

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

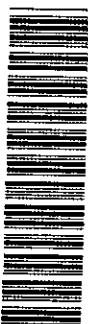
CIVIL CASE NUMBER: 39576

Ident. Number: A25-11501
Date Received: 11/28/1988
Receipt No: E004468
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. KUHN 208-522-3317
Address: 3870 E. LINCOLN RD.
IDAHO FALLS, ID 83401
OR
Name: MARILYN P. KUHN 208-522-3317
Address: 3870 E. LINCOLN RD.
IDAHO FALLS, ID 83401
2. Date of Priority: APR 1, ~~1930~~ 1950 *mpk 5/24/91 D.E./90/6.50*
3. Source: LOWDER SLOUGH Trib. to: SNAKE RIVER, DRY BEI
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 04N | 40E | 18 | SE | SE | SE | | JEFFERSON |
5. Description of diverting works:
SEE REMARKS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.300 | | |
7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 37.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A2511501



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	18	SE	SE		IRR	15.0

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

ORIGINALLY - INTERNAL CUMBUSTION ENGINE, PARMA WATER LIFTER AND
OPEN DITCHES (1930 TO 1982). AT PRESENT, TRACTOR DRIVEN
BERKELEY PTO PUMP & TWO LINES OF SPRINKLER PIPE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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11-28-88

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E004468

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Robert L. and/or Marilyn P. Kuhn Phone (208) 522-3317Mailing Address 3870 E. Lincoln Rd., Idaho Falls, ID Zip 834012. Date of Priority (Only one (1) per claim) 4-1-1930-1950 mph 5/29/913. Source of water supply (a) LOWDER SLOUGH
which is tributary to (b) DRY BED, SNAKE RIVER4. a. Location of existing point of diversion is: Township 4 N Range 40 E Section 18,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of JEFFERSON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.ORIGINAL - INTERNAL COMBUSTION ENGINE PARMA WATER LIFTER
AND OPEN DITCHES (1930-1982)AT PRESENT - TRACTOR DRIVEN BERKELEY PTO AND
TWO LINES SPRINKLER PIPE (1982-TO PRESENT)MICROFILMED
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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 11-1 amount 0.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 37.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>4N</u>	<u>40E</u>	<u>18</u>																<u>15</u>	<u>15</u>

Total number of acres irrigated 15

11. In which county (ies) are lands listed above as place of use located? JEFFERSON

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (✓)

14. Remarks:

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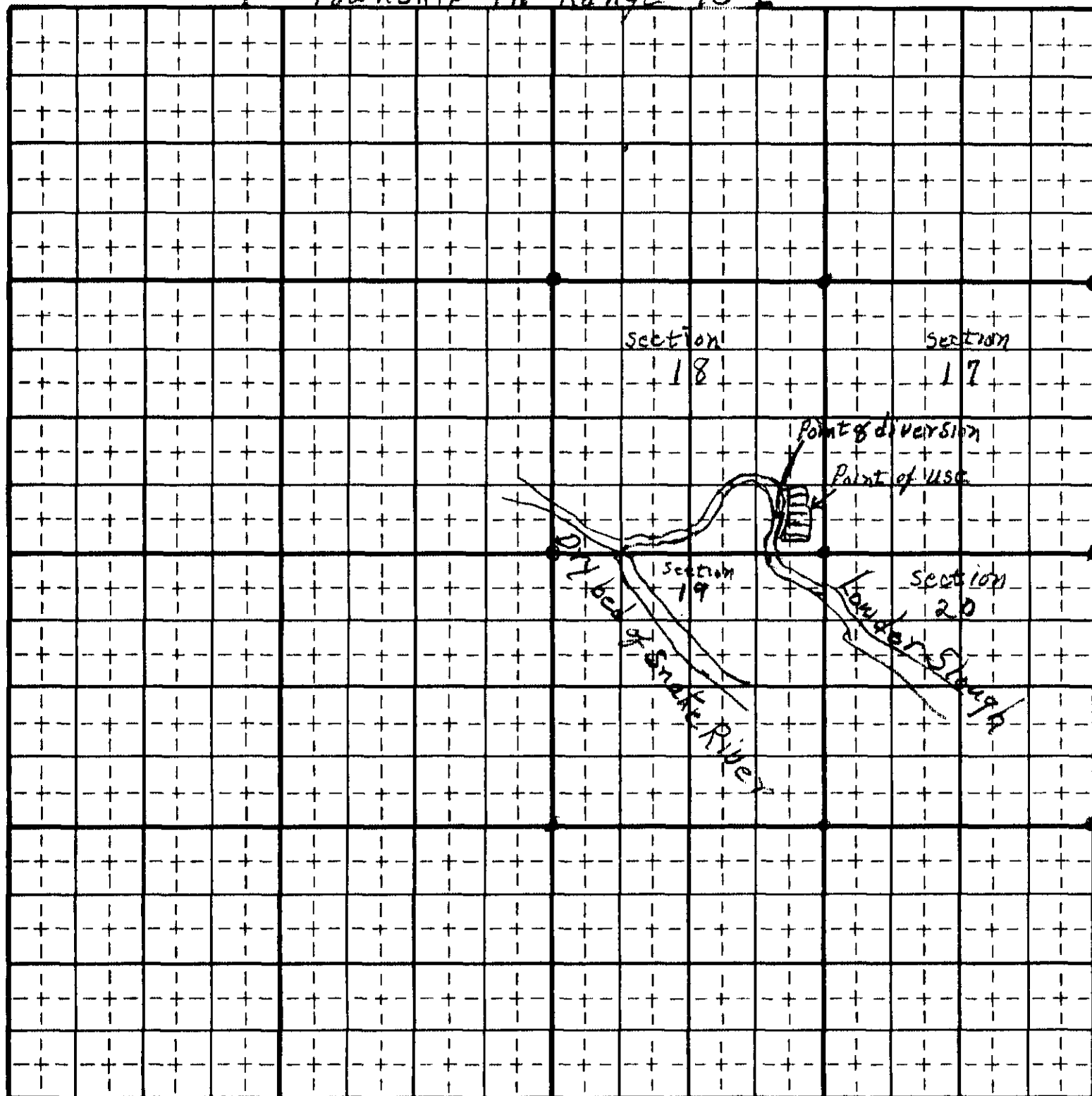
Last Name KUHN Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 4N Range 40 E



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Last Name KUHN

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 25-4139

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marilyn P. Kuhn Date 11/28/88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Nov 19 88

SEAL

Notary Public Betty J. Thompson

Residing at Idaho Falls

My Commission Expires 6-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim 25-11501

Spatial Dynamics CAT

12/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04n40e	18	SESE	15	14	
Totals:			15	14	

AJ5809NP
No. A25-11501

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 133

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARILYN P KUHN	04/01/1950	IRRIGATION	04-01 11-01	0.300 CFS	
C	ROBERT L KUHN					
	3870 E LINCOLN RD			TOTAL DIVERSION:	0.300 CFS	
	IDAHO FALLS ID 83401			CONSUMPTIVE USE:		37.50 AFA
	(208) 522-3317					

Water Source: LOWDER SLOUGH

Tributary to: SNAKE RIVER, DRY BED

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R40E S18 SESE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	40E	18	:																	:	
																			15	:	15.0
																			TOTAL ACRES		15.0

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-11500 A25-04305 A25-11500

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00119 A25-04305

Remarks: GEN ORIGINALLY - INTERNAL CUMBUSTION ENGINE, PARMA WATER LIFTER AND
OPEN DITCHES (1930 TO 1982). AT PRESENT, TRACTOR DRIVEN
BERKELEY PTO PUMP & TWO LINES OF SPRINKLER PIPE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 02/06/89 VERNER 02/08/91 THOMPSON 02/13/91 THOMPSON 06/05/91 THOMPSON
03/29/95 POST-STD

State of Idaho
Dept. of Water Resources
150 Shoup Ave.
Idaho Falls, ID 83401

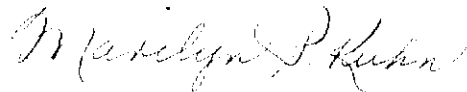
May 28, 1991

RE: Evidence of Priority A25-11501

Enclosed please find an affidavit
signed by Mr. Earl G. Brown of Ririe,
Idaho who helped clear and farm this
land.

I hope this is the required information
you need to satisfy this water right.

Respectfully,



Robert L. Kuhn
Marilyn P. Kuhn
3870 E. Lincoln Rd.
Idaho Falls, ID 83401

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A25-11501

I, Earl G. Brown, do hereby verify
that the water from Lowder slough
on property located at Township 4N
R40E S18 SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Jefferson County
was first used for irrigation of the
above described property in 1950.

My partner, Enery Hubbard, and I
acquired approximately *470* acres in
1949 of which the above described
property was a part. We cleared,
leveled and put it to agricultural
use in 1950 and 1951.

Earl G. Brown

Dated 5-28-91

Earl G. Brown

*Signed and sealed before me,
Karen Walker, a notary public, this
28th day of May 1991*

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Karen Walker

April 29, 1991

Robert L. Kuhn
3870 E. Lincoln Rd
Idaho Falls, ID 83401

RE: **Evidence of Priority**

Dear Mr. Kuhn:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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Robert L. Kuhn

Page 2

Please submit the required evidence supporting the priority date by **May 29, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11501
MARILYN P. KUHN
ROBERT L. KUHN
3870 E. LINCOLN RD.
IDAHO FALLS ID 83401

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