

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: A29-10754
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, 1925

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 FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is 10.6 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-10754

Page 1

Date: 03/26/90

MICROFILMED
NOV 16 1992



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	35E	8	SW		NE		IRR	0.2
			SE		NW		IRR	1.0
			NE		SW		IRR	2.0
			NW		SE		IRR	1.0
							Section Acres	4.2
							Total Acres	4.2

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:

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. Fisher 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 AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

Prospect

15

30
91

6

X 4997

X 5096

4

Trailer
Park

T
7
S R35E

Trailer
Park

Drive-in Theater

4530

Gravel
Pit

4542

PLACE OF USE

BM
4545

453

9

7

PACIFIC
RIVER

POINT OF DIVERSION

8

4570

Indian Hills
Sch.

2 LANE
2 LANE

4885

HIGHWAY

A29-10754

BM
4456

4590

MICROFILMED

NOV 16 1992

Borrow
Pit

30
91

16

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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Log for claim A29-10754

Spatial Dynamics BTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	8	SWNE	0.2	0	
07s35e	8	SENE	1	1.1	
07s35e	8	NESW	2	2.3	
07s35e	8	NWSE	1	0.4	
Totals:			4.2	3.8	

5/24/01 / Kirk called - He is going to make an
Appointment with me in two weeks
about Priority

AJ5809NP
No. A29-10754

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 296

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALE B KIRKHAM JR 8503 BUCKSKIN RD POCATELLO ID 83201 (208) 233-1463	06/01/1925	IRRIGATION	03-15 11-15	0.130 CFS	
TOTAL DIVERSION:					0.130 CFS	
CONSUMPTIVE USE:						10.60 AFA

C DALE B KIRKHAM
PO BOX 4026
POCATELLO ID 83201
(208) 232-6886

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S08 NESW BANNOCK 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
07S	35E	8	:			.2					01			02					01	:	4.2
																				TOTAL ACRES	4.2

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-11287 A29-02367 A29-10744 A29-10750 A29-11287

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

A29-02367 A29-10750

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

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

Audit: 03/26/90 WILSON 08/04/94 THOMPSON 03/29/95 POST-STD