

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: **A47-04227**
Date Received: 10/ 6/1988
Receipt No: S002793
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: GARY R STONE
Address: 394 FAFNIR DRIVE
KIMBERLY ID

208-423-4355

83341

2. Date of Priority: APR 1, 1946

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	18E	32	NE	SW		4	TWIN FALLS

5. Description of diverting works:
PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	9.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 RANGE, 50 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	18E	32	NE	SW	4	STOCK	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

3-2-98: CHANGE OF OWNERSHIP PRESCOTT TO STONE PER NOTICE REC'D
11-7-97 - VH

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 1998

Gary R. Stone
394 Fafnir Drive
Kimberly, Idaho 83341

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A47-04227
Change of Ownership Notification

Dear Claimant:

Thank you for your prompt reply to my request for additional documentation regarding the above referenced Snake River Basin Adjudication claim. Our records have been changed, accordingly. The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent VIKIE HANCOCK

DATE: February 26, 1998

CUSTOMER: Gary Stone

walk-in () phone (x)

⁰⁴²²⁷
SUBJECT: A47-~~04427~~ and A47-10610

Gary called to verify exactly what I needed for proof of ownership on an ownership change recieved November 7, 1997. Notice of ownership listed A47-04427 and also claim number A47-10610 added during a coversation with G. Satterlee. During our phone conversation this date, however, Gary decided that this claim was not on property owned by him and that he was not going to claim it. He thought that this right referred to an old well which went with land he once had co-owned with Ken and Carl Stutzman. He believed that Stutzmans were not currently using the well.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 24, 1998

Gary R. Stone
394 Fafnir Dr.
~~Twin Falls, Idaho 83301~~

Kimberly Chang

Dear Gary,

Enclosed find a copy of the Quit Claim from Stutzmans to you that you submitted with your Notice of Change of Ownership for Claim Number A47-04427. Per our phone conversation today, I need the description of the property that originally was attached to this deed.

In addition, if you wish to change the ownership of the other claim, A47-10610, I will need a deed from Prescott conveying that property to you. I have enclosed a profile report of A47-10610 for your inspection. Call if you have any further questions.

Sincerely,

Vikie Hancock
SRBA Records Clerk

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 47-04227

Adjudication Claim No(s).: A-47-04227, A47-10610 *Stone*

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

MARVIN L. PRESCOTT
P.O. Box 6342

4. New Owner/Claimant(s)

Twin Falls, ID. 83301

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
GARY R. STONE

City, State and ZIP Code

394 FAIRVIEW DR., KIMBERLY, ID.

New Telephone Number

(208) 423-4355 83341

5. Date you acquired the property

FEB, 1988

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate

9.04 *Stone*

Number and type of stock

6 HORSES

Diversion rate in CFS

10

Number of homes

ONE

Other uses

FISH RECREATION

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Gary Ronald Stone

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

RECEIVED

NOV 07 1997

For Value Received MARVIN L. PRESCOTT and ALICE M. PRESCOTT, husband and wife,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto GARY R. STONE and BEVERLY A. STONE, husband and wife; CARL L. STUTZMAN and RUTH E. STUTZMAN, husband and wife; and KEN L. STUTZMAN and JILL STUTZMAN, husband and wife, 2029 Mountain View Circle, Twin Falls, Idaho 83301; Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

See Exhibit "A" attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 6th, 1989.

Marvin L. Prescott
MARVIN L. PRESCOTT
Alice M. Prescott
ALICE M. PRESCOTT

STATE OF IDAHO, COUNTY OF TWIN FALLS
On this 6th day of JANUARY, 1989,
before me, a notary public in and for said State, personally appeared MARVIN L. PRESCOTT and ALICE M. PRESCOTT, husband and wife,

or identified
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they

Robert W. Stephan
ROBERT W. STEPHAN
NOTARY PUBLIC IN AND FOR
TWIN FALLS COUNTY, IDAHO
Residing at Twin Falls, Idaho
Comm. Expires 5-10-92

STATE OF IDAHO, COUNTY OF *Twin Falls*
I hereby certify that this instrument was filed for record at the request of *John L. Stone*
at *5* minutes past *2* o'clock *P* m.,
this JAN 31 1989 day of
19, in my office, and duly recorded in Book
of Deeds at page

RICHARD A. PENCE
Ex-Officio Recorder
John L. Stone
Deputy.
Fees \$
Mail to *John L. Stone*

INSTRUMENT NO. 950739

EXHIBIT "A"

Township 9 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 32: Lots 3 and 4, and the South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section 32, EXCEPT the following described land:

BEGINNING at the Section corner common to Sections 31 and 32 in Township 9 South, Range 18 E., B.M., and Sections 5 and 6 in Township 10 South, Range 18 E., B.M., which corner is marked with a cross in a rock ledge separating two of Dierkes Lake and which point is North 85 feet from the above described rim rock;

THENCE East along the Section line a distance of 168 feet to a point on the rim rock;

THENCE along said rim rock defined by a series of course and distances as follows:

North 62°57' East 230 feet;
North 5°58' East 186 feet;
North 39°38' East 476 feet;
North 65°43' East 758 feet;
North 43°39' West 1240 feet;
North 87°02' West 549 feet to a point on the Section line common to the above described Section 31 and 32, in Township 9 South, Range 18 E., B.M., said point being on the rim rock immediately North of the largest of Dierkes Lakes;

THENCE South along the above described Section line a distance of 1907 feet to the POINT OF BEGINNING, containing 34.79 acres.

Township 10 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 5: A part of Government Lots 3 and 4 described as: COMMENCING at the Northwest corner of Section 5 and being the REAL POINT OF BEGINNING. Said point lies North 00°14'19" East, 2662.92 feet from the West quarter corner of Section 5; THENCE South 89°19'29" East, 1979.99 feet, along the North boundary of Section 5 to the Northeast corner of West Half (W 1/2) of Lot 3, Section 5; THENCE South 00°21'32" West, 440.00 feet, along the East boundary of West Half (W 1/2) of Lot 3, Section 5; THENCE North 89°19'29" West, 1979.07 feet, to the West boundary of Section 7; THENCE North 00°14'19" East, 440.00 feet, to the REAL POINT OF BEGINNING.

Together with all water and water rights appurtenant thereto.

QUITCLAIM DEED

For Value Received **CARL L. STUTZMAN and RUTH E. STUTZMAN, husband and wife,**
and **KEN L. STUTZMAN and JILL STUTZMAN, husband and wife,**
does (do) hereby convey, release, remise and forever quit claim
unto **GARY R. STONE and BEVEPLY R. STONE, husband and wife**

whose address is; **Rt. #1, Kimberly ID 83511**
the following described premises, to-wit:

See attached description

CLERK OF DISTRICT COURT, IDAHO

Dwight R. Bacon

1993 NOV - 1 PM 2:40

19930168381

RECEIVED
FEE: 900
CITY: LF

together with their appurtenances.

Dated: November 30, 1993.

Carl L. Stutzman
Carl L. Stutzman

Ken L. Stutzman
Ken L. Stutzman

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 30 day of November, 1993,
before me, a notary public in and for said State, personally
appeared Carl L. Stutzman, Ruth E.
Stutzman, Ken L. Stutzman and Jill Stutzman

known to me to be the persons who's name's are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

W. R. Bacon
Residing at Twin Falls, Idaho

Notary Public

MAIL DEED TO:

Ruth E. Stutzman
Ruth E. Stutzman

Jill Stutzman
Jill Stutzman

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for re-
cord at the request of

at _____ minutes past _____ o'clock _____ a.m.,
the _____ day of _____

in my office, and duly recorded in Book
of Deeds at page _____

Deputy Recorder

Deputy

MAIL TAX NOTICE TO

Name _____
Address _____
City and State _____ Zip _____

Check for water claims # 04227

EXHIBIT "A"

Township 9 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 32: Lots 3 and 4, and the South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section 32, EXCEPT the following described land:

BEGINNING at the Section corner common to Sections 31 and 32 in Township 9 South, Range 18 E., B.M., and Sections 5 and 6 in Township 10 South, Range 18 E., B.M., which corner is marked with a cross in a rock ledge separating two of Dierkes Lake, and which point is North 85 feet from the above described rim rock;

THENCE East along the Section line a distance of 168 feet to a point on the rim rock;

THENCE along said rim rock defined by a series of course and distances as follows:

North 62°57' East 330 feet;
 North 5°58' East 186 feet;
 North 39°38' East 476 feet;
 North 65°43' East 758 feet;
 North 43°39' West 1240 feet;
 North 87°02' West 549 feet to a point on the Section line common to the above described Section 31 and 32, in Township 9 South, Range 18 E., B.M., said point being on the rim rock immediately North of the largest of Dierkes Lakes;

THENCE South along the above described Section line a distance of 1907 feet to the POINT OF BEGINNING, containing 19.00 acres.

Township 10 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 5: A part of Government Lots 3 and 4 described as: BEGINNING at the Northwest corner of Section 5 and being the REAL POINT OF BEGINNING. Said point lies North 00°14'19" East, 2662.92 feet from the West quarter corner of Section 5; THENCE South 89°19'29" East, 1979.99 feet, along the North boundary of Section 5 to the Northeast corner of West Half (W 1/2) of Lot 3, Section 5; THENCE South 00°14'19" West, 440.00 feet, along the East boundary of West Half (W 1/2) of Lot 3, Section 5; THENCE North 89°19'29" West, 1979.07 feet, to the West boundary of Section 7; THENCE North 00°14'19" East, 440.00 feet, to the REAL POINT OF BEGINNING.

Together with all water and water rights appurtenant thereto.

RECEIVED

FEB 26 1998

Department of Water Resources
 Southern Region

James Stone

PROPOSAL

original draft

The undersigned, Marvin L. Prescott, proposes to sell approximately 120 acres described in Exhibits "A" & "B" attached hereto to Stone & Stutzman for Ninety-six Thousand and no/100 Dollars (\$96,000.00) on the following terms and conditions:

\$15,000.00 down prior to or upon
the execution of a
Contract of Sale;

The balance of \$81,000.00 shall bear interest at the rate of 9 3/4% per annum from and after the date hereof and shall be payable as follows:

\$10,000.00 one (1) year from the
date of said
Contract; and

\$10,000.00 annually thereafter
until the full
purchase price is
paid in full.

Said annual payment shall first be applied to accrued interest and the balance to the unpaid portion of the purchase price. The Buyer shall have the privilege of prepaying any payment under the Contract without penalty.

Seller will release part or all of approximately 20 acres in the Southwest corner of the property described in Exhibit "B" attached hereto. By executing Deed or Warranty Deeds conveying said real property said Deed or Deeds shall

be delivered to the Buyers by Seller upon receiving an additional ~~Four-Thousand~~^{8,000.00} and no/100 Dollar (\$4,000.00) principal payment for each and every acre conveyed. The principal payments made for the release of said Deed or Deeds shall be applied to the principal balance due at the end of the Contract and shall not be credited to the next due annual payment.

Seller does not guarantee that the land described in Exhibit "A" or Exhibit "B" attached hereto can be subdivided and Seller makes no representations in regard thereto.

The cost of surveying the south boundary of said land described herein initially shall be borne by Seller. Any further surveys shall be at the expense of Buyers.

The Seller hereby agrees to furnish a Policy of Title Insurance to the Buyers when the land described in Exhibit "A" and Exhibit "B" attached hereto shall have been paid for showing title in Buyer in fee simple free and clear of all encumbrances except easements of record and current taxes.

Buyers are entering into this Contract relying solely upon information and knowledge obtained from a personal inspection of said real property by Buyers and Seller makes no warranties or agreements or representations in

regard to said property.

Buyers shall not permit mechanic's or materialman's or other liens to be filed or exist against the above described property.

In the event of a default by the Buyer any costs incurred by Seller in notification of any default and any legal or Court costs incurred with or without suit shall be paid by the Buyers and in any action or suit brought to enforce any of the terms, conditions or covenants of a Contract the prevailing party shall be entitled as part of the judgment rendered to a reasonable attorney fees to be fixed by the Court in addition to any costs allowed by law.

In case the rights of the Buyers are transferred or assigned in whole or in part through voluntary transfer or operation of law, without the written consent of the Seller, Seller may at his option thereupon, or at any time thereafter, declare the entire purchase price and all sums owing immediately due and payable. It is further understood and agreed that the Seller cannot unreasonably withhold his permission to assign the Contract.

Taxes shall be prorated as of the date of possession.

Seller will convey by Warranty Deed to the Buyers said property and Buyers shall contemporaneously therewith

execute a real estate mortgage to Seller as security for their performance and contemporaneously therewith there shall be entered into a Contract of Sale setting out the rights and obligations of the parties herein delineated.

Possession shall be given by Seller to Buyers on the date a contract of sale is entered into.

Seller, if necessary, shall give the Buyers an easement across his adjoining property so that Buyers can have access to said real property herein described and Buyers ^{and seller} shall immediately build a fence and maintain the same between said easement and Seller's remaining property to protect Seller's livestock and to keep them off of said road.

Dated this _____ day of February, 1988.

MARVIN L. PRESCOTT

Parcel of land located in Gov't Lot 4, and SE4 SW4, Section 32, Township 9 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the South Quarter corner of Section 32. Said point lies South $89^{\circ} 17' 59''$ East, 455.25 feet from the Southwest corner of Section 32. Thence, North, 455.00 feet along the East boundary of SE4 SW4, Section 32, to the REAL POINT OF BEGINNING.

Thence, North $89^{\circ} 17' 59''$ West, 800.00 feet, parallel with the South boundary of Section 32.

Thence, North 730.00 feet parallel with the East boundary of SE4 SW4, Section 32.

Thence, North $43^{\circ} 27' 41''$ East, 103.17 feet, more or less to a point on the upper rim of the Snake River Canyon.

Thence, North $02^{\circ} 29' 22''$ East, 115.11 feet, more or less along the upper rim of the Snake River Canyon.

Thence, North $17^{\circ} 02' 57''$ West, 392.24 feet, more or less along the upper rim of the Snake River Canyon.

Thence, North $27^{\circ} 40' 52''$ West, 344.42 feet, more or less along the upper rim of the Snake River Canyon.

Thence, North, 175.00 feet more or less along a line parallel with the East boundary of Gov't Lot 4, Section 32, to a point on the mean high water mark on the left bank of the Snake River.

Thence, North $88^{\circ} 06' 43''$ East, 455.25 feet, more or less along said mean high water mark.

Thence, North $58^{\circ} 40' 17''$ East, 134.63 feet, more or less along said mean high water mark.

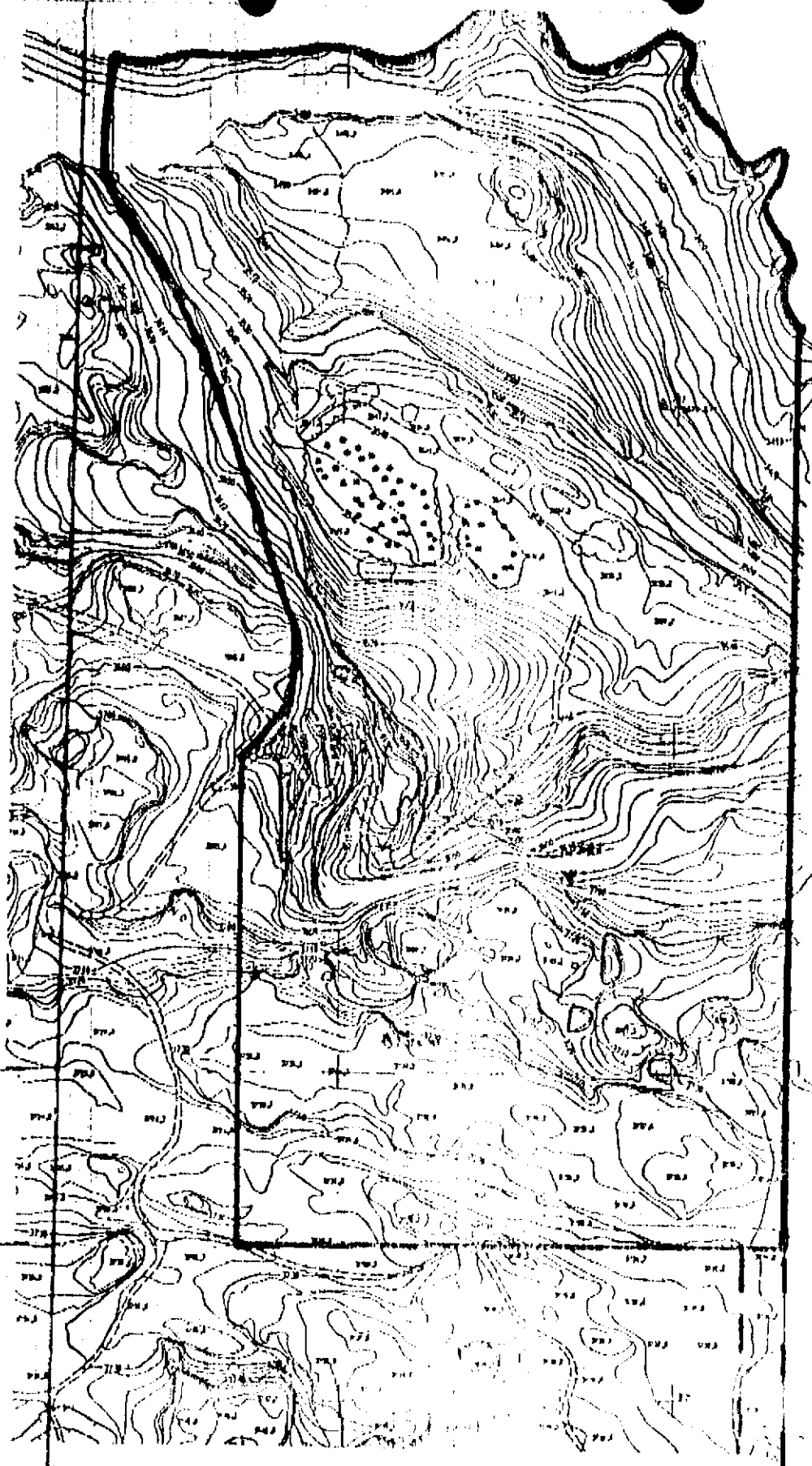
Thence, South $80^{\circ} 02' 58''$ East, 289.35 feet, more or less along said mean high water mark.

Thence, South $18^{\circ} 55' 19''$ East, 443.99 feet, more or less along said mean high water mark to a point on the East boundary of Gov't Lot 4, Section 32.

Thence, South 1399.66 feet more or less along the East boundary of said Gov't Lot 4, to the REAL POINT OF BEGINNING.

Subject to an actual field survey.

Together With: A 50.00 foot wide utility easement parallel with and adjoining the East boundary of the South 455.00



→ ← 50'
F45.

8447 SEC. 32

54 60K.

AJ5809NP
No. A47-04227

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/17/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN L PRESCOTT	04/01/1946	STOCKWATER	01-01 12-31	9.00 CFS	
C	ALICE M PRESCOTT					
	RT 3			TOTAL DIVERSION:	9.00 CFS	
	BOX 6342					
	TWIN FALLS ID 83301					
	(208) 733-1227					

Water Source: SPRINGS

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R18E S32 Lot04(NESW)

TWIN FALLS County

Place of use Legal Description for: STOCKWATER

	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
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
09S 18E 32	:				:				:	04-S			:			

POU County: TWIN FALLS

Non-Irrigation Uses: S/50 RANGE, 50 HORSES

Other Rights: NONE

Remarks: GEN CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

Dates: Exam Made Date: Verified Date: 03/07/1986 Objection Filed Date:

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

Audit: 10/06/88 WHITE 03/30/95 POST-STD

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 13 November 1997
RE: 47-08082

On 29 October 1997 at 1000 hrs., I met with Gary Stone to perform a field examination on the above permit. The permit is year round use for recreational storage for numerous spring fed ponds. In addition to the permit, there is a Statutory Claim 47-04227 (A47-04227), claiming two of the ponds for recreation and stockwater.

There are five ponds from direct flow on-stream. Pond #3 and Pond #5 are claimed in 47-04227. The use is for recreation storage, storage for stockwater, and stockwater. The combined size of the ponds is approximately 0.5 acre feet.

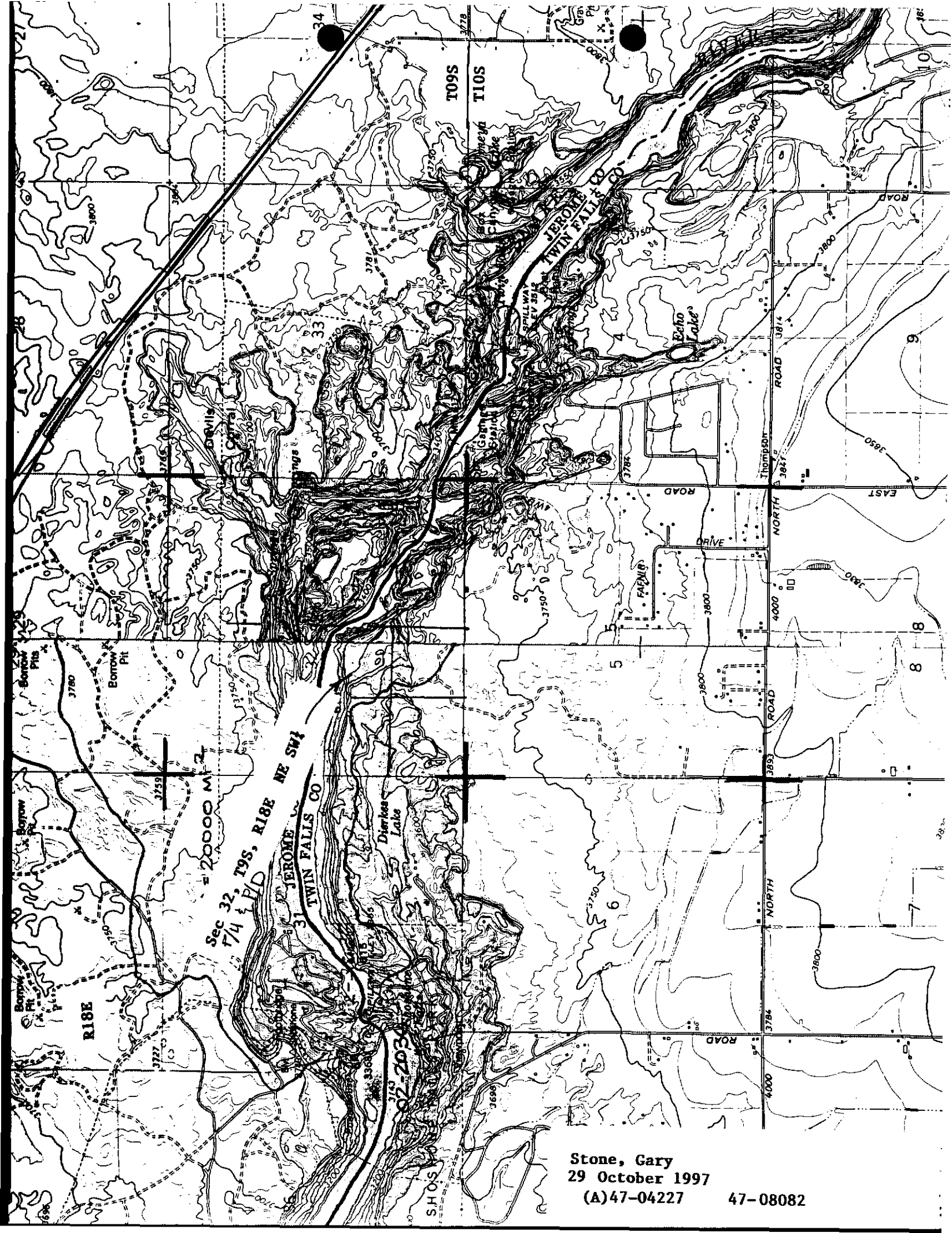
Ponds 1-2 & 4 associated with 47-08082 have the uses of recreation storage, storage for stockwater, and stockwater. The pond sizes are approximately 3.4 acre feet.

Although there wasn't any horses present at the time of the exam, Mr. Stone says there are between 3-5 horses on the property. The horses are moved up on the canyon rim in the winter months.

5 horses(12 gpd)215 days=13K gallons per year
325,580 = 0.04 acre feet

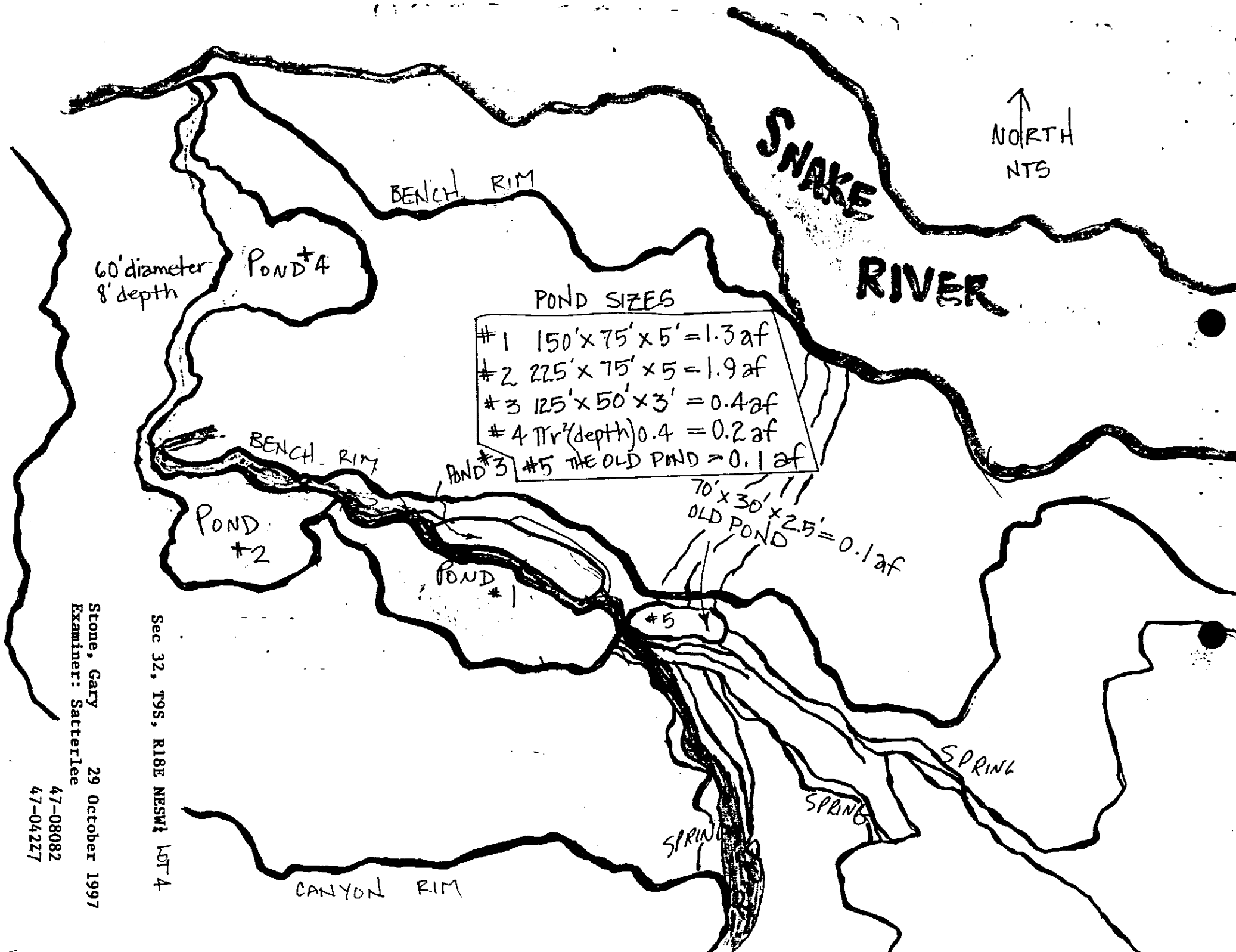
As stated above, the Ponds #3 and #5 called to in 47-04227 (A47-04227) will be claimed with the uses of recreation storage, storage for stockwater, and stockwater.

Ponds 1-2 & 4 will be recommended per 47-08082, with the uses noted (recreation storage, storage for stockwater and stockwater).



Stone, Gary
29 October 1997
(A)47-04227

47-08082



↑
NORTH
NTS

Snake
RIVER

BENCH RIM

60' diameter
8' depth
POND #4

POND SIZES

- #1 150' x 75' x 5' = 1.3 af
- #2 225' x 75' x 5' = 1.9 af
- #3 125' x 50' x 3' = 0.4 af
- #4 $\pi r^2 (\text{depth}) 0.4 = 0.2 \text{ af}$
- #5 THE OLD POND = 0.1 af

BENCH RIM

POND #2

POND #1

70' x 30' x 2.5' = 0.1 af
OLD POND

#5

SPRING

SPRING

SPRING

CANYON RIM

Sec 32, T9S, R18E N3W4 LOT 4

Stone, Gary
Examiner: Satterlee
29 October 1997

47-08082
47-04227

Photo looking N'ly

1/2

Pond #2

Pond #1

earthen dam separates
Pond #1 & #2

Pond #3

photo looking E'ly

1029'97

Pond #4

photo looking N'ly



1029

Gary Stone 1000 hrs 29 Oct 1997
Examiner: Satterlee

47-08082

Old Pond not pictured, located upstream
of falls

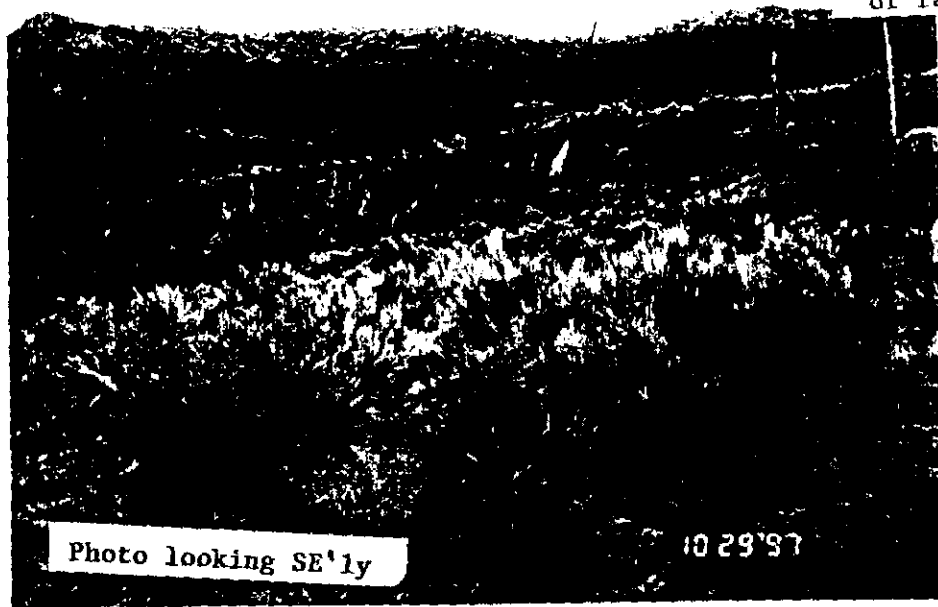


Photo looking NE'ly



Gary Stone 1000 hrs 29Oct1997
Examiner: Satterlee

Copy for A47-04227

MEMORANDUM

DATE: January 24, 1995
TO: Shelley Keen
FROM: Cindy Zimmerman
SUBJECT: Follow-up on 47-08082

RECEIVED

FEB 13 1995

Department of Water Resources
Southern Region

=====

You had asked me to check the size of the existing ponds and find out what the enlargement would be.

Per telecon with Gary Stone today, the approximate sizes of the three excavated and diked earthen ponds as developed under statutory claim 47-04227 were:

1. 5 acres; spring source in bottom of pond; spills into pond #2.
2. 4 acres; long and narrow like a fish raceway with multiple springs in bottom of pond also fed from runoff of pond #1; spills into pond #3.
3. 1/4 acre; smallest pond; spills into Snake River.

Claim 47-04227 contained no information on the size of the ponds but did show the ponds on the map.

Gary Stone said that the ponds were not kept up for an unknown length of time (possibly +5 years) prior to his ownership. Some of the diking had eroded to allow the water to flow outside the main channel and ponds.

Mr. Stone intends to clean "the mess" out of the original ponds and channel. He does not intend to enlarge the ponds greater than their original size, and is not certain he can restore the ponds to their original size.

He intends to use the ponds for private fishing.

MICROFILMED
NOV 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04227
MARVIN L. PRESCOTT
RT. 3
BOX 6342
TWIN FALLS

ID 83301

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

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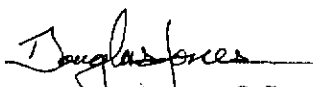
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January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, 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.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
NOV 29 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04227

ALICE M. PRESCOTT

RT. 3

BOX 6342

TWIN FALLS

ID 83301

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* MARCH 15, 1995 *

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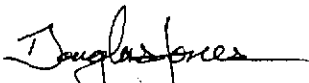
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Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
NOV 23 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-18

RIGHT NUMBER: 47-04227

NAME & ADDRESS: MARVIN L PRESCOTT
ALICE M PRESCOTT
RT 3
BOX 6342
TWIN FALLS ID 83301

N/O

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 9.00 CFS .02

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T09S R18E S32 LOT 4 (NESW)

Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER S/50 RANGE, 50 HORSES

PERIOD OF USE

01-01 12-31

QUANTITY

9.00 CFS

.02

PLACE OF USE:

STOCKWATER

Within TWIN FALLS County

T09S R18E S32 Lot 4 (NESW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

Assessor's Note II
Dms
'96 = now part of Midden Gables Estate - 38 acres

N/O = Dany + Beverly Stone
394 Jafner Dr
Kimberly ID 83341

RP 09S18E324805

Verified by *D. Smith* Date: *9-10-97*

Verification Source: *1. Jafner Dr 394 83341*



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

October 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY & BEVERLY STONE
294 FAFNER DR
KIMBERLY ID 83341

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A47-04227 & A47-10610

Dear Claimant:

We have been advised you may be the new owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by October 23, 1997.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of #A47-04227 & A47-10610 water right filing

*1-16-98
no response to
this letter
DMS*

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: A47-04227
Date Received: 10/06/1988
Receipt No: S002793
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN L. PRESCOTT 208-733-1227
Address: RT. 3
BOX 6342
TWIN FALLS, ID 83301

AND/OR

Name: ALICE M. PRESCOTT 208-733-1227
Address: RT. 3
BOX 6342
TWIN FALLS, ID 83301

2. Date of Priority: APR 01, 1946

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	18E	32	NE	SW		4	TWIN FALLS

5. Description of diverting works:
PONDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	9.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 RANGE, 50 HORSES

A47-04227

Page 1

Date: 10/06/88

MICROFILMED
MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	18E	32	NE SW	4	STOCK	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

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): Mervin A. Prescott Date: 10-6-88

Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of Oct 19 88

Lori White
Notary Public

Seal

Residing at TF

My Commission Expires 5/95



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

GOVERNOR
Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04227
MARVIN L. PRESCOTT
RT. 3
BOX 6342
TWIN FALLS

ID 83301

A47-04227
ALICE M. PRESCOTT
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BOX 6342
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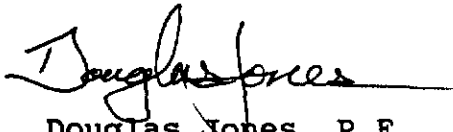
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Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas Jones", written over a horizontal line.

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

AJ5809NP
No. A47-04227

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/09/95
PAGE: 24

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN L. PRESCOTT	04/01/1946	STOCKWATER	01-01 12-31	9.00 CFS	
C	ALICE M. PRESCOTT					
	RT. 3					
	BOX 6342					
	TWIN FALLS ID 83301					
	(208) 733-1227					
				TOTAL DIVERSION:	9.00 CFS	

Water Source: SPRINGS

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R18E S32 Lot04(NESW)

TWIN FALLS County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac
09S 18E 32	:		:		:		:		:		:		:		:	

POU County: TWIN FALLS

Non-Irrigation Uses: S/50 RANGE, 50 HORSES

Other Rights: NONE

Remarks: CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

Dates: Exam Made Date: Verified Date: 03/07/1986

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

EVIDENCE OF PRIORITY

**A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT**

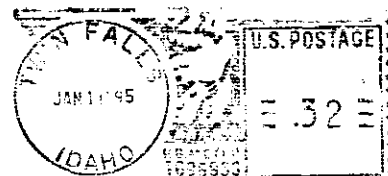


IDAHO DEPARTMENT OF WATER RESOURCES

APRIL 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301-6105

733-1227



UNDELIVERABLE - RETURN TO SENDER

☐ Insufficient address
☐ Not Twin Falls
☐ Moved, left no address
☒ Route/Box# addresses no longer valid in Twin Falls
☒ Unknown
☐ No Such Number
☐ No Mail Receptacle



JAN 13 1995

Dept of Water Resources
Twin Falls Region Office