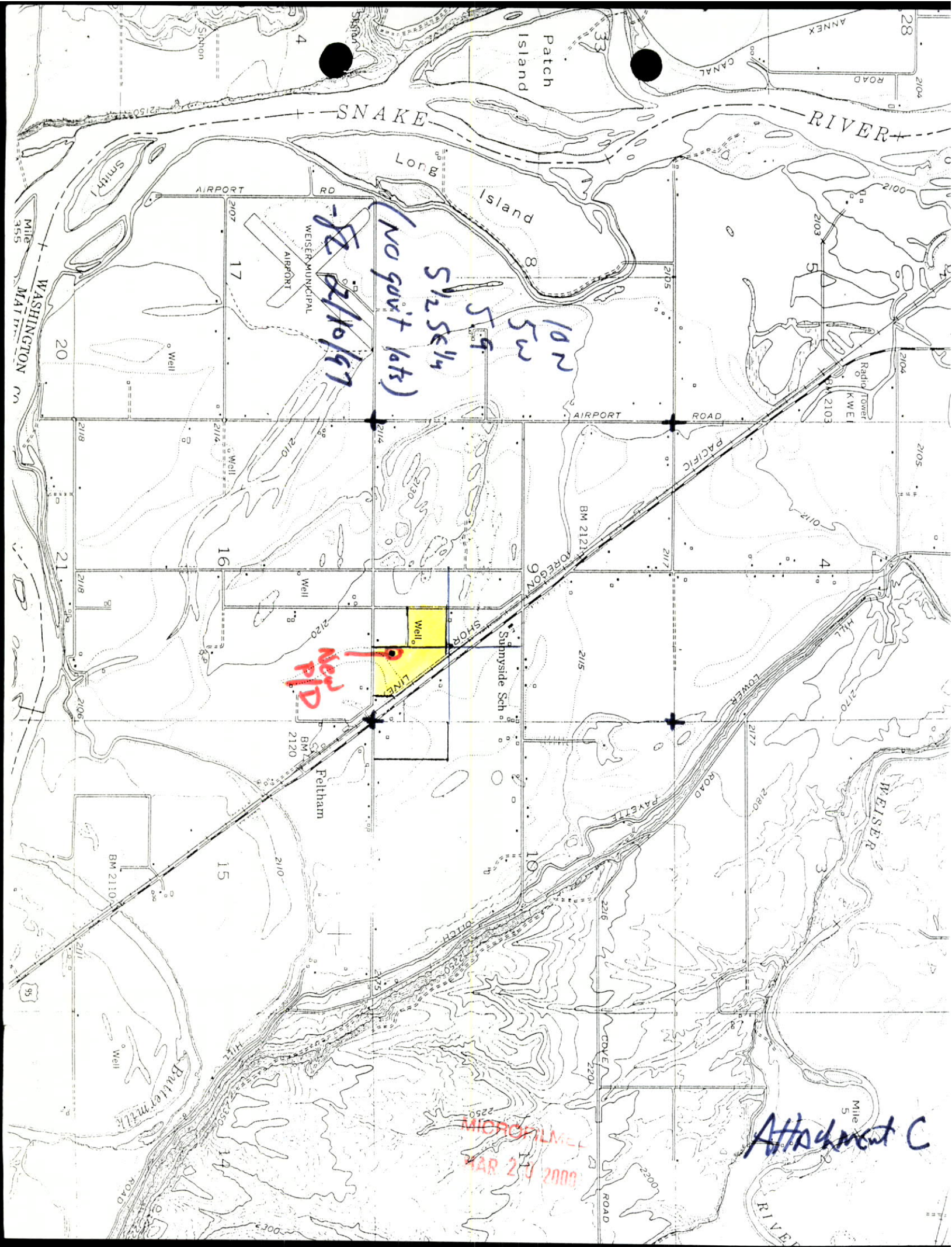
Weiser Valley Title

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY



MICROFILMED
MAR 20 2000

Attachment A3



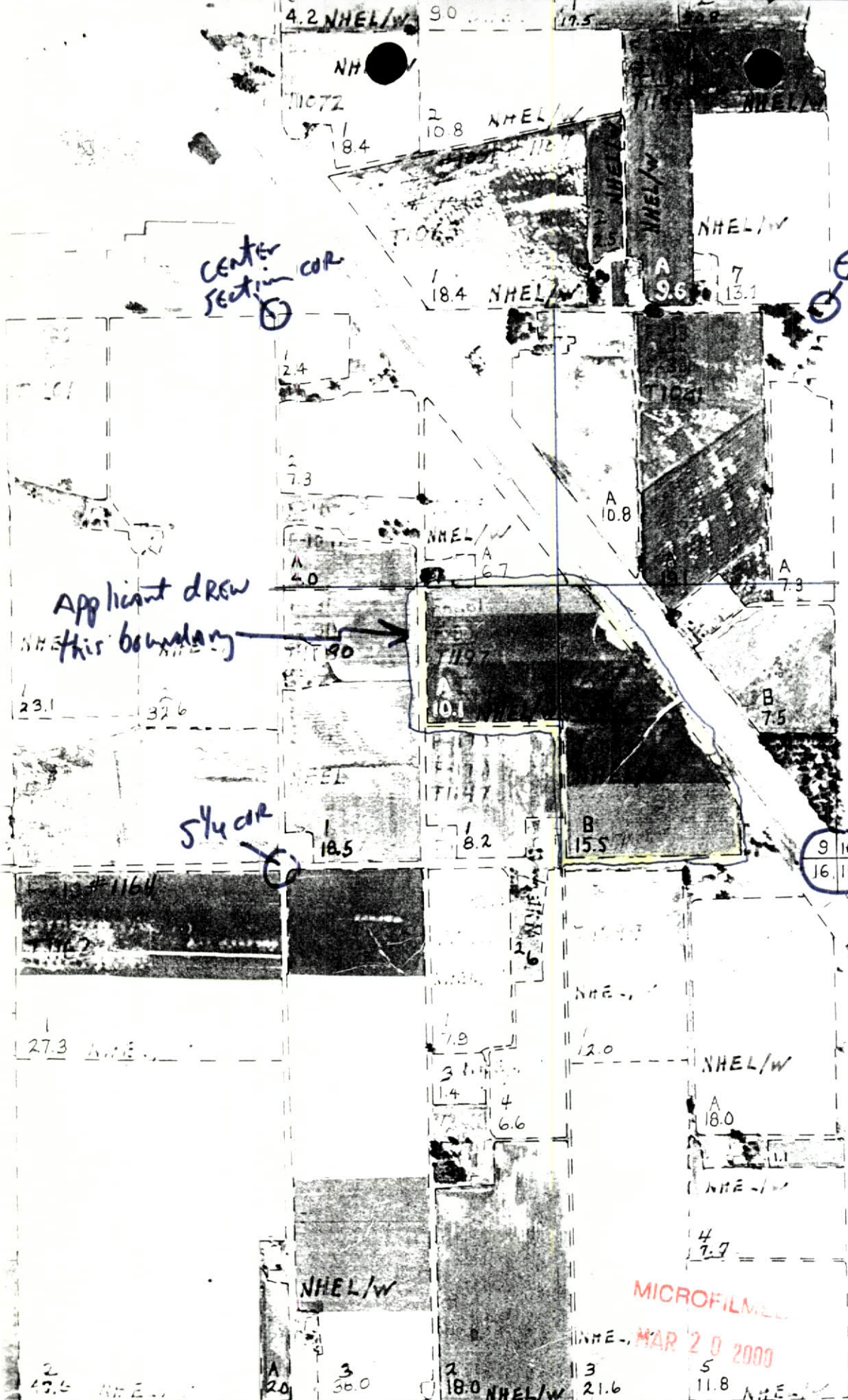
10N
52
54
5 1/2 SE 1/4
(No part lots)
2/10/97

Weir PD

LINE
Well

Attachment C

MICROFILMED
MAR 24 2000



— Scale —
 e 2" = 1/4 mile
 Q&A lines added
 per topo comparison

-SL
 2/28/97

10 N
 5 W
 5.9

1979 photo shows
 e 10 ac. SWSE
 15 ac. SESE
 25 ac. total

Attachment D

This map made from our
 aerial photo dated 1979

2120

T.10 N., R.5 W., B.M.
SECTION 9
SE $\frac{1}{4}$

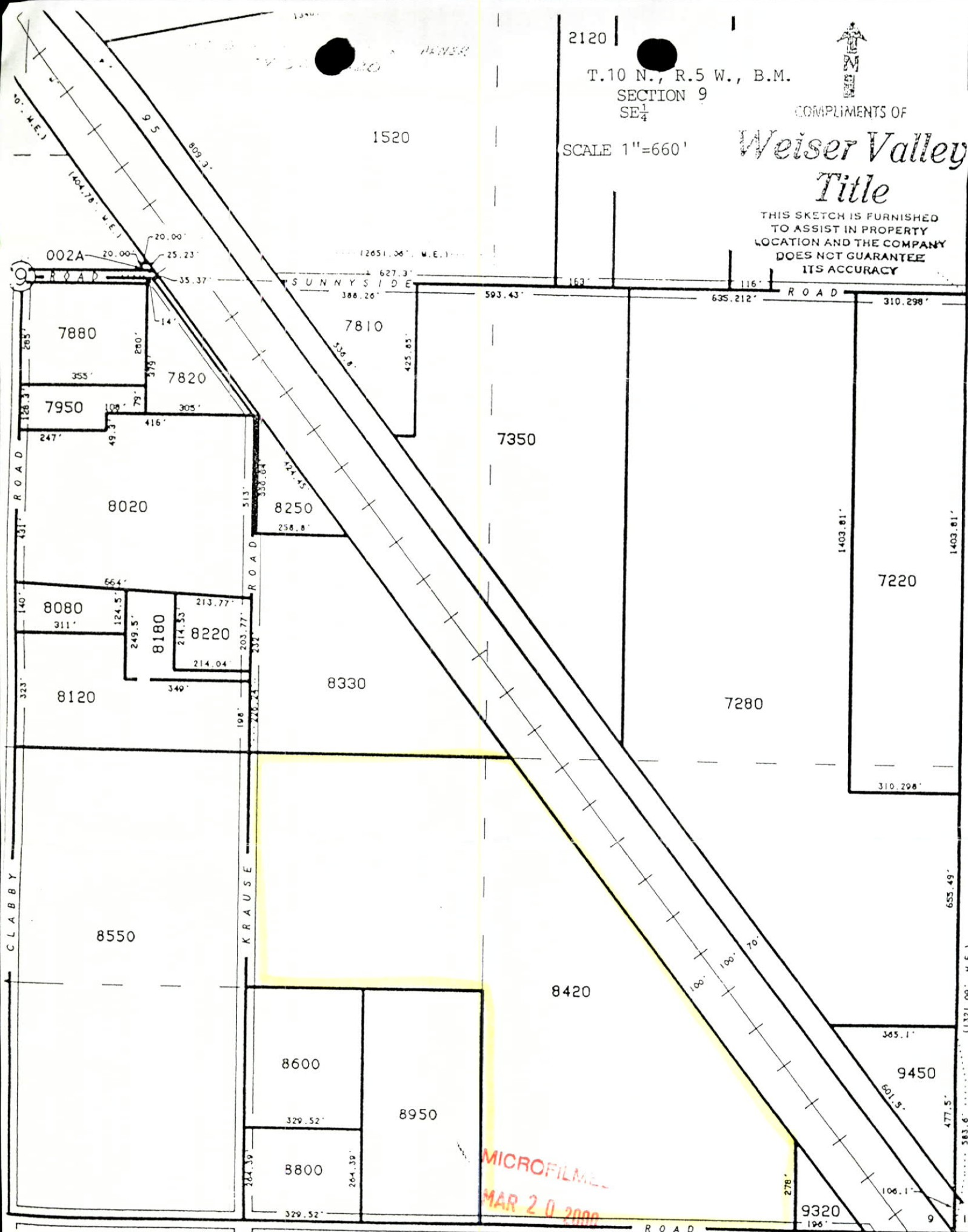


COMPLIMENTS OF

*Weiser Valley
Title*

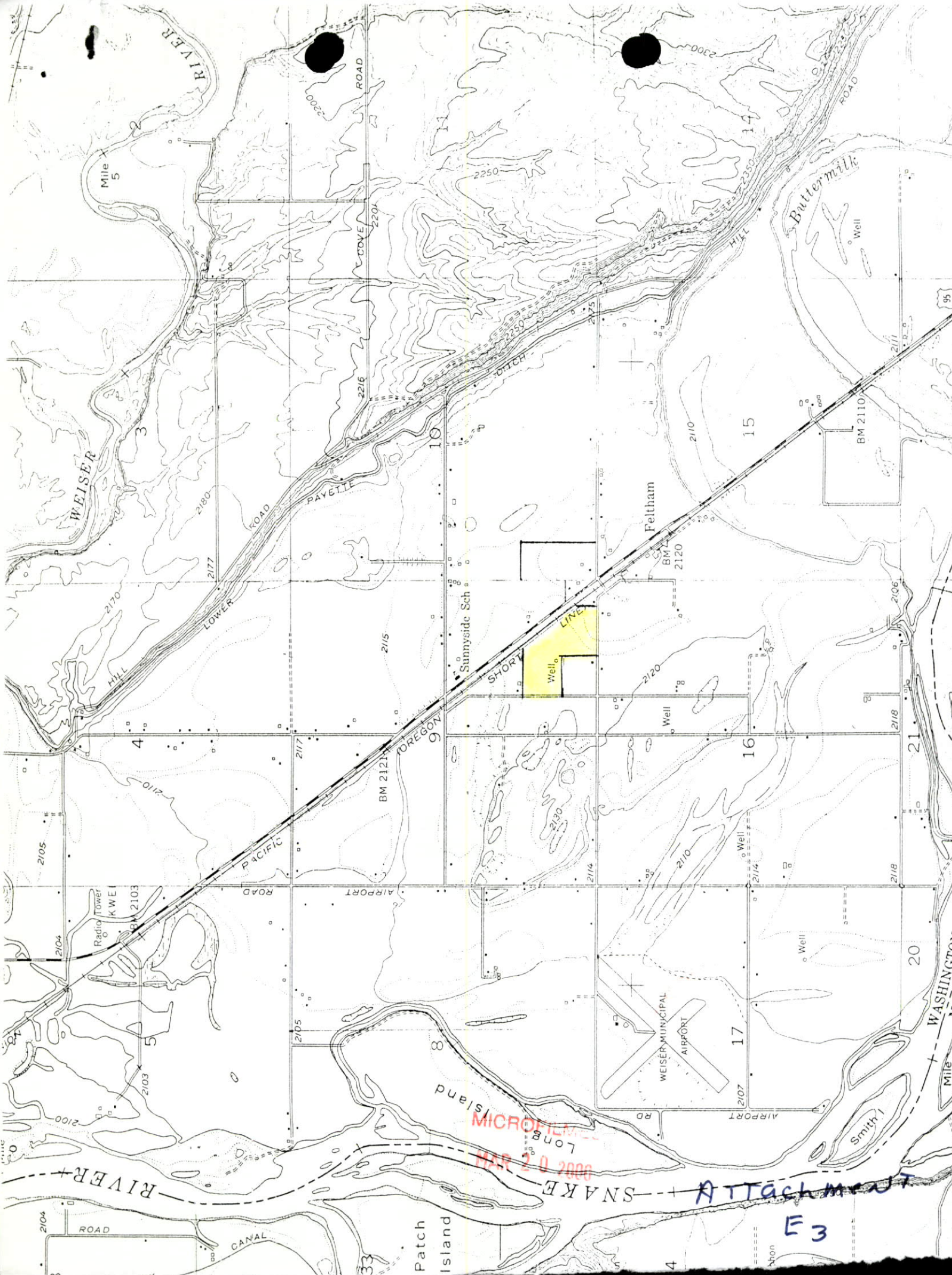
THIS SKETCH IS FURNISHED
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LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY

SCALE 1"=660'



MICROFILMED
MAR 20 2000

Attachment E2



MICROFILMED
Long
MAR 20 2000

ATTACHMENT

E3

No 4

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 22 1967

Department of Reclamation

STATE OF IDAHO, }
County of Washington } ss.

Harold A. Booth, being duly sworn,
deposes and says:

That ^she is the Clark of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
November 2, 1967, and ending
with the issue of November 9, 1967.
Harold A. Booth
Fees, \$ 7.25

Subscribed and sworn to before me this 21
day of November, 1967.

Harold A. Booth
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 1969.

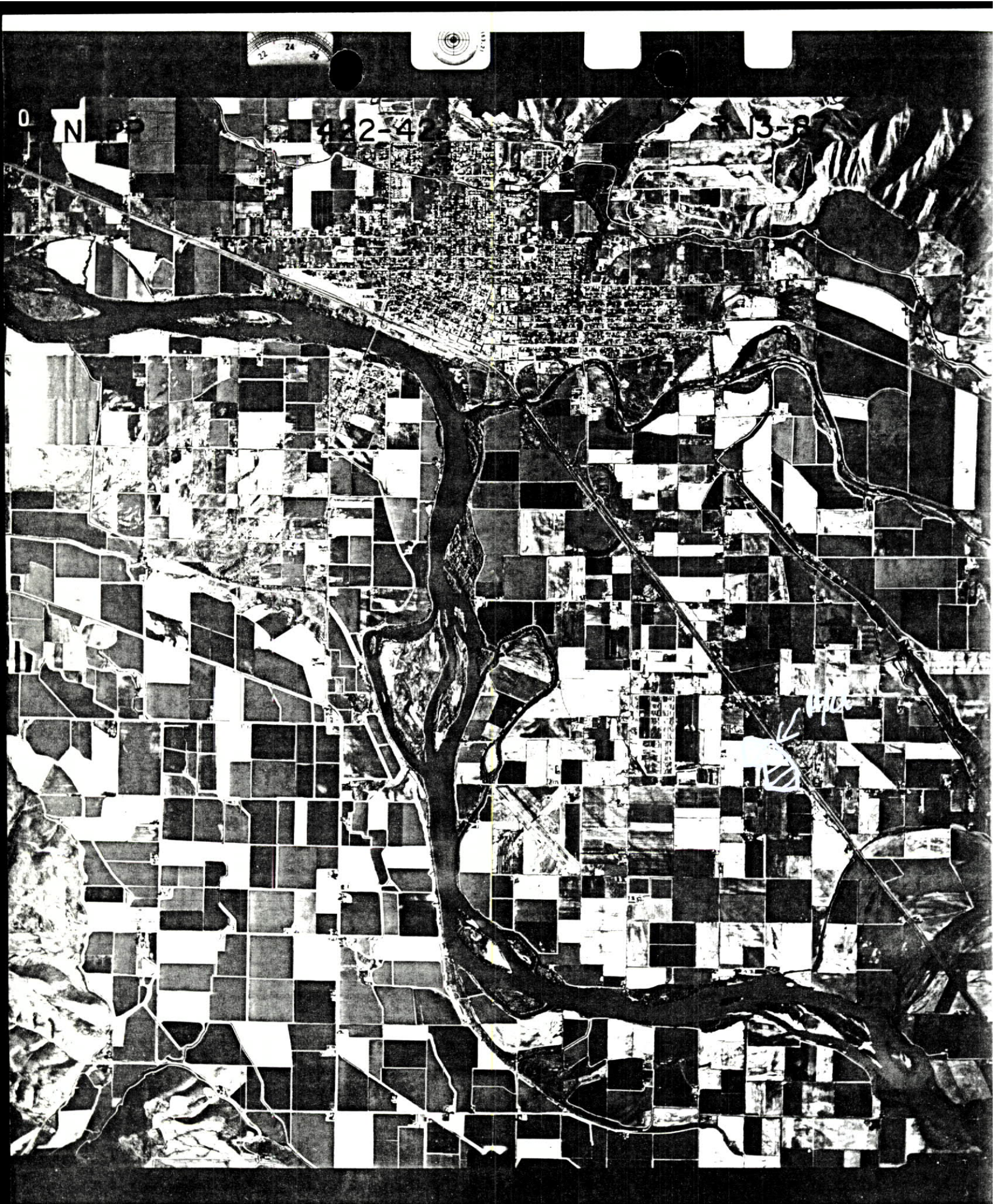
No. 4
NOTICE OF CLAIM TO
A WATER RIGHT
No. 67-4000

Notice is hereby given that Leon
J. Bergquist has filed a claim to
a water right established by div-
ersion and application to beneficial
use of 0.6 (cubic feet per second)
of water from a subterranean
source with point of diversion in
SW 1/4 SE 1/4, Sec. 9 T. 10 N. R. 5 W.
B. M., Washington County; the
water is claimed to be used for
irrigation purposes from April 1
to November 1 with a priority of
August 1, 1937 (0.6 c.f.s.); the place
of use is NW 1/4 SE 1/4, SE 1/4, Sec.
9, T. 10 N. R. 5 W. B. M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Weiser Signal,
Weiser, Idaho, on November 2 and
November 9. 64-2s

62-4000



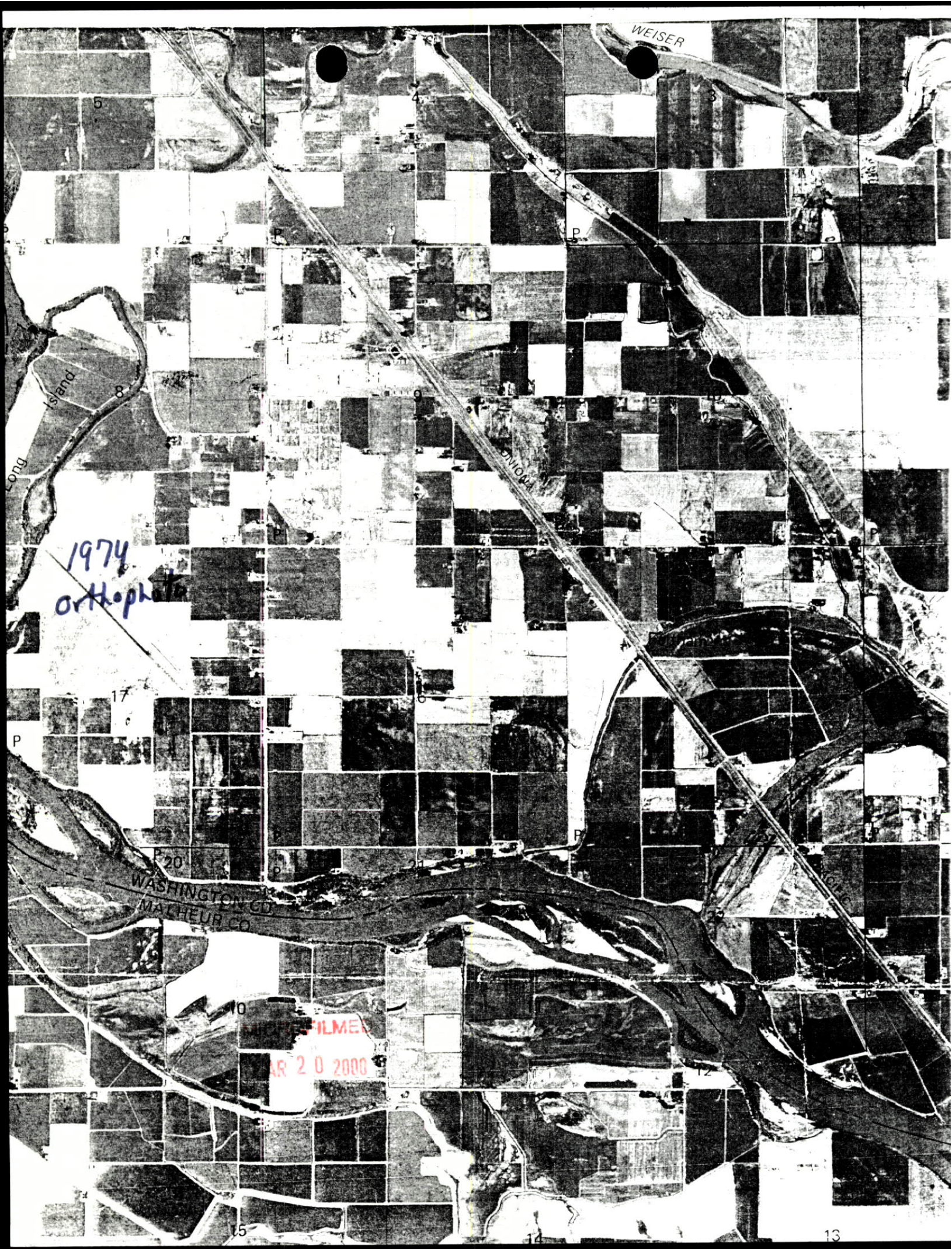
1987 NAPP V-3-NW MICROFILMED
MAR 20 2000

Valley

1994 IDWR Scanned
Aerial PHOTO

T10NR5W



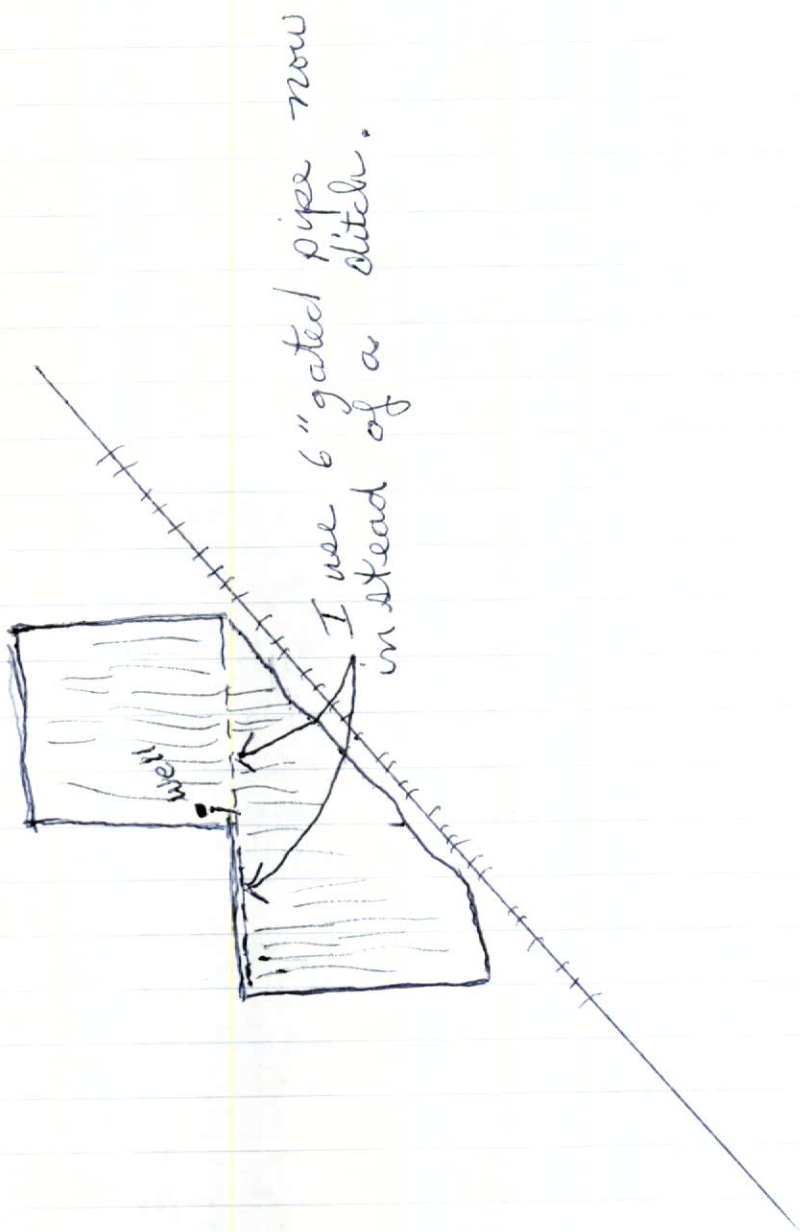


WEISER

1974
orthophoto

WASHINGTON CO
MALHEUR CO

FILMED
MAR 20 2000



MICROFILMED
MAR 20 2000

No

975

RECEIVED

MAY 08 1997

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.Sarah Bales, being duly sworn,
deposes and says:That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the adver-
tisement, a copy of which is attached hereto, was published insaid newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive weeks
prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 2, 1997, and endingwith the issue of April 9, 1997.Sarah BalesFees, \$ 88.16

Subscribed and sworn to before me this

9day of April, 1997.Judith Parsons

Notary Public, residing at Weiser, Idaho.

My commission expires 02, 02.

MICROFILMED

MAR 20 2000

No. 975

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT,
TRANSFER NO. 5032Notice is given that Sheldon Lee Alder of 1555
Sunnyside Rd., Weiser, ID 83672 has applied to
the Department of Water Resources to change the
Point of Diversion and clarify the Place of Use of
the following water right pursuant to I.C. § 42-
222:Statutory Claim #67-04000, priority 8-1-1937, .60
cfs, ground water diverted in SWSE to irrigate 26
acres in NWSE & SESE, S9, T10N, R5W, Washing-
ton County.Claimed in Snake River Basin Adjudication as
#A67-04000 as above except lists historical use in
SWSE & SESE (never used in NWSE per SRBA
claim), 25 acres total.

PROPOSED CHANGE

Add a diversion point in SESE to continue irrigat-
ing 25 acres in SWSE & SESE, S9.Any protest against approval of the proposed
change must be filed with the Department of
Water Resources, Western Region, 2735 Airport
Way, Boise, ID 83705-5082 together with a pro-
test fee of \$25 on or before April 21, 1997. The
protestant must also send a copy of the protest to
the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on April 3 and 10,
1997.

14-2S

OCT 31 1967

Reclamation

No. 4
NOTICE OF CLAIM TO
A WATER RIGHT
No. 67-4000

Notice is hereby given that Leon J. Bergquist has filed a claim to a water right established by diversion and application to beneficial use of 0.6 (cubic feet per second) of water from a subterranean source with point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9 T. 10 N. R. 5 W. B. M., Washington County; the water is claimed to be used for irrigation purposes from April 1 to November 1 with a priority of August 1, 1937 (0.6 c.f.s.); the place of use is NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9 T. 10 N. R. 5 W. B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Weiser Signal,
Weiser, Idaho, on November 2 and
November 3. 64-2s

67-4000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5032
WATER RIGHT NO. 67-04000

This is to certify that: **SHELDON LEE ALDER**
1555 SUNNYSIDE RD
WEISER ID 83672

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.50 CFS	112.5 AF

SOURCE

GROUNDWATER

Priority: 08/01/1937

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 9, Township 10N, Range 05W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	05W	9	NWSE 10	SESE 15		25
Total number of acres irrigated:						25

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED
MAR 20 2000

TRANSFER NO. 5032
WATER RIGHT NO. 67-04000

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Approval of Transfer 5032 does not confirm Claimed Right 67-04000.

Dated this 10th day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED
MAR 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

B 18 1997

Transfer No. 5032WATER RESOURCES
WESTERN REGION

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 17 1997

PART 1

Revisions PS 1, item 84 } Approved
PS 3, item A5, A8 } initials: LA
DATE: 2-12-91

WATER RESOURCES
WESTERN REGION

Name of applicant

Sheldon Lee AlderPhone 208-549-0579

Post Office address

1555 Sunnyside Rd. Weiser, Idaho 83672

RECEIVED

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

OCT 15 1999

2. Describe the reason for the proposed changes

we don't have enough water for irrigation

Department of Water Resources

Also - correct the water right record to reflect historical location of irrigated area.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 67-04000 | Priority 8-1-1937 | Amount (cfs/ac-ft) .6 | Nature of Use Irr. | Period of Use 3/15 to 11/15
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	9	10N	5W	Wash	Existing well
		SE	SE	9	10N	5W	was	proposed well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	5W	9															10	15	25

Total acres

25

PART 1

(6) General Information:

- a. Description of diversion system Water from the well there now would be used to irrigate 15 acres and the water from the new well would be used to irrigate 10 acres.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
There would be more water for the land.
The land could all be irrigated when
onions or sugar beets are grown.

d. Remarks:

Land south and east are irrigated from the Lower
Payette Ditch Co. and a lot of this land does not
have drainage so the water goes back into the
groundwater.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED
 1 MAR 20 2000
 RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5032

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

*Also See Attachment B = SRBA
Claim A67-04000*

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 67-04000 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 8-1-1937

5. Water is used for the following purpose:

amount .6 for Irr purposes from 4-1 to 11-1
(cfs/ac-ft) 3-15 11-15
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	9	10N	5W	Washington	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	5W	9														10		16	26

MICROFILMED

MAR 20 2000

Total acres

26

9. Describe any other water rights used for the same purpose as described above

None

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERREDN/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

MICROFILMED
MAR 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

see Attached Map
(Attachment C)

MICROFILMED
MAR 20 2000

PART 3**B. CHANGES IN NATURE OF USE**

1	New/Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Sheldon Lee Alden
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of January, 19 97.

James H. Alden
(Notary Public)

My commission expires

3/27/97**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 5 attachmentsReceived by VR Date 1-17-97

Protest filed by _____

Prelim. check by 82 Fee \$100.00Received by VR W621883 Date 1-17-97Published in Minuteman

Copies of protest forwarded by _____

Pub. dates 4-3 & 10-1997

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 20 2003

LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

IMPORTANT NOTICE-PLEASE READ

FORWARD & ADDRESS CORRECTION

PARCEL NO. **RP 10N05W098420 A**
PAGE **1 OF 1**
TAX CODE **51-00**

CATEGORY DESCRIPTION

LOTS/ACRES

MARKET VALUE

1 IRRGTD AG
19 WASTE

26.000 AC
.400 AC

27.716

26.400

27.716*

1996

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE

**TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT**

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 21, 1996

See the reverse side for further references.
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER

RP002361

A Mail To:

TN-23 NESWSE
S9T10R5 26.40 ACRES

ALDER SHELDON LEE

1555 SUNNYSIDE RD
WEISER ID 83672

*Appears to show e 25 ± ac. irrig.,
legal lists NESWSE (only 10 ac. QQQ).
What documentation e own ac. SESE?*

-82 2/28/97

*See memo Dated 8-17-99
- DAN 8-17-99*

MICROFILMED
MAR 20 2000

Attachment
A

LEGAL DESCRIPTION FOR SHELDON LEE ALDER
PROPERTY LYING WEST OF RAILROAD RIGHT OF WAY

IN TOWNSHIP 10 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

SECTION 9: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west
of the right of way of the Oregon Short Line Railway,
EXCEPTING THEREFROM the following described tract:
Beginning at the point of intersection of the southwesterly
right of way line of the Oregon Short Line Railway and the
south line of said Section 9; thence West on the south
section line 196 feet; thence North 278 feet to the point
of intersection with the southwesterly right of way line of
the Oregon Short Line Railway; thence southeasterly along
said right of way to the place of beginning.

MICROFILMED
MAR 20 2000

Attachment
A₂

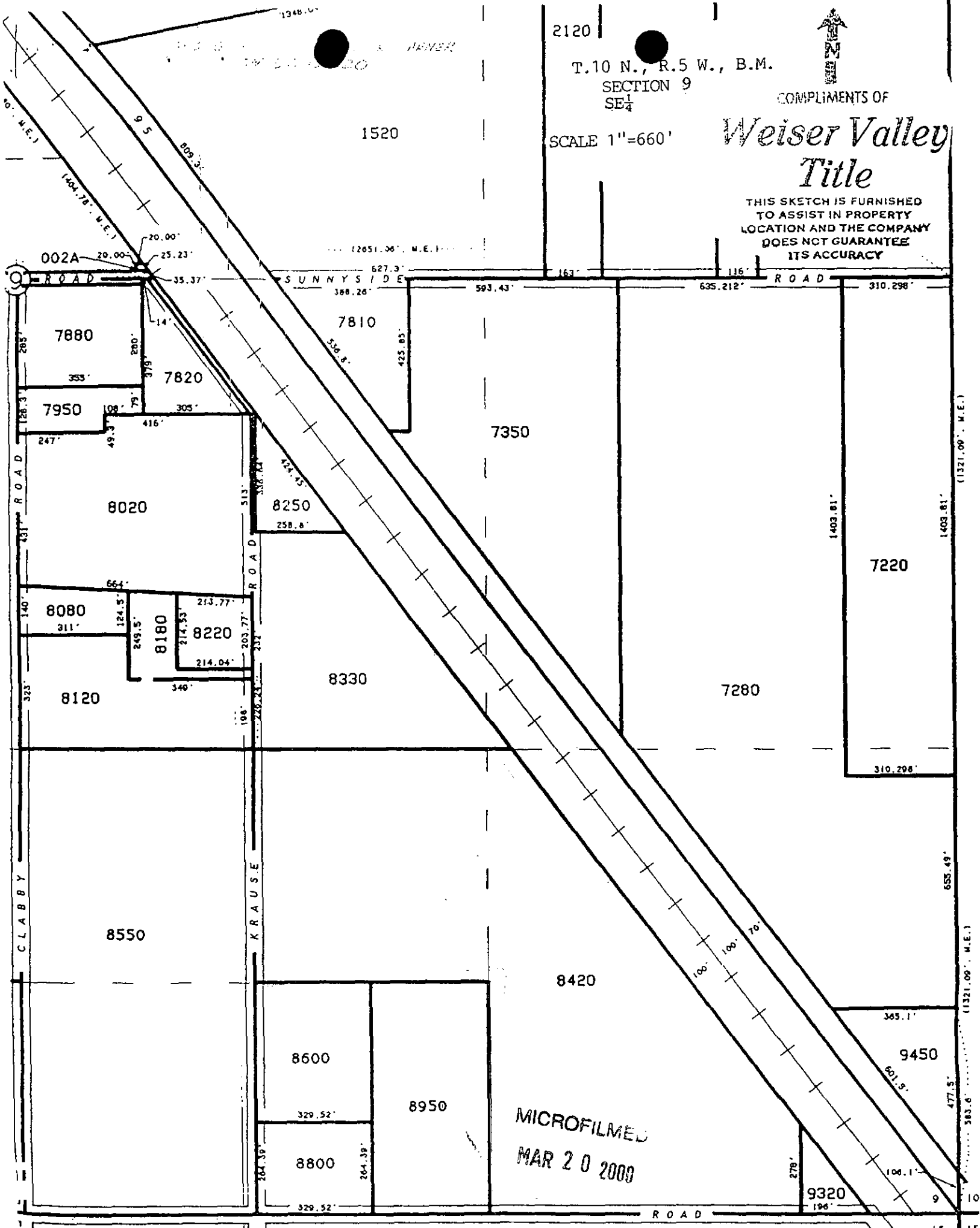
T.10 N., R.5 W., B.M.
SECTION 9
SE $\frac{1}{4}$

COMPLIMENTS OF

Weiser Valley
Title

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY

SCALE 1"=660'



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MAR 20 2000

Attachment A3

AJ5809NP
No. A67-04000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEE ALDER 1555 SUNNYSIDE RD WEISER ID 83672 (208) 549-0579	08/01/1937	IRRIGATION	03-15 11-15	0.60 CFS	
					TOTAL DIVERSION:	0.60 CFS
					CONSUMPTIVE USE:	87.50 AFA

*new standard season
per IDWR*

C DIXIE ALDER
1555 SUNNYSIDE RD
WEISER ID 83672

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10N R05W S09 SWSE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
10N	05W	9	:																													
																												10	15	:	25.0	
																												TOTAL ACRES			25.0	

POU County: WASHINGTON

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:
A67-02376 A67-07214 1A67-07334 A67-10886

*compare to WR: change 10 ac from NWSE to SWSE.
: reduce 1 " " 16 " 15
SESE.*

Other Water Rights Listing Overlapping Place(s) of Use:

A65-00165A A65-00165B 1A65-00165C A65-00165X A65-07882 A65-11413 A67-02376 A67-02376A A67-07214 A67-07334

Remarks: GEN AC. DIV. RATE=30 INCH/AF.
CHANGED PLACE OF USE FROM SECTION 9, NW1/4, SE1/4-10 ACRES TO
SECTION 9, SW1/4, SE1/4. THE PREVIOUS OWNER LEON BERQUEST NEVER
OWNED PROPERTY IN THE ABOVE SECTION; THEREFORE MR. ALDER BELIEVES
IT MAY HAVE BEEN FILED THIS WAY IN ERROR. THE WATER HAS ALWAYS
BEEN USED ON THIS PARCEL OF GROUND.

Dates: Exam Made Date: Verified Date: 01/28/1985 Objection Filed Date:

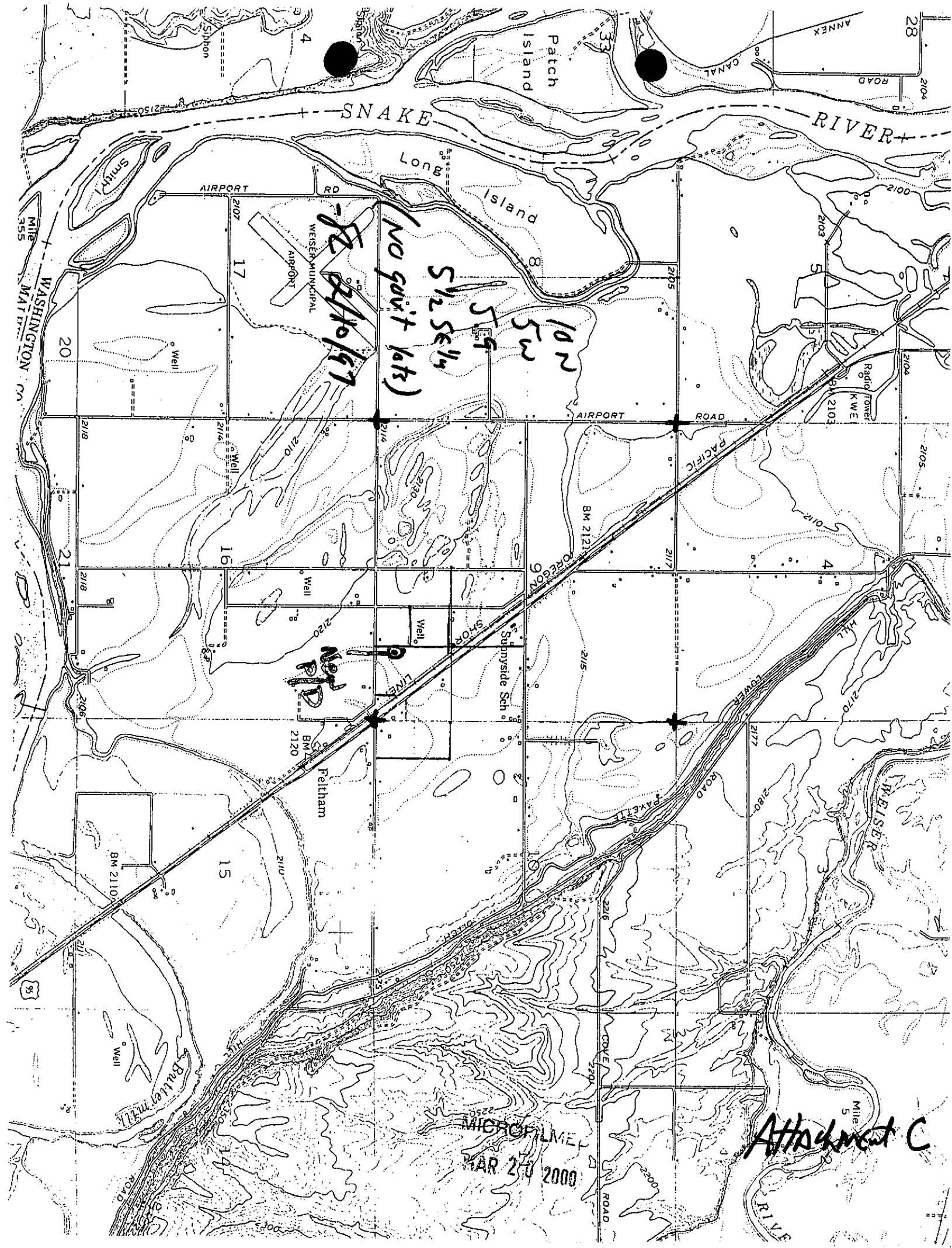
Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

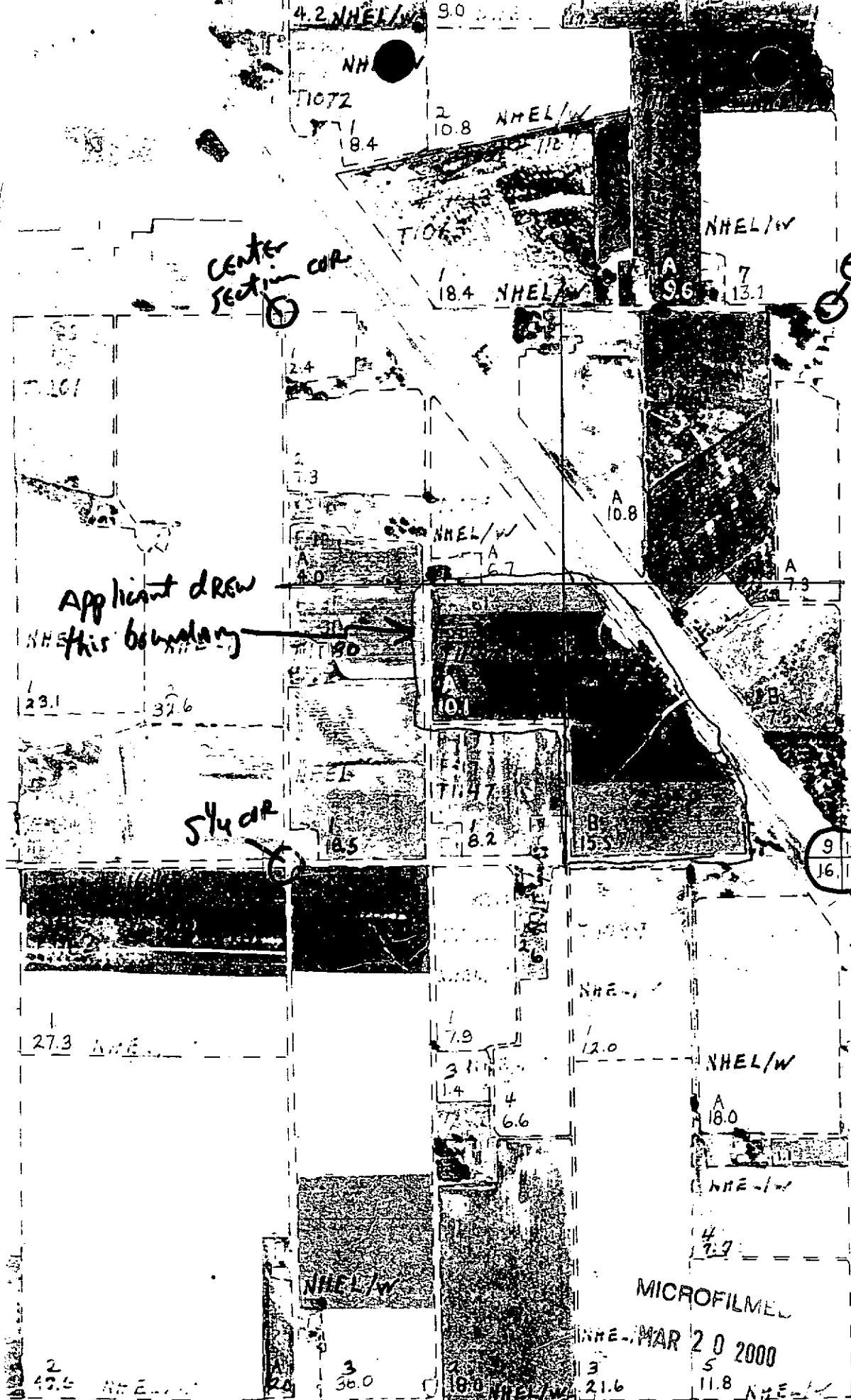
MICROFILMED

MAR 20 2000

SRBA CLAIM

Attachment B





— Scale —
 2" = 1/4 mile
 Q&Q lines added
 per topo comparison
 -SL
 2/28/97

1979 photo shows
 10 AC SWSE
 15 AC SESE
 25 AC total

Attachment D

This map made from our
 aerial photo dated 1979

RECEIVED

SEP 15 1999

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION FOR SHELDON LEE ALDER
PROPERTY LYING WEST OF RAILROAD RIGHT OF WAY

IN TOWNSHIP 10 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON
COUNTY, IDAHO:

SECTION 9: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west
of the right of way of the Oregon Short Line Railway,
EXCEPTING THEREFROM the following described tract:
Beginning at the point of intersection of the southwesterly
right of way line of the Oregon Short Line Railway and the
south line of said Section 9; thence West on the south
section line 196 feet; thence North 278 feet to the point
of intersection with the southwesterly right of way line of
the Oregon Short Line Railway; thence southeasterly along
said right of way to the place of beginning.

I was the owner of the property
shown on the map colored yellow
from the years 1954 to 1967. Lee
Alder bought the property from me in
1967. I irrigated the property with the
well marked on the property description,
in which the well was not used to
irrigate any other property.

Leon Bergquist

MICROFILM 1597 Capital Lane
MAR 20 2000 Weiser, Idaho

9-12-99 (LA)

See BACK OF
ATTACHMENT

E3 FOD
MORE INFORMATION
DAN 9-17-99

208-549-0307

(LA)

ATTACHMENT
E

2120

T.10 N., R.5 W., B.M.
SECTION 9
SE $\frac{1}{4}$

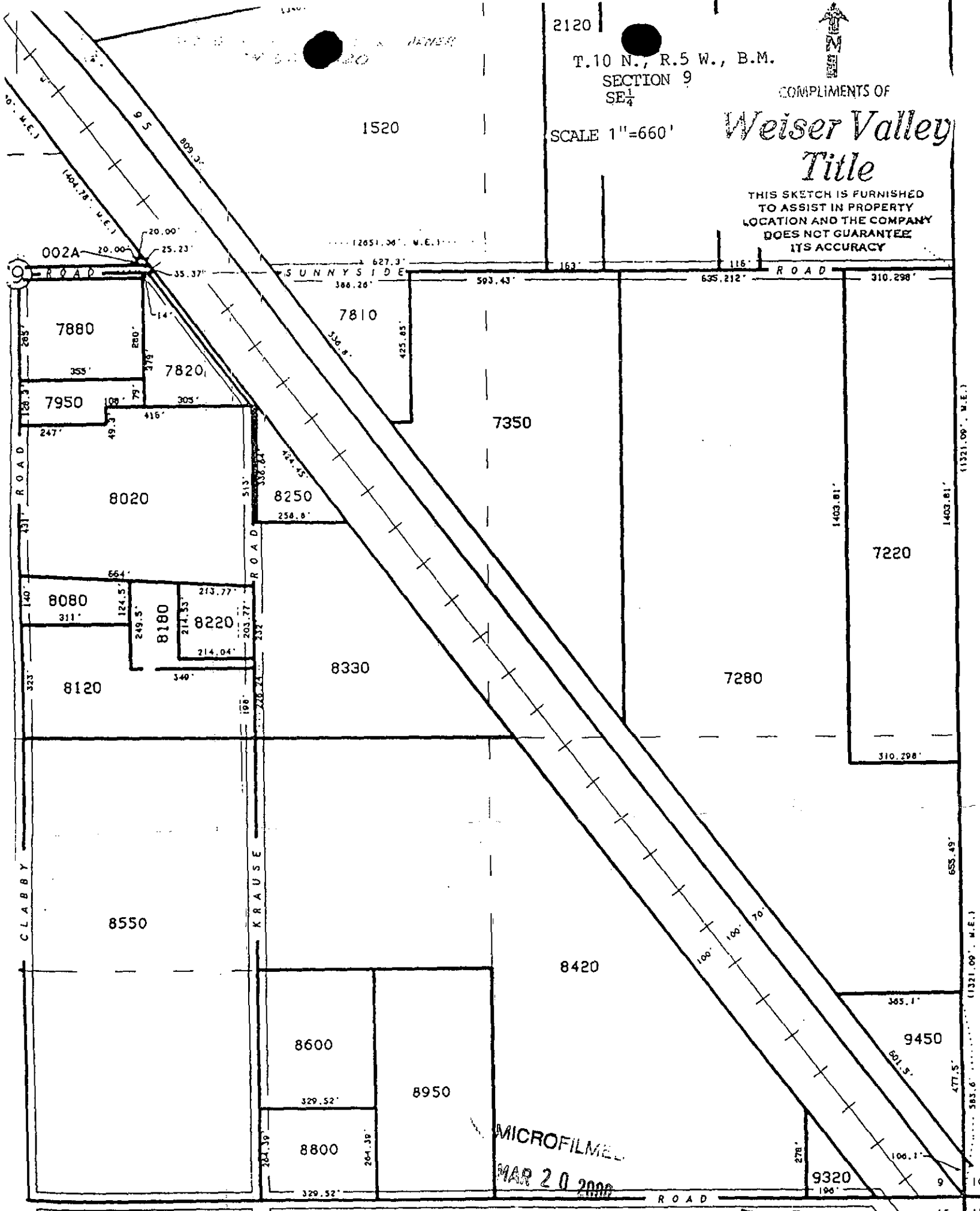
COMPLIMENTS OF

Weiser Valley Title

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY

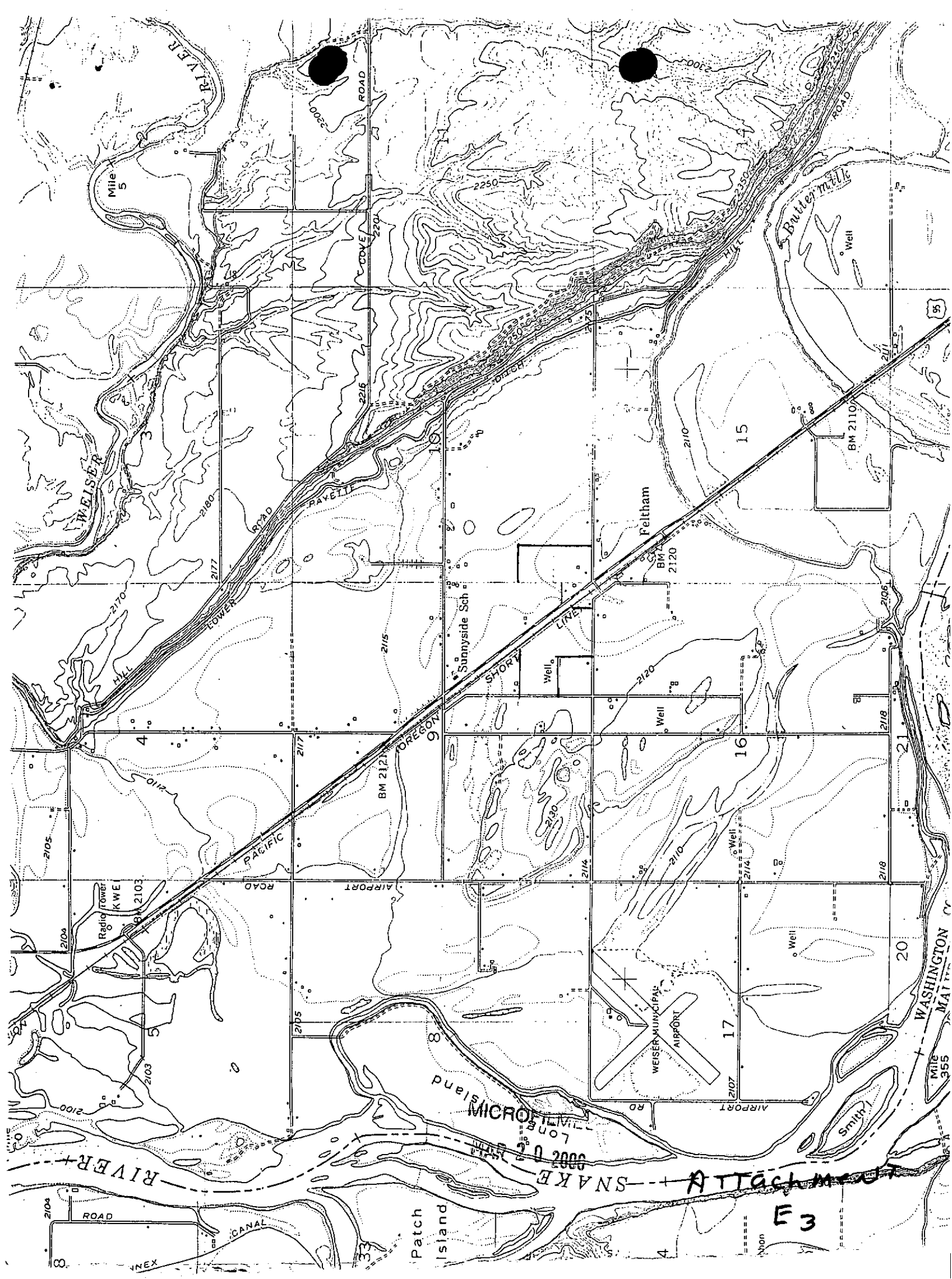
SCALE 1"=660'

1520



MICROFILMED
MAR 20 2000

Attachment E2



LYNN WIGGINS
WASHINGTON COUNTY ASSESSOR
256 E. COURT
WEISER, ID 83672

FORWARD & ADDRESS CORRECTION

CATEGORY DESCRIPTION

1 IRRGTD AG
119 WASTE

IMPORTANT NOTICE-PLEASE READ

PARCEL NO. R 10N05W098420 A

PAGE 1 OF 1

TAX CODE 51-00

LOTS/ACRES

MARKET VALUE

26.000 AC

27.716

.400 AC

26.400

27.716*

*cc kept,
return orig*

1996

TAXPAYER'S

VALUATION

ASSESSMENT NOTICE

TAXES ARE BASED ON THE VALUATION

LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS

REGARDING THIS STATEMENT

NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 21, 1996

See the reverse side for further references.
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

RP00231

TN-23 NESWSE
S9T10R5 26.40 ACRES

ALDER SHELDON LEE

1555 SUNNYSIDE RD
WEISER

MICROFILMED
83672

MAR 20 2003

ANY APPEAL REGARDING THE MARKET VALUATION OF THIS PROPERTY MUST BE FILED WITH THE BOARD OF EQUALIZATION ON OR BEFORE THE FOURTH MONDAY IN JUNE (OR PRIOR TO THE FIRST MONDAY IN DECEMBER FOR PROPERTY ON THE SUBSEQUENT ASSESSMENT ROLLS).

FAILURE TO OBSERVE THE ABOVE DEADLINES WILL RESULT IN THE FORFEITURE OF THE RIGHT OF APPEAL.

CONTACT THE COUNTY COMMISSIONERS AS TO DATES AND LOCATION OF MEETINGS OF THE BOARD OF EQUALIZATION.

A NUMBER OF LAWS ALLOW EXEMPTIONS OR OTHER TAX BENEFITS TO PROPERTY OWNERS, INCLUDING:

- EXEMPTIONS FOR HOMEOWNERS, AGRICULTURE, AND HARDSHIP CASES.
- PROPERTY TAX REDUCTION (CIRCUIT BREAKER).
- FOREST LAND TAXATION.

CONTACT THE ASSESSOR'S OFFICE FOR DETAILS AND DEADLINES FOR THESE AND OTHER PROVISIONS.

BOARD OF EQUALIZATION DATES AND RESPONSIBILITIES

**The board of county commissioners shall meet as a BOARD OF EQUALIZATION AT LEAST ONCE IN EVERY MONTH THROUGH THE FOURTH MONDAY IN JUNE AND DAY TO DAY THROUGH THE SECOND MONDAY OF JULY at which time it must adjourn, for the purposes of equalizing the assessment of real and personal property, allowing or disallowing claims for hardship exemptions, and hearing appeals regarding the assessment of property. See Idaho Code sections 63-401 and 63-402.

**The board of county commissioners of each county shall meet as a BOARD OF EQUALIZATION FROM THE FOURTH MONDAY OF NOVEMBER THROUGH THE FIRST MONDAY OF DECEMBER for the purposes of equalizing the assessment of all property entered upon the subsequent property assessment rolls, allowing or disallowing exemptions and rebates claimed, and hearing appeals regarding such assessments. If other personal or real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county BOARD OF EQUALIZATION DURING THE MONTHLY MEETING IN JANUARY OF THE FOLLOWING YEAR. See Idaho Code section.63-1904.

No. 4

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 22 1967

STATE OF IDAHO, } ss.
County of Washington

Department of Reclamation

Monahy A. Booth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
November 2, 1967, and ending

with the issue of November 9, 1967.

Monahy A. Booth
Fees, \$ 7.25

Subscribed and sworn to before me this 21
day of November, 1967.

Monahy A. Booth
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 5-1, 1969

No. 4
NOTICE OF CLAIM TO
A WATER RIGHT
No. 67-4000

Notice is hereby given that Leon
J. Bergquist has filed a claim to
a water right established by div-
ersion and application to beneficial
use of 0.6 (cubic feet per second)
of water from a subterranean
source with point of diversion in
SW 1/4 Sec. 9 T. 10 N. R. 5 W.
B. M., Washington County. The
water is claimed to be used for
irrigation purposes from April 1
to November 1 with a priority of
August 1, 1937 (0.6 c.f.s.); the place
of use is NW 1/4 SE 1/4 Sec.
8, T. 10 N. R. 5 W. B. M.
Any exception to this claim of
water right may be filed with the
Department of Reclamation.
E. KEITH HIGGINS
State Reclamation Engineer
Published in the Weiser Signal,
Weiser, Idaho, on November 2 and
November 9. 64-2s

62-4000

IN ACCOUNT WITH
SIGNAL-AMERICAN

Dial 549-1717 :: 18 East Idaho Street

Weiser, Idaho, November 21, 1967

State of Idaho
Department of Reclamation
Room 107, State House
Boise, Idaho 83701

RECEIVED

NOV 22 1967

Department of Reclamation

Legal Ad. no. 4--Application for Claim 67-4000 Leon J.
Bergquist

\$7.25

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signal-American
By [Signature]
Signature of Claimant

Subscribed and sworn to before me this 21 day of Nov 1967.

Signed: *[Signature]*

The Judicious Use of Printer's Ink—ADVERTISING—Has Been
a Potent Force in the Achievement of Every Great Commercial
Success

67-4000

Identification No. 67-4000
Claim No. 42079
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Leon J. Bergquist
post office address Route 3, Weiser, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9 Township 10N
Range 5W B.M. located on well (name of source)
tributary to _____ in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

8-1-37 amount: _____ c.f.s. or 30" ^{acres} acre-feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or 30" acre-feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from 4-1- to 11-1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of well
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped well ; depth of well is 30 feet; diameter of well is 48 inches; type of pump is centrifugal
capacity of pump is 300 g.p.m.; name and address of well driller is Mr DeBord, Payette, Ida

67-4000

Conveying works: length of ditch to place of use is 30 feet; width of ditch at top is 3 feet; width of bottom of ditch is 3 feet; depth of water is 2 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is Dirt _____ feet; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____.

year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Irrigation of 26 acres

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

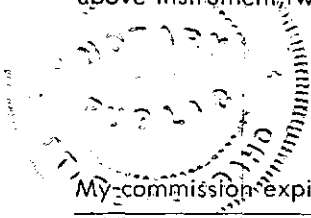
10-5-67
(Date)
State of Idaho
County of Washington^{SS.}

Leon J. Bergquist
(Signature of Claimant)

On this 5th day of October 19 67, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Weiser, Idaho

My commission expires 9-12-70



For Department Use Only

Received by <u>ef</u>	Date <u>10-9-67</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Dan</u>	Date <u>10-10-67</u>			
Fee received by <u>ef</u>	Date <u>10-10-67</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>HS</u>	Date <u>10-26-67</u>			
Published in <u>Idaho Statesman</u>	Dates <u>11-2, 9-67</u>			

224000

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant LEON J. BERGQUIST
post office address R#3 Weiser Idaho

2. The point of diversion is in _____ 1/4 of _____ 1/4 Section _____ Township _____
Range _____ B.M. located on _____
(name of source)

tributary to _____ in _____ County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

8-1-1937 amount: _____ c.f.s. or 30 inches ~~acre feet~~
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or 30 inches ~~acre feet~~

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Dr period of use from 4-1 to 1-1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of well
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped Pumped ; depth of well is 30 feet; diameter of well is 48 inches; type of pump is Centrifugal
capacity of pump is 300 g.p.m.; name and address of well driller is De Bond

Poyth, Idaho

67-4000

[illegible]

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered_____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. Irrigation of 76 acres

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date) 10-5-67

State of Idaho

County of Yash

On this 5 day of Oct 1967, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Wesley

My commission expires 9-12-78

For Department Use Only

Received by YH Date 10-9-67 Exception filed by: Forwarded to Date

Prelim. check by _____ Date _____

Fee received by _____ Date _____ Fee \$ _____

Approved for publication by _____

Published in _____ Dates _____

1200

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

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4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF:)

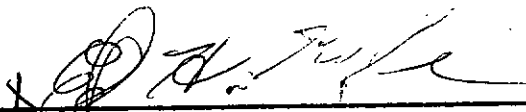
Leon Bergquist)

AFFIDAVIT

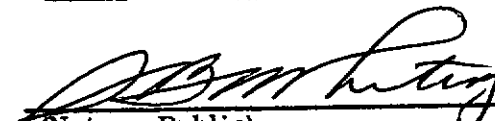
State of Idaho)
County of Washington)

Ed Kyle being first duly sworn,

deposes and says: he is and has been familiar with the well on the
Leon Bergquist property located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9
Twonship 10 NR 5 WBM in Washington County, Idaho. He knows that this
well has produced sufficient water to irrigate 26 acres and has
been in continuous use since 1937. He is a neighbor and his
address is Route 3, Weiser, Idaho

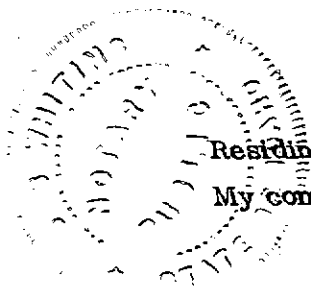

(signature)

Subscribed and sworn to before me this 6th day of October, 19 67.


(Notary Public)

Residing at Weiser, Idaho.

My commission expires 9-12-80.



67-4000

IN THE MATTER OF:

Leon Bergquist

AFFIDAVIT

State of Idaho
County of Washington

Ed Kyle

being first duly sworn,

deposes and says: he is and has been familiar with the well on the
Leon Bergquist property located in the NE1/4SW1/4 of Section 9
Township 10 NR 5 WEM in Washington County, Idaho. He knows that this
well has produced sufficient water to irrigate 26 acres and has
been in continuous use since 1937. He is a neighbor and his
address is Route 3, Weiser, Idaho

(signature)

Subscribed and sworn to before me this 6th day of October, 19 67.

(Notary Public)

Residing at Weiser, Idaho

My commission expires 9-12-80

67-4000

AFFIDAVIT

State of Idaho
County of Washington

being first duly sworn,

deposes and says: he is and has been familiar with the well on
the Leon J. Bergquist property located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 9 Township 10 NR 5 WBM in Washington County, Idaho
He knows that this well has produced sufficient water to irrigate
26 acres and has been in continuous use since 1937. He is a neighbor
and has been since that date.

(signature)

Subscribed and sworn to before me this 6th day of October, 19 67

(Notary Public)

Residing at Weiser

My commission expires 9-12-70

67-4000

IN THE MATTER OF:

AFFIDAVIT

Leon Bergquist

State of Idaho

County of Washington

Fred Scheloske

being first duly sworn,

deposes and says: he is and has been familiar with the well on
the Leon J. Bergquist property located in the NE 1/4 SW 1/4 of
Section 9 Township 10 NR 5 WEM in Washington County, Idaho
He knows that this well has produced sufficient water to irrigate
26 acres and has been in continuous use since 1937. He is a neighbor
and has been since that date.

Fred Scheloske
(signature)

Subscribed and sworn to before me this 6th day of October, 19 67

[Signature]
(Notary Public)

Residing at Malheur
My commission expires 9-12-70

17-4000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHELDON LEE ALDER
1555 SUNNYSIDE RD
WEISER ID 83672

RE: Water Right 67-04000 (Transfer 5032)

Dear Mr. Alder:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5032). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

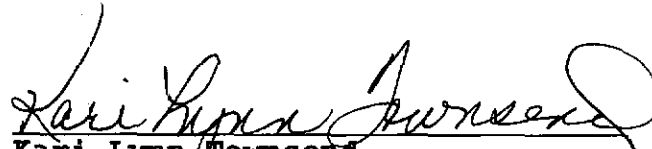
MAR 20 2000

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of March, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 67-04000 (Transfer 5032)

**SHELDON LEE ALDER
1555 SUNNYSIDE RD
WEISER ID 83672**


Kari Lynn Townsend
Secretary

**MICROFILMED
MAR 20 2000**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: File 67-04000

FROM: Sharla

DATE: March 9, 2000

RE: Trans. 5032

The original transfer application requested adding a point of diversion with 0.60 cfs for irrigation of 25 acres. Per Dan Nelson's telecon on 8/20/99 the applicant decided not to drill a new well, thus the transfer only recognizes the correction of the place of use.

The rate of diversion will be reduced to an inch/acre for the 25 acres as recommended by regional personnel.

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MAR 20 2000

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 3/4/00

A file - use WR side

Trans # 5032 WR No(s) 67-04000
Resulting Splits N/A

Name: _____ Correct Fee Pd _____ Ad ok _____

AREA OF CONCERN: (No/Yes)

_____ Moratorium

XFER TYPE: _____

B - Change p/d

F - Change use period

C - Add p/d

G - Other

D - Change p/u

H - Change p/d & add p/d

E - Change use

I - Change p/d & p/u

J - Add p/d & change p/u

_____ GWMA

TRUST/NO-TRUST

GROUNDWATER:

DRILLING PERMIT

All wells -045
Basin 34/ -085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -067
WMD
Supp irr (irr = only use) -065-104
Supp irr (+ other uses) -100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -01M

SURFACE WATER:

WD - R04 (WD# _____)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -01M or 01Q

LOCATION:

Boise Front LoGeo -058 (<85 GW)
Mitigation -121
Trust -051 (consumptive uses)
Non-Trust -048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE -18A-R02-01P-18B-NA
IRR ≤ 5 ac -R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac -R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER -R37 (BLM/USFS)
MINING -054-081
FISH PROP -029(70'S only)-007-042-081
HEAT/COOL -R07(injection well)
FIRE PROT. -077

USES:

POWER -17H-17K (+uses)-025--081
MUNICIPAL
Restricted area -022,075
Irr., GW supp to SW -102
DOMESTIC
Surface water -WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area -070-071-075(no parks/common areas, etc)
Irr use listed separate -WB5

MISC CONDITIONS/REMARKS:

T07 >1 yr to develop
T08 comply or rescind
T09 on-going Snake River Basin Adjudication
T17 measure all p/d's (used with WB4)

W51 >2+ yrs to develop
W54 forfeited ac/rate (used rarely)
W55 (transfer shrinks total water to less ac)
W57 no right-of-way
W58 pending claim (statutory or AJ b/u claim)
W59 measure p/d's (source changed to original trib)
WB4 + p/ds, cfs & afa (used with T17)
WB5 remaining right (only if specifically requested, i.e. protest)
WD6 measure & report
WD7 irr ac removed

Protested -020-W19
Multiple pd's per 1/4 -W32
Non-consumptive -027
Water Quality -081-R07
Subd lot desc (pd) -W59
Subd lot desc (pu) -W60
Use definitions -W02 example - S/50 range
Single p/d intended -076
Zoning ord. (dairys only) -082

*Special T17 & R43 combined - multiple pds in WD

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRRIGATION VOLUME/AC 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

T files created/updated ✓ Approval form printed _____ Transfer Memo _____
Post approval update ✓ WRX + Inventory - 03-10-2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT

Sheldon Alder

TRANSFER NO.

5032

~~ALDER~~

INITIAL ALLOCATION REVIEW BY

SL

DATE

3/25/97

~~SRBA SUPERVISOR REVIEW BY~~ N/A

DATE

1. Right number(s)

107-04000

2. Type of right

☐ Decree ☐ License ☒ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☒ Change P/U (correct the record)
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☐ Amount ☐ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use = None

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. N/A Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None

RECEIVED

OCT 15 1999

Department of Water Resources

- i. Existing rights from same source, on land water is being transferred to; right number(s): NONE - no other water used on this land
- j. SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) CLAIM states USE has always been 5 1/2 SE 1/4 (not NWSE) 25 AC. instead of 26
- k. Comment letters Yes No
If yes Water District #
 Other, see #2 below for name
 and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWRO3::VAULT? ✓ Yes
2. COMMENT LETTERS
- Watermaster recommendation requested on _____, Received on _____
- Other comments letters: _____ See attached information
3. Transfer published correctly? ✓ Yes _____ No
4. Affidavit of publication received? ✓ Yes _____ No
5. Protests received? _____ Yes ✓ No; Acknowledgement sent? _____ Yes
6. Data entry of application completed? Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to _____
3. Conditions (special conditions in Water Districts) standard for conditions
4. By Barry S Date 10/13/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes
2. File forwarded to S.O.: by AS date 10-14-99

MEMORANDUM

TO: GARY SPACKMAN
FROM: DANIEL A. NELSON *DAN*
DATE: 10/12/99
SUBJECT: SHELDON ALDER TRANSFER

Mr. Alder called today to find out if he needed any more information for his transfer. He seems pretty anxious to get the transfer finalized. I have not been able to get back in touch with Mr. Adler, but I am going to assume that nothing else will be needed unless there is more information that you will need for your review. I am not aware of any additional information that should be needed. I am going to tell him that this transfer is on your desk and that if more information is needed we will contact him as soon as possible.

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MAR 20 2000

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON *DAN 9-20-99*

DATE: 9/20/99

RE: **SHELDON L ALDER TRANSFER, RIGHT 67-04000**

This transfer proposes to adjust the acres that were listed on the statutory claim filed by Leon J. Bergquist on 10/5/1967. Ten of the acres were listed in the incorrect $\frac{1}{4}$ $\frac{1}{4}$ on the statutory claim. This transfer also proposed to add a new well. In a telephone communication on 8/20/1999, Mr. Alder informed me that it would not be financially feasible to add the well (see telephone communication sheet 8/20/1999). Therefore the addition of a new point of diversion should be removed from this transfer.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 6 pages and 5 attachments. Note the location of the following application items:

Attach. A – Proof of ownership documentation (A thru A₃)

Attach. B – Snake River Basin Adjudication (SRBA) claim profile report.

Attach. C – USGS Quadrangle map.

Attach. D – 1979 FSA Aerial photo.

Attach. E – Original owner's letter stating statutory claim is incorrect (E thru E₃).

The application was prepared by Mr. Alder with assistance from Steve Lester. Mr. Lester also performed the original transfer review for this transfer and I completed the transfer memo.

Other information used in this review includes telephone communication document dated 8/20/1999, telephone communication document dated 8/17/1999, profile report of original statutory claim, place of use comparison report, 1987 NAPP aerial photo, and a 1994 IDWR scanned aerial photo. All of these items are included in the file with the memo.

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MAR 20 2000

CURRENT RECORDS & PROPOSED CHANGE

This water right is a statutory claim that was filed in 1967 by Leon J. Bergquist. This statutory claim shows the place of use as 10 acres in the NW $\frac{1}{4}$, SE $\frac{1}{4}$ and 16 acres in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of T -10N, R - 5W, S - 9. Mr. Bergquist sold the property to Sheldon L. Alder in 1967 (see attachment E through E₃). Mr. Sheldon filed the adjudication claim for this water right stating that the place of use description was incorrect and filed the claim using the correct place of use description. The correct description is 10 acres in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ and 15 acres in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of T -10N, R - 5W, S - 9.

The original statutory claim filed by Mr. Bergquist lists 26 acres for the place of use. Mr. Alder only listed 25 acres on the adjudication claim for this water right. This is a 26.4-acre farm, but due to railroad and road easements and ditches it looks as though only 25 acres are irrigated. Mr. Alder also listed 25 acres on this transfer and it is reasonable that these are the actual acres being irrigated.

The adjudication claim also lists the season of use as the new IDWR standard of 3/15 to 11/15 and the statutory claim listed the old IDWR season of use standard of 4/1 to 11/1. The new standard will be implemented in the adjudication and should be reflected in this transfer.

VERIFICATION & OTHER ANALYSIS

Mr. Alder supplied a legal description of the property, a map supplied by Weiser Valley Title, and a recent tax statement to proof ownership. The original review of the application by Steve Lester raised questions concerning the tax statement. The tax statement lists the property as NESWSE S9T10R5 26.4 acres. The tax statement reflects only a 10-acre tract. I contacted the Washington County assessor on 8/17/1999 and spoke with person named Gary to clarify the tax statement (see attached telephone conversation memo dated 8/17/1999). Gary informed me that their office uses the map supplied by the Title Company to determine the land being taxed and only uses one portion of the property in their tax statement's property description. The Weiser Valley Title Company map is the acres described by the tax statement.

Review of overlapping water rights do not reveal any significant overlapping water rights for this property (see place of use comparison sheet).

This transfer was also filed to add a point of diversion. In a telephone conversation with Mr. Alder on 8/20/1999, Mr. Alder informed me that he could not afford or justify the cost of adding a second point of diversion to the property (see conversation memo dated 8/20/1999). Therefore, there should only be one point of diversion listed for this water right. The description of this point of diversion is SW $\frac{1}{4}$, SE $\frac{1}{4}$, T - 10N, R - 5W, S - 9.

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MAR 2 9 2000

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT: TRANSFER FOR WATER RIGHT 67-0400

IDWR EMPLOYEE/AGENT: DAN NELSON

8-20-99

DATE: 08/20/1999

PERSON CONTACTED: SHELDON LEE ALDER

PHONE: (208) 549-0579

RE: ADDITIONAL INFORMATION REQUIRED FOR APPLICATION FOR PERMIT

On this date I spoke with Sheldon Lee Alder concerning his application for transfer for water right 67-04000. During this telephone conversation we discussed the letter I sent Mr. Alder on 8/18/1999. Mr. Alder stated that they looked into drilling a well and decided not to add a new well due to the cost of the well installation and the cost of running power to the well.

I told him that he could withdraw the transfer or he could remove the addition of well component of the transfer and use the transfer to correct the statutory claim or he could wait for the Snake River Basin Adjudication (SRBA) staff to correct the acres. In our conversation he stated that he thought it would be best if he corrected the statutory claim with the transfer. He said that he would send an affidavit of the previous owner in to show that the previous owner only irrigated the land described by the transfer.

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MAR 20 2000

Page 3
Alder memo

The 1987 NAPP aerial photo and the 1994 IDWR Scanned aerial photo clearly shows that this property was irrigated in 1987 and in 1994 (please see attached photos). Forfeiture of this water right is not an issue.

In order to verify that the place of use for this statutory claim was incorrectly described. Mr. Alder had the original owner Leon Bergquist write a note on the legal description of the property. Mr. Bergquist stated that the well for this water right was not used on any other property (see attachment E through E₃).

In reviewing this transfer I noticed that the diversion rate for the statutory claim was .6 cfs for 26 acres or .023 cfs per acre. The adjudication claim also shows a diversion rate of .6 cfs for 25 acres or .024 cfs per acre. IDWR's maximum allowable diversion rate per acre is .02 cfs or .50 cfs for the entire 25 acres that is now being irrigated. Neither the Statutory claim nor the adjudication claim give any reason for the excessive flow rate. Therefore, The diversion rate should be reduced to .50 cfs. The statutory and adjudication claims do not give an annual volume for this water right. According to IDWR standards the annual volume allowed for this area is 4.5 afa per acre. This standard should be applied to this transfer and allow Mr. Alder 4.5 afa X 25 acres or 112.5 afa for the total annual volume.

RECOMENDATIONS

I recommend that this transfer be approved to correct the legal description of the acres irrigated. I recommend that the season of use reflect the new adjudication standards of 3/15 to 11/15. I also recommend that the diversion rate be reduced from the .6 cfs listed on the adjudication claim and statutory claim to the IDWR standard of .02 cfs per acre or .50 cfs total and a total annual volume of 112.5 afa. The additional point of diversion should not be allowed, since the owner stated he no longer intends to develop the well. There is not expansion of this water right and the acre amount has been reduced from the 26 acres in the statutory claim to 25 acres in the adjudication claim. I recommend that total number of acres for this water right be reduced to the 25 acres as requested by the applicant.

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MAR 20 2000

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT OWNERSHIP INFORMATION FOR SHELDON LEE ALDER TRANSFER WATER
RIGHT # 67-04000

IDWR EMPLOYEE/AGENT: DAN NELSON *DAN 8-17-99* DATE: 08/17/1999

PERSON CONTACTED: GARY - WASHINGTON COUNTY ASSESSOR OFFICE

PHONE: (208) 549-2000

MAILING ADDRESS: N/A

RE: OWNERSHIP INFORMATION REQUIRED FOR TRANSFER APPLICATION

On this date I spoke with Gary at the Washington County Assessor's office to determine the actual acres associated with their tax notice. Gary told me that the map associated with the deed is the actual legal document they use to assess taxes and should accompany the deed. The owner did supply this map with the parcel number on it from Weiser Valley Title Co.

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MAR 20 2000

WR5809NP
No. 67-04000

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEON J. BERGQUIST	08/01/1937	IRRIGATION	04/01 11/01	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10N R05W S09 SWSE WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
10N	05W	9	:		:		:		:		:		:		:		:		:		:		:		:		:		:			
																										10		16	:	26.0		
																										TOTAL ACRES		26.0				

Post County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion and Source:

67-02376 67-07214 67-07334

Other Water Rights Listing Overlapping Place(s) of use:

65-00165X 65-11413 67-02159 67-04474 67-07626A 67-07626B 67-07759 67-07709

Remarks: AC. DIV. RATE=30 INCH/AF.

Dates: App. Received: Priority Date: 08/01/1937
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 01/28/85 05/01/88 CONVERT

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MAR 20 2000

Water Right as
Recorded

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A6704000	T10N R05W S 9 GROUNDWATER															10	15	25
A6500165A	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165B	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165C	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
6500165X	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165X	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6502927H	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6507882	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
6511413	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
A6511413	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
6702159	GROUNDWATE :															12		12
A6702159A	GROUNDWATE :															02		2
6702184	GROUNDWATE :									38			20					58
A6702184	GROUNDWATE :									38			20					58
6702249	GROUNDWATE :					20												20
A6702249	GROUNDWATE :					20												20
6702293	GROUNDWATE :											28						28
6702376	GROUNDWATE :														10			10
A6702376A	GROUNDWATE :														05			5
6704000	GROUNDWATE :														10		16	26
6704269	GROUNDWATE :					I	I											
A6704269	GROUNDWATE :					20	02											22
6704425	GROUNDWATE :											05						5
6704474	GROUNDWATE :														05			5
6704578	GROUNDWATE :					02												2
A6704578	GROUNDWATE :					02												2
6707104	GROUNDWATE :				10													10
A6707104	GROUNDWATE :				10													10
6707214	GROUNDWATE :															18		18
A6707214	GROUNDWATE :															18		18
6707334	GROUNDWATE :															04		4
A6707334	GROUNDWATE :															05		5
6707626A	GROUNDWATE :													05	01			6
A6707626A	GROUNDWATE :													05	01			6
6707626B	GROUNDWATE :													03	01			4
A6707626B	GROUNDWATE :													03	01			4
L6707709	GROUNDWATE :														07			7
6707759	GROUNDWATE :														06			6
6707994	GROUNDWATE :																	5
A6710544	GROUNDWATE :															01		1

WR P/L MAR 20 2000 SESE 26 ac.
 AJ P/L SWSE SESE 25 ac.
 DOES NOT APPEAR ANY of above overlapping rights
 apply to same land as 67-04000 or A67-04000.
 -82 2/10/97

MEMORANDUM

TO: File 67-04000

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DATE: March 9, 2000

RE: Trans. 5032

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The rate of diversion will be reduced to an inch/acre for the 25 acres as recommended by regional personnel.

MICROFILMED

MAR 20 2000

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 3/4/00

File-use WR side

Trans # 5032 WR No(s). 67-04000
Resulting Splits N/A

Name: _____ Correct Fee Pd _____ Ad ok _____

AREA OF CONCERN: ☒ No ☐ Yes

Moratorium

GWMA
TRUST/NON-TRUST

XFER TYPE: ☐ B - Change p/d
☐ C - Add p/d
☒ D - Change p/u
☐ E - Change use

F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT:

All wells -0467
Basin 34/ -085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -067
WMD
Supp irr (irr = only use) -065-104
Supp irr (+ other uses) -100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -01M

SURFACE WATER:

WD - R04 (WD# _____)
≤ 0.20 cfs/others - R02, 01P or No MD
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WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres -01M or 01Q

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Boise Front LoGeo -058 (<85 GW)
Mitigation -121
Trust -051 (consumptive uses)
Non-Trust -048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

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IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING -054-081
FISH PROP -029(70'S only)-007-042-081
HEAT/COOL - R07 (injection well)
FIRE PROT. -077

USES:

POWER -17H-17K (+uses)-025--081
MUNICIPAL
Restricted area -022,075
Irr., GW supp to SW -102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area -070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

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T08 comply or rescind
T09 on-going Snake River Basin Adjudication
T17 measure all p/d's (used with WB4)

Protested -020-W19
Multiple pd's per 1/4 - W32
Non-consumptive -027
Water Quality -031-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Single p/d intended -076
Zoning ord. (dairys only) -082

W51 > 2+ yrs to develop
W54 forfeited ac/rate (used rarely)
W55 (transfer shrinks total water to less ac)
W57 no right-of-way
W58 pending claim (statutory or AJ b/u claim)
W59 measure p/d's (source changed to original trib)
WB4 + p/ds, cfs & afa (used with T17)
WB5 remaining right (only if specifically requested, i.e. protest)
WD6 measure & report
WD7 irr ac removed

*Special T17 & R43 combined - multiple pds in WD

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRRIGATION VOLUME/AC 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

T files created/updated ☒ Approval form printed _____ Transfer Memo _____
Post approval update WRX + Inventory - 28 03-10-2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

APPLICANT

Sheldon Alder

TRANSFER NO.

5032

~~ALDER~~

INITIAL ALLOCATION REVIEW BY

SL

DATE

3/25/97

~~SRBA SUPERVISOR REVIEW BY~~ N/A

DATE

1. Right number(s) 107-04000

2. Type of right ☐ Decree ☐ License ☒ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U (Correct the Record)
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use = None

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. N/A Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None

RECEIVED

OCT 15 1999

Department of Water Resources

- i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): NONE - no other water used on his land
- j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) claim states use has always been 5 1/2 SE 1/4 (not NWSE) 25 AC. instead of 26
- k. ☒ Comment letters _____ Yes ☒ No _____
If yes _____ Water District # _____
_____ Other, see #2 below for name and address _____

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: See attached information

3. Transfer published correctly? ✓ Yes No
4. Affidavit of publication received? ✓ Yes No
5. Protests received? Yes ✓ No; Acknowledgement sent? Yes
6. Data entry of application completed? Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to _____
3. Conditions (special conditions in Water Districts) standard for conditions
4. By Gary S Date 10/13/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes
2. File forwarded to S.O.: by ST date 10-14-99

MEMORANDUM

TO: GARY SPACKMAN
FROM: DANIEL A. NELSON *DAN*
DATE: 10/12/99
SUBJECT: SHELDON ALDER TRANSFER

Mr. Alder called today to find out if he needed any more information for his transfer. He seems pretty anxious to get the transfer finalized. I have not been able to get back in touch with Mr. Adler, but I am going to assume that nothing else will be needed unless there is more information that you will need for your review. I am not aware of any additional information that should be needed. I am going to tell him that this transfer is on your desk and that if more information is needed we will contact him as soon as possible.

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MAR 20 2000

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON *DAN 9-20-99*

DATE: 9/20/99

RE: **SHELDON L ALDER TRANSFER, RIGHT 67-04000**

This transfer proposes to adjust the acres that were listed on the statutory claim filed by Leon J. Bergquist on 10/5/1967. Ten of the acres were listed in the incorrect $\frac{1}{4}$ $\frac{1}{4}$ on the statutory claim. This transfer also proposed to add a new well. In a telephone communication on 8/20/1999, Mr. Alder informed me that it would not be financially feasible to add the well (see telephone communication sheet 8/20/1999). Therefore the addition of a new point of diversion should be removed from this transfer.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 6 pages and 5 attachments. Note the location of the following application items:

Attach. A – Proof of ownership documentation (A thru A₃)

Attach. B – Snake River Basin Adjudication (SRBA) claim profile report.

Attach. C – USGS Quadrangle map.

Attach. D – 1979 FSA Aerial photo.

Attach. E – Original owner's letter stating statutory claim is incorrect (E thru E₃).

The application was prepared by Mr. Alder with assistance from Steve Lester. Mr. Lester also performed the original transfer review for this transfer and I completed the transfer memo.

Other information used in this review includes telephone communication document dated 8/20/1999, telephone communication document dated 8/17/1999, profile report of original statutory claim, place of use comparison report, 1987 NAPP aerial photo, and a 1994 IDWR scanned aerial photo. All of these items are included in the file with the memo.

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MAR 20 2000

CURRENT RECORDS & PROPOSED CHANGE

This water right is a statutory claim that was filed in 1967 by Leon J. Bergquist. This statutory claim shows the place of use as 10 acres in the NW ¼, SE ¼ and 16 acres in the SE ¼, SE ¼ of T -10N, R - 5W, S - 9. Mr. Bergquist sold the property to Sheldon L. Alder in 1967 (see attachment E through E₃). Mr. Sheldon filed the adjudication claim for this water right stating that the place of use description was incorrect and filed the claim using the correct place of use description. The correct description is 10 acres in the SW ¼, SE ¼ and 15 acres in the SE ¼, SE ¼ of T -10N, R - 5W, S - 9.

The original statutory claim filed by Mr. Bergquist lists 26 acres for the place of use. Mr. Alder only listed 25 acres on the adjudication claim for this water right. This is a 26.4-acre farm, but due to railroad and road easements and ditches it looks as though only 25 acres are irrigated. Mr. Alder also listed 25 acres on this transfer and it is reasonable that these are the actual acres being irrigated.

The adjudication claim also lists the season of use as the new IDWR standard of 3/15 to 11/15 and the statutory claim listed the old IDWR season of use standard of 4/1 to 11/1. The new standard will be implemented in the adjudication and should be reflected in this transfer.

VERIFICATION & OTHER ANALYSIS

Mr. Alder supplied a legal description of the property, a map supplied by Weiser Valley Title, and a recent tax statement to proof ownership. The original review of the application by Steve Lester raised questions concerning the tax statement. The tax statement lists the property as NESWSE S9T10R5 26.4 acres. The tax statement reflects only a 10-acre tract. I contacted the Washington County assessor on 8/17/1999 and spoke with person named Gary to clarify the tax statement (see attached telephone conversation memo dated 8/17/1999). Gary informed me that their office uses the map supplied by the Title Company to determine the land being taxed and only uses one portion of the property in their tax statement's property description. The Weiser Valley Title Company map is the acres described by the tax statement.

Review of overlapping water rights do not reveal any significant overlapping water rights for this property (see place of use comparison sheet).

This transfer was also filed to add a point of diversion. In a telephone conversation with Mr. Alder on 8/20/1999, Mr. Alder informed me that he could not afford or justify the cost of adding a second point of diversion to the property (see conversation memo dated 8/20/1999). Therefore, there should only be one point of diversion listed for this water right. The description of this point of diversion is SW ¼, SE ¼, T - 10N, R - 5W, S - 9.

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MAR 2 8 1999

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT: TRANSFER FOR WATER RIGHT 67-0400

IDWR EMPLOYEE/AGENT: DAN NELSON

8-20-99
DATE: 08/20/1999

PERSON CONTACTED: SHELDON LEE ALDER

PHONE: (208) 549-0579

RE: ADDITIONAL INFORMATION REQUIRED FOR APPLICATION FOR PERMIT

On this date I spoke with Sheldon Lee Alder concerning his application for transfer for water right 67-04000. During this telephone conversation we discussed the letter I sent Mr. Alder on 8/18/1999. Mr. Alder stated that they looked into drilling a well and decided not to add a new well due to the cost of the well installation and the cost of running power to the well.

I told him that he could withdraw the transfer or he could remove the addition of well component of the transfer and use the transfer to correct the statutory claim or he could wait for the Snake River Basin Adjudication (SRBA) staff to correct the acres. In our conversation he stated that he thought it would be best if he corrected the statutory claim with the transfer. He said that he would send an affidavit of the previous owner in to show that the previous owner only irrigated the land described by the transfer.

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MAR 20 2000

Page 3
Alder memo

The 1987 NAPP aerial photo and the 1994 IDWR Scanned aerial photo clearly shows that this property was irrigated in 1987 and in 1994 (please see attached photos). Forfeiture of this water right is not an issue.

In order to verify that the place of use for this statutory claim was incorrectly described. Mr. Alder had the original owner Leon Bergquist write a note on the legal description of the property. Mr. Bergquist stated that the well for this water right was not used on any other property (see attachment E through E₃).

In reviewing this transfer I noticed that the diversion rate for the statutory claim was .6 cfs for 26 acres or .023 cfs per acre. The adjudication claim also shows a diversion rate of .6 cfs for 25 acres or .024 cfs per acre. IDWR's maximum allowable diversion rate per acre is .02 cfs or .50 cfs for the entire 25 acres that is now being irrigated. Neither the Statutory claim nor the adjudication claim give any reason for the excessive flow rate. Therefore, The diversion rate should be reduced to .50 cfs. The statutory and adjudication claims do not give an annual volume for this water right. According to IDWR standards the annual volume allowed for this area is 4.5 afa per acre. This standard should be applied to this transfer and allow Mr. Alder 4.5 afa X 25 acres or 112.5 afa for the total annual volume.

RECOMENDATIONS

I recommend that this transfer be approved to correct the legal description of the acres irrigated. I recommend that the season of use reflect the new adjudication standards of 3/15 to 11/15. I also recommend that the diversion rate be reduced from the .6 cfs listed on the adjudication claim and statutory claim to the IDWR standard of .02 cfs per acre or .50 cfs total and a total annual volume of 112.5 afa. The additional point of diversion should not be allowed, since the owner stated he no longer intends to develop the well. There is not expansion of this water right and the acre amount has been reduced from the 26 acres in the statutory claim to 25 acres in the adjudication claim. I recommend that total number of acres for this water right be reduced to the 25 acres as requested by the applicant.

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MAR 20 2000

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT OWNERSHIP INFORMATION FOR SHELDON LEE ALDER TRANSFER WATER
RIGHT # 67-04000

IDWR EMPLOYEE/AGENT: DAN NELSON *DAN 8-17-99* DATE: 08/17/1999

PERSON CONTACTED: GARY - WASHINGTON COUNTY ASSESSOR OFFICE

PHONE: (208) 549-2000

MAILING ADDRESS: N/A

RE: OWNERSHIP INFORMATION REQUIRED FOR TRANSFER APPLICATION

On this date I spoke with Gary at the Washington County Assessor's office to determine the actual acres associated with their tax notice. Gary told me that the map associated with the deed is the actual legal document they use to assess taxes and should accompany the deed. The owner did supply this map with the parcel number on it from Weiser Valley Title Co.

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MAR 20 2000

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEON J. BERGQUIST	08/01/1937	IRRIGATION	04/01 11/01	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10N R05W S09 SWSE WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE											
		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	
10N	05W	9	:			:					:					:		10		16	:	26.0	
																			TOTAL ACRES		26.0		

Pou County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion and Source:

67-02376 67-07214 67-07334

Other Water Rights Listing Overlapping Place(s) of use:

65-00165X 65-11413 67-02159 67-04474 67-07626A 67-07626B 67-07759 L67-07709

Remarks: AC. DIV. RATE=30 INCH/AF.

Dates:	App. Received:	Priority Date:	08/01/1937
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.D.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 01/28/85 05/01/88 CONVERT

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MAR 20 2000

Water Right as
Recorded

(WATER RIGHT NUMBERS THAT BEGIN WITH AN *** ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	INE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A6704000	T10N R05W S 9 GROUNDWATER															10	15	25
A6500165A	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165B	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165C	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
6500165X	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6500165X	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6502927H	PAYETTE RI :	38	38	36	37	24	37		15					36	05		12	278
A6507882	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
6511413	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
A6511413	GRAVEYARD :	38	38	36	37	24	37		15					36	05		12	278
6702159	GROUNDWATE :														12			12
A6702159A	GROUNDWATE :														02			2
6702184	GROUNDWATE :									38			20					58
A6702184	GROUNDWATE :									38			20					58
6702249	GROUNDWATE :					20												20
A6702249	GROUNDWATE :					20												20
6702293	GROUNDWATE :											28						28
6702376	GROUNDWATE :														10			10
A6702376A	GROUNDWATE :														05			5
6704000	GROUNDWATE :														10		16	26
6704269	GROUNDWATE :						1	1										
A6704269	GROUNDWATE :						20	02										22
6704425	GROUNDWATE :											05						5
6704474	GROUNDWATE :														05			5
6704578	GROUNDWATE :						02											2
A6704578	GROUNDWATE :						02											2
6707104	GROUNDWATE :				10													10
A6707104	GROUNDWATE :				10													10
6707214	GROUNDWATE :															18		18
A6707214	GROUNDWATE :															18		18
6707334	GROUNDWATE :															04		4
A6707334	GROUNDWATE :															05		5
6707626A	GROUNDWATE :													05	01			6
A6707626A	GROUNDWATE :													05	01			6
6707626B	GROUNDWATE :													03	01			4
A6707626B	GROUNDWATE :													03	01			4
L6707709	GROUNDWATE :														07			7
6707759	GROUNDWATE :														06			6
6707994	GROUNDWATE :																	5
A6710544	GROUNDWATE :															01		1

WR P/M MAR 20 2000 SESE 26 ac.
 AJ P/M SWSE SESE 25 ac.
 DOES NOT APPEAR ANY of Above overlapping rights
 apply to same land as 67-04000 or A67-04000.
 -82 2/10/97

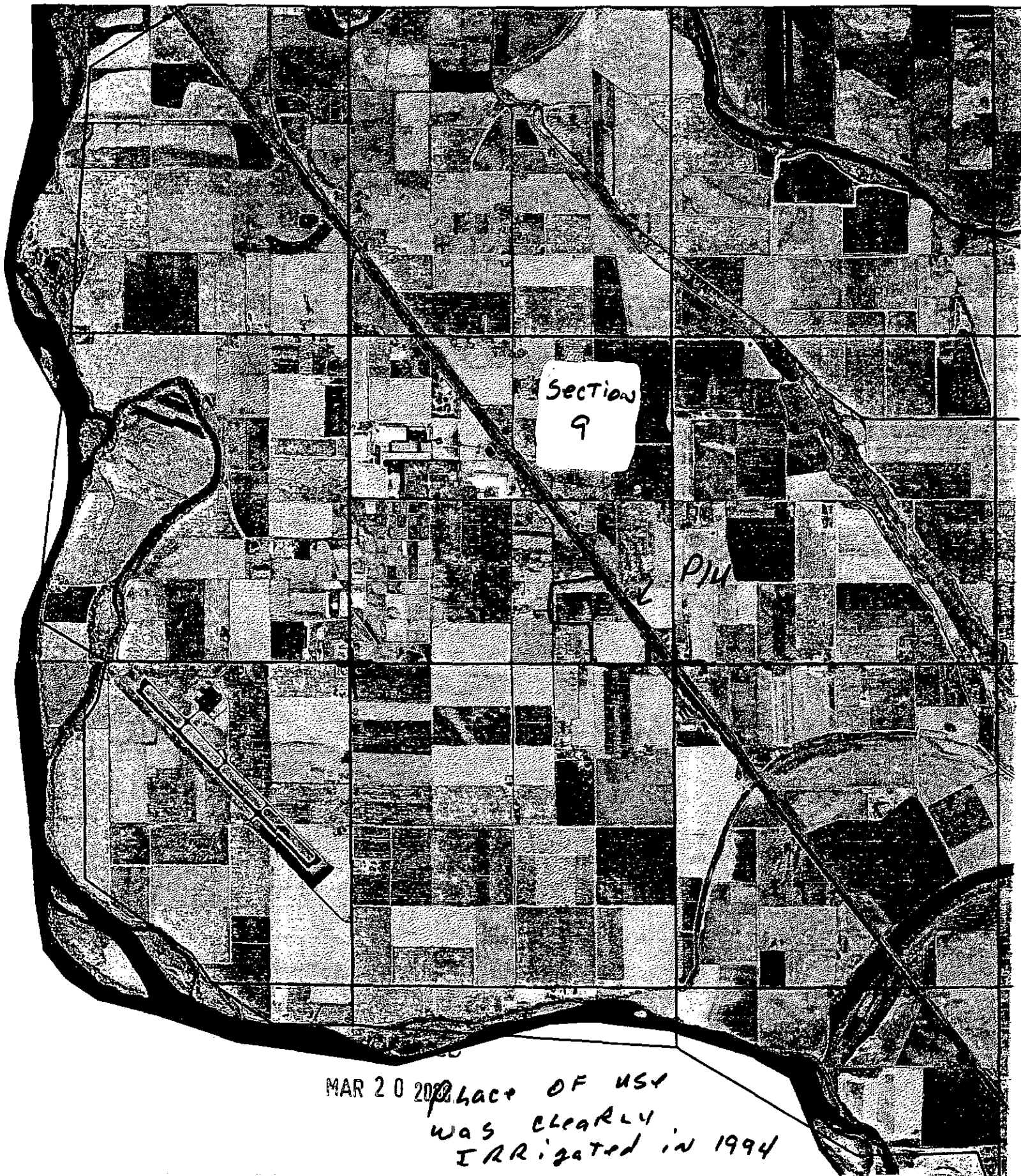


1987 NAPP U-3 MICROFILMED
MAR 20 2000

Valley

1994 IDWR Scanned
Aerial PHOTO

T10NR5W



MAR 20 2002
Place of use
was clearly
Irrigated in 1994



WEISER

1974
Orthophoto

MAR 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

8/18/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHELDON LEE ALDER
1555 SUNNYSIDE ROAD
WEISER, ID 83672

COPY

RE: APPLICATION FOR TRANSFER FOR WATER RIGHT 67-04000

Dear Mr. Alder,

On February 10, 1997, Steve Lester from this office wrote you a letter requesting additional information for your transfer filed on water right 67-04000. In this letter you were asked to supply proof that the original statutory claim was filed incorrectly. It has been over a year since this information was requested and it has not been supplied. **Please submit proof that the statutory claim was filed incorrectly by 9/20/1999.**

Acceptable proof that the claim was filed incorrectly would be:

- 1.) County records showing that the original owner only owned the 26 acres you claim were irrigated.
- 2.) Affidavits from neighbors stating that the well water was only used on the 26 acres you claim were irrigated.
- 3.) CSFA records that show which lands were irrigated by the well.

You can supply one or more of these forms of proof to show that the actual land irrigated out of the well were the lands that you state are irrigated.

Due to extended period of time since you filed your application, I have enclosed a withdrawal form with this letter. If you decide not to pursue this application please fill out the form and return it to the above address. If you have any questions or concerns please contact me at the above address or telephone number.

Respectfully,

Daniel A. Nelson
Senior Agent

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MAR 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHELDON LEE ALDER
1555 SUNNYSIDE RD
WEISER ID 83672

RECEIVED

FEB 18 1997

WATER RESOURCES
WESTERN REGION

RE: APPLICATION FOR TRANSFER FOR RIGHT NO. 67-04000

Dear Mr. Alder:

Enclosed is your original transfer application in which a few minor corrections have been made. Since it is a notarized document, please review the revisions and, if acceptable, indicate your approval by initialing and dating the form at the top right of page 1. Note that page 3 should reflect the water right as recorded (no. 67-04000) instead of the updated Snake River Basin Adjudication (SRBA) claim as recorded (no. A67-04000). Additionally, page 1 can correct the recorded water right so that the water right and SRBA claim match.

Also, please provide answers to the following questions.

L.A. yes 1. Is it correct that no other irrigation water is used on your acres?
Your "remarks" on page 2 might suggest otherwise.

2. Please submit some supporting evidence that land in SWSE instead of NWSE has been irrigated all along. A copy of an aerial photo dated prior to November, 1987 when the SRBA commenced would be helpful. You might be able to get such a photo at the local CFSA (formerly IASCS) office. The date of the photo should be noted.

Also, affidavits by knowledgeable parties will help to show that the water right has been incorrectly recorded versus an actual on-the-ground change in irrigation.

3. Provide proof of ownership of the 25 acres currently irrigated. A copy of a deed or most recent tax notice would suffice.

The original application with the above supporting information should be returned to me within 30 days to allow application processing to continue. Please contact me at 334-2190 if you have any questions. Thank you for your assistance in clarifying the application.

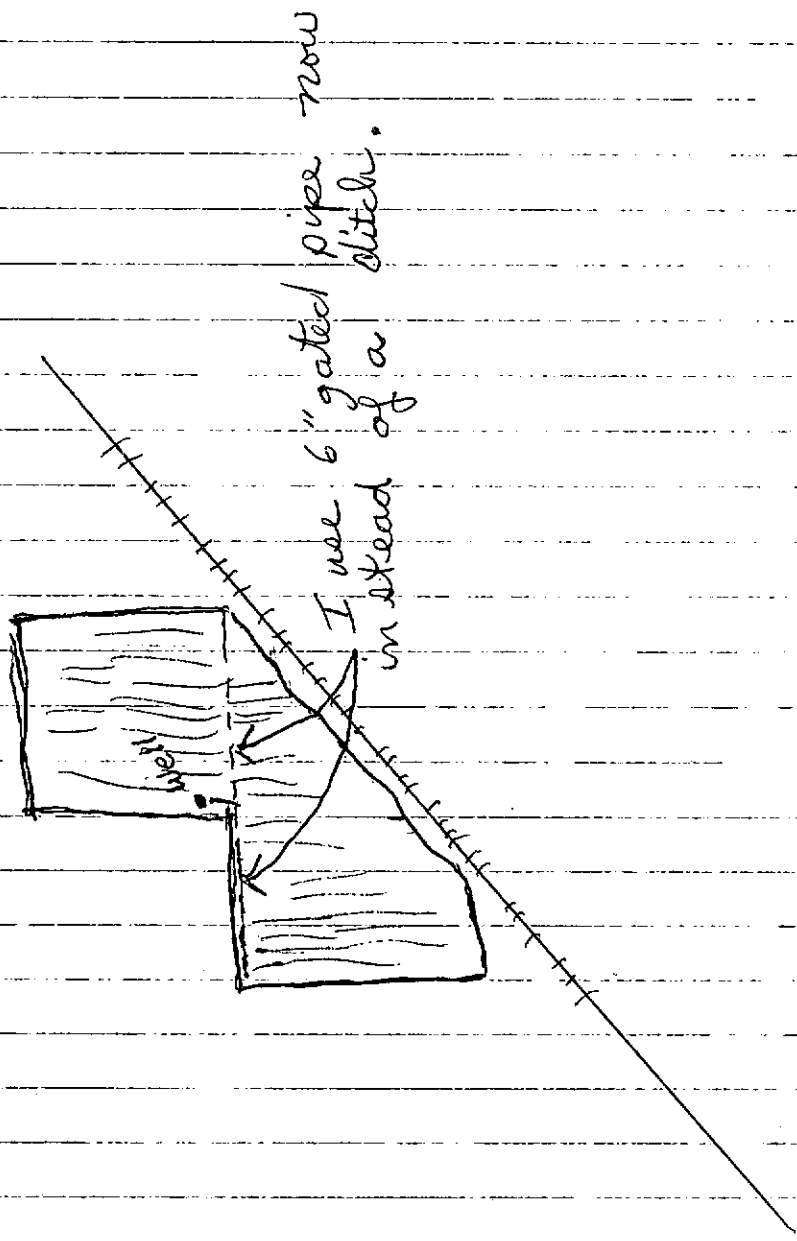
Sincerely,


Steve Lester
Water Rights Supervisor

Enclosure

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MAR 20 2000



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MAR 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHELDON LEE ALDER
1555 SUNNYSIDE RD
WEISER ID 83672

RE: APPLICATION FOR TRANSFER FOR RIGHT NO. 67-04000

Dear Mr. Alder:

Enclosed is your original transfer application in which a few minor corrections have been made. Since it is a notarized document, please review the revisions and, if acceptable, indicate your approval by initialing and dating the form at the top right of page 1. Note that page 3 should reflect the water right as recorded (no. 67-04000) instead of the updated Snake River Basin Adjudication (SRBA) claim as recorded (no. A67-04000). Additionally, page 1 can correct the recorded water right so that the water right and SRBA claim match.

Also, please provide answers to the following questions.

- you ✓* 1. Is it (correct) that no other irrigation water is used on your acres? Your "remarks" on page 2 might suggest otherwise.
- 1979 photo ✓* 2. Please submit some supporting evidence that land in SWSE instead of NWSE has been irrigated all along. A copy of an aerial photo dated prior to November, 1987 when the SRBA commenced would be helpful. You might be able to get such a photo at the local CFSA (formerly ASCS) office. The date of the photo should be noted.
- ? -* Also, affidavits by knowledgeable parties will help to show that the water right has been incorrectly recorded versus an actual on-the-ground change in irrigation.
- partly done ✓* 3. Provide proof of ownership of the 25 acres currently irrigated. A copy of a deed or most recent tax notice would suffice.

✓ The original application with the above supporting information should be returned to me within 30 days to allow application processing to continue. Please contact me at 334-2190 if you have any questions. Thank you for your assistance in clarifying the application.

Sincerely,

Steve Lester

Steve Lester
Water Rights Supervisor

Enclosure

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MAR 20 2000

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

MAY 08 1997

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.Sarah Bales, being duly sworn,
deposes and says:That he/she is the Clark of
THE WEISER SIGNAL AMERICAN, a bi-weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the adver-
tisement, a copy of which is attached hereto, was published insaid newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive weeks
prior to the date of first publication of said advertisement.Such notice was published in the issue beginning with
April 2, 1997, and ending
with the issue of April 9, 1997.Sarah Bales
Fees, \$ 88.16Subscribed and sworn to before me this 9
day of April, 1997.Judith Parsons
Notary Public, residing at Weiser, Idaho.My commission expires 02, 02.

MICROFILMED

MAR 20 2000

No. 975
NOTICE OF PROPOSED
CHANGE OF WATER RIGHT,
TRANSFER NO. 5032Notice is given that Sheldon Lee Alder of 1555
Sunnyside Rd., Weiser, ID 83672 has applied to
the Department of Water Resources to change the
Point of Diversion and clarify the Place of Use of
the following water right pursuant to I.C. § 42-
222:Statutory Claim #67-04000, priority 8-1-1937, .60
cfs, ground water diverted in SWSE to irrigate 26
acres in NWSE & SESE, S9, T10N, R5W, Washing-
ton County.Claimed in Snake River Basin Adjudication as
#A67-04000 as above except lists historical use in
SWSE & SESE (never used in NWSE per SRBA
claim), 25 acres total.

PROPOSED CHANGE

Add a diversion point in SESE to continue irrigat-
ing 25 acres in SWSE & SESE, S9.Any protest against approval of the proposed
change must be filed with the Department of
Water Resources, Western Region, 2735 Airport
Way, Boise, ID 83705-5082 together with a pro-
test fee of \$25 on or before April 21, 1997. The
protestant must also send a copy of the protest to
the applicant.Karl J. Dreher, Director
Published in the Weiser Signal on April 3 and 10,
1997.

14-2S



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 28, 1997

THE WEISER SIGNAL
PO BOX 709
WEISER ID 83672

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 21, 1997.

Yours truly,

Sue Taylor
Secretary, Office Coordinator

Enclosure

MICROFILMED
MAR 20 2000

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, TRANSFER NO. 5032**

Notice is given that Sheldopn Lee Alder of 1555 Sunnyside Rd., Weiser ID 83672 has applied to the Department of Water Resources to change the Point of Diversion and clarify the Place of Use of the following water right pursuant to I.C. § 42-222:

Statutory Claim #67-04000, priority 8-1-1937, .60 cfs, ground water diverted in SWSE to irrigate 26 acres in NWSE & SESE, S9, T10N, R5W, Washington County.

Claimed in Snake River Basin Adjudication as #A67-04000 as above except lists historical use in SWSE & SESE (never used in NWSE per SRBA claim), 25 acres total.

PROPOSED CHANGE

Add a diversion point in SESE to continue irrigating 25 acres in SWSE & SESE, S9.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 together with a protest fee of \$25.00 on or before April 21, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Weiser Signal on April 3 and 10, 1997.

MICROFILMED
MAR 20 2000

November 29, 1967

Re: Claim No. 67-4000

Leon J. Bergquist
Route #3
Weiser, Idaho

Dear Mr. Bergquist:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 67-4000.

Enclosed is your receipt for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

Enclosure: Receipt No. 34662 for \$10.00

67-4000

November 20, 1967

Re: Application for Claim 67-4000
Leon J. Bergquist

Weiser Signal
Weiser,
Idaho

Gentlemen:

As of the date of this letter, the Department of Reclamation has not received the affidavit or the bill of publication for the above referenced claim.

Please forward these items to this department as soon as possible so that we may continue to process this claim.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

67-4000

OCT 31 1937

Department of Reclamation

No. 4
**NOTICE OF CLAIM TO
A WATER RIGHT**
No. 67-4000

Notice is hereby given that Leon Berquist has filed a claim to a water right established by diversion and application to beneficial use of 0.6 (cubic feet per second) of water from a subterranean source with point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9 T. 10 N., R. 5 W., B. M., Washington County; the water is claimed to be used for irrigation purposes from April 1 to November 1 with a priority of August 1, 1937 (0.6 c.f.s.); the place of use is NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 9, T. 10 N., R. 5 W., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Weiser Signal,
Weiser, Idaho, on November 2 and
November 9. 64-23

67-4000

October 26, 1967

Re: Claim 67-4000

Weiser Signal
P. O. Box 709
Weiser, Idaho 83672

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid. (Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:kis

Enclosures: legal notice

Form 3

67-4000

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4000

Notice is hereby given that Leon J. Bergquist
_____ has filed a claim to a water right established
by diversion and application to beneficial use of 0.6 (cubic feet per second)
~~(acre feet)~~ of water from _____ a subterranean source _____ with point of diversion
in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 10 N., R. 5 W., B.M., Washington County ;
the water is claimed to be used for irrigation
purposes from April 1 to November 1 with a priority of
August 1, 1937 (0.6 c.f.s.); the place of use is NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9,
T. 10 N., R. 5 W., B.M.

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Weiser Signal _____ Weiser _____
Published in the _____,
Idaho, on November 2 and November 9.

67-4000

OCT 9 1967



Department of Reclamation
JACK WHITING AGENCY, INC. 152 West Main, Weiser, Idaho 83672—Telephone 549-1850

SAFECO INSURANCE COMPANY OF AMERICA
SAFECO LIFE INSURANCE COMPANY
GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE COMPANY OF AMERICA

10-6-67

Department of Reclamation
Room 107 State House
Boise, Idaho

Gentlemen:

Enclosed please find "Claim to a Water Right" in duplicate on Leon J. Bergquist. Also enclosed is Affidavits' in duplicate from Fred Scheloske and Ed Kyle and our check for \$10.00 for filing fee. Please process this at your earliest convenience. Thanks.

Yours very truly,

Whiting Real Estate

A handwritten signature in cursive script, appearing to read 'S. B. Whiting'.

S. B. Whiting

CC Prudential Insurance Co
Bill Dishman
Boise, Idaho

67-4000