

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: A29-10745  
Date Received: 3/26/1990  
Receipt No: E012536  
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

OR

Name: DALE B. KIRKHAM, JR. 208-233-1463  
Address: 8503 BUCKSKIN ROAD  
POCATELLO, ID 83201

2. Date of Priority: JUN 01, 1953

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       | SW     | NW     |     |     | BANNOCK |

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

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/COMMERCIAL BUILDING (BATHROOM & STEAM CLEANING)

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Date: 03/26/90

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A2910745



10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 07S      | 35E   | 8       | SW     | NW  |     | 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:  
WATER USE IS FOR LESS THAN 2500 GAL PER DAY.

15. Basis of Claim: BENEFICIAL USE

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): Dale B. Kukha Date: Mar. 26, 1990  
Date:                     

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 26 day  
of Mar 19 90

Betty J. Thompson  
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC  
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES: 6-30-94

30  
91

6

X4997

X3096

T  
7  
S R35E

Trailer  
Park

Trailer  
Park

Drive-in Theater

4530

Gravel  
Pit

4542

POINT OF DIVERSION  
AND  
PLACE OF USE

BM  
4545

Indian Hills  
Sch

4885

PACIFIC  
HIGHWAY

BM  
4466

4590

Borrow  
Pit

A29-10745

30  
91

16

18

PIPELINE

17

Mile  
24

MICROFILMED

NOV 22 1992

15

Borrow

May 22, 2001

29-10745, 29-10750, 29-10754, 29-10756, 29-10758  
DALE B KIRKHAM  
PO BOX 4026  
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 29-10745, 29-10750, 29-10754, 29-10756, 29-10758

May 22, 2001

29-10745, 29-10750, 29-10754, 29-10756, 29-10758  
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