

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: A29-10744
Date Received: 3/26/1990
Receipt No: E012536
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. ALLAN SONIUS 208-237-6112
Address: 2467 FAIRWAY DRIVE
POCATELLO, ID 83201

OR

Name: DALE B. KIRKHAM 208-232-6886
Address: P.O. BOX 4026
POCATELLO, ID 83201

2. Date of Priority: JUN 01, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	35E	8	NE SW		BANNOCK

5. Description of diverting works:
WELL PUMP MAINLINE TO THREE COMMERCIAL BUILDINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/TWO COMMERCIAL BUILDINGS

A29-10744

Page 1

Date: 03/26/90

MICROFILMED

NOV 16 1992

A2910744



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	8	NE	SW		COMMER	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

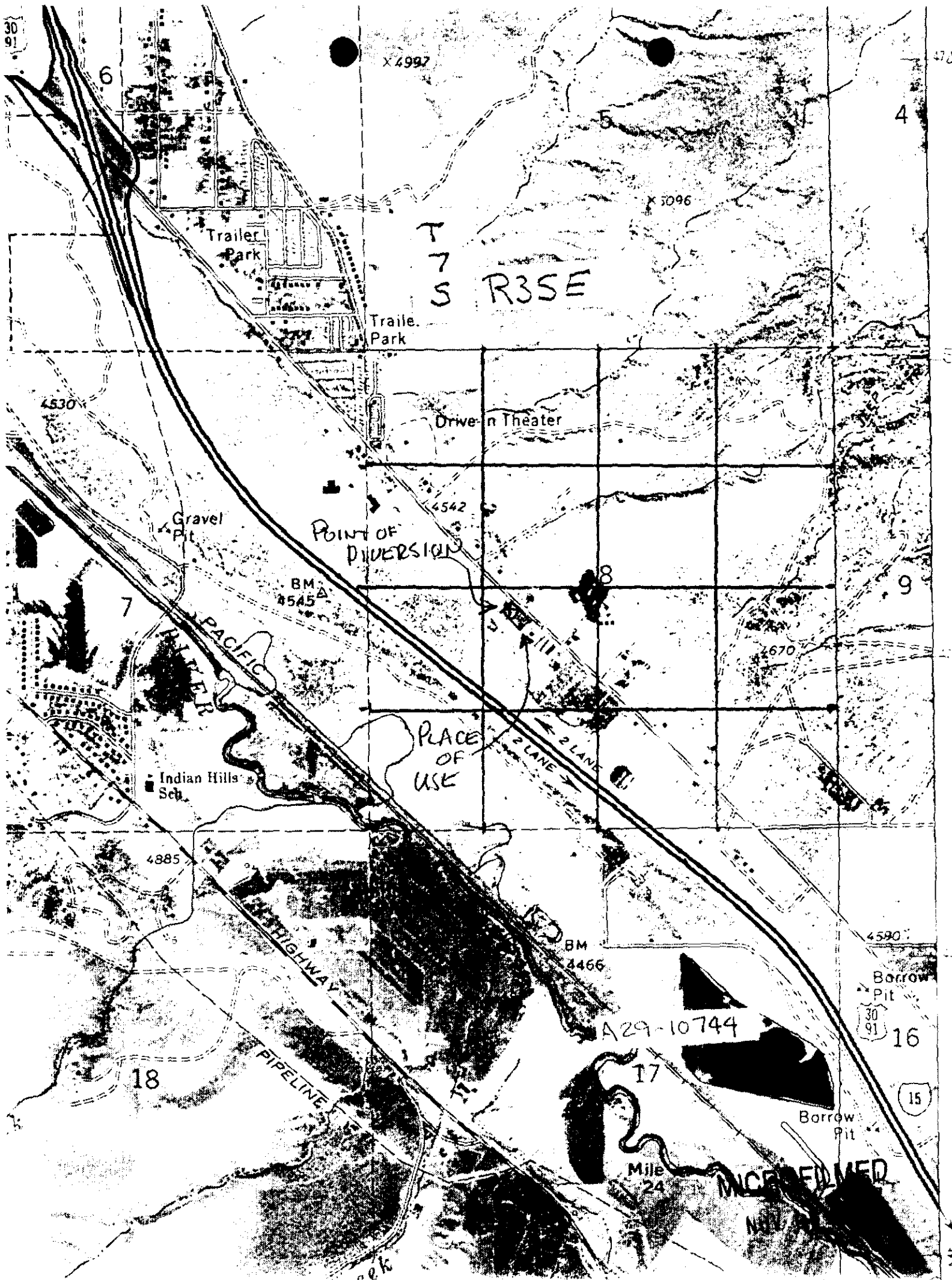
THIS FILING IS FOR TWO OF THE THREE COMMERCIAL BUILDINGS THAT ARE ON THIS WELL. THE THIRD COMMERCIAL BUILDING WAS ADDED IN ABOUT 1983 AND HAS MADE A SEPARATE FILING.

WATER USE FOR THESE TWO COMMERCIAL BUSINESSES IS FOR LESS THAN 2500 GAL PER DAY.

15. Basis of Claim: BENEFICIAL USE

(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.

NOV 16 1992



X 4992

X 5096

T
7
S R35E

Trailer
Park

Trailer
Park

Drive-in Theater

POINT OF
DIVERSION

BM
4545

PACIFIC

Indian Hills
Sch.

PLACE
OF
USE

2 LANE
2 LANE

4885

HIGHWAY

BM
4466

A29-10744

4590

Borrow
Pit

30
91 16

15

Borrow
Pit

Mile
24

NOT FILMED

May 22, 2001

29-10744
W ALLAN SONIUS
2467 FAIRWAY DR
POCATELLO ID 83201

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed 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 the entire 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 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.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 22, 2001, **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-10744

May 22, 2001

29-10744
DALE B KIRKHAM
PO BOX 4026
POCATELLO ID 83201

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