

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: **A47-04416**
Date Received: 12/ 8/1988
Receipt No: S004339
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES MATTHEWS
Address: RT. 1
FILER ID

208-326-4874

83328

Name: MARILYN MATTHEWS
Address: RT. 1
FILER ID

83328

2. Date of Priority: MAY 25, 1938

3. Source: LATERAL #31

Trib. to: CEDAR DRAW

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	21	SE	NE			TWIN FALLS

5. Description of diverting works:
STOCK DRINK FROM LATERAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.500		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	15E	21	SE NE		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:

14. Remarks:

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): Charles Matthews Date: 3-15-95

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of Mar 19 95

Kelly L. Christensen
Notary Public

Seal

Residing at Kimberly del
My Commission Expires 3-2-98

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/27/98 11:47:47
Page 1Water Right Number - R47-04416 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - - First Name - - - + + - - - - Address - - - - - +*** C - CURRENT OWNER ***
MATTHEWS

CHARLES

1 - 2504 N 2300 E
2 -
3 -

State- ID Zip- 83328

MATTHEWS

MARILYN

City- FILER
Phone - 208-326-4874
1 - 2504 N 2300 E
2 -
3 -

State- ID Zip- 83328

City- FILER
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/25/1938 17 SOUTHERN S - STATUTORY CLAIM+ - - Source - - - - - + + - - Tributary - - - - - + + - - CEDAR DRAW - - - - - +
LATERAL #31+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

09S 15E 21 SE NE (83) TWIN FALLS

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.500

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.500 0.500 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S 15E 21 SE NE 04 STOCKWATER (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - STOCK DRINK FROM LATERAL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +

EXP STOCKWATER 60 RANGE CATTLE
PARCEL NO. RP 09S15E210000

Water right number - R47-04416

[illegible]

+ - - - - - Conditions of Approval - - - - -
 N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
 - DETERMINATION OF HISTORICAL BENEFICIAL USE.
 N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
 - GALLONS PER DAY.

| + - - - | - Decree Plaintiff | - - + | + - - - | - Decree Defendant | - - + | + - Decree Date |
|---------|--------------------|-------|---------|--------------------|-------|-----------------|
| | | | | | | 00/00/0000 |

.....+
.....-Comments-
.....No Comments Found

+ - - Audit Fields - - + 01/27/98 SEGBERT

| + ... | | Adjudication Rights Dates and Flags Area | | | |
|----------------------|--------------|--|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 01/27/1998 | Old Judicial District | - |
| Claim Received Date | - 12/08/1988 | Last Amended Date | - 03/15/1995 | Temporary Right | - P |
| | | Receipt Number | - S004339 | Water District | - |
| | | POJ Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

AJ5856NP

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

DATE: AUG-20-1997

PAGE: A-21

RIGHT NUMBER: 47-04416

NAME & ADDRESS: CHARLES MATTHEWS

MARILYN MATTHEWS

→ RT 1 2504 N 2300 E

FILER ID 83328

SOURCE: LATERAL #31

TRIBUTARY: CEDAR DRAW

QUANTITY: 0.5 CFS

PRIORITY DATE: 05/25/1938

POINT OF DIVERSION: T09S R15E S21

SENE ✓

Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER S/60 RANGE

PERIOD OF USE

01-01 12-31

QUANTITY

0.5 CFS

PLACE OF USE:

STOCKWATER

T09S R15E S21

Within TWIN FALLS County

SENE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

RP09S15E210000

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

Verification Source: Alpha Index & Plat map

March 14, 1995

Idaho Department of Water Resources

For water claim A47-04416 for stock water for use period from 61-01 to 12-31 from point of diversion T09S R15E S21.

This water originates from the Harvey Tunnel which was completed May 25, 1938 per Twin Falls Canal Company records. The water then goes into lateral # 31 which passes thru my farm located E1/2 of NE1/4 of section 21 Two 09S Range 15E.

This water has been used for stockwater on this farm since that time. The water was first used by the Hopkins family who then owned the farm. George Juker who rented the farm from Hopkins continued to use this water until I purchased this farm from the Hopkins family in January of 1981.

Since none of the Hopkins are still alive I talked to Glen and Dale Gould two of the oldest residence of that area, I learned that when they were in high school in approximately 1939 they dipped water from this lateral to water their fathers sheep and cattle. Their corrals have always been only a half mile from my farm. They also visited the Hopkins family and many times observed the Hopkins doing chores and their cattle drinking water from this source in that time frame.

When I originally filed this claim I used the date of January 1, 1953 because George Juker informed me that he knew of this water being used for stockwater from that time.

I would now like to have the date moved back to January 1, 1939 since both Glen and Dale Gould can provide clear and convincing evidence that the water has been used for that purpose since 1939.

Charles Matthews

Charles Matthews

Charles Matthews Route # 1 Filer, Idaho 83326 Phone # 208-326-4874

Glen Gould

Glen Gould Route # 4 Buhl, Idaho 83316 Phone # 208-543-6256

Dale Gould

Dale Gould Route # 4 Buhl, Idaho 83316 Phone # 208-543-4131

Individual
Acknowledgement

West One Bank, Idaho, N.A.

WEST ONE
BANK

STATE OF IDAHO,

COUNTY OF Twin Falls ss.

On this 15th day of March, in the year 1995, before me JACKIE MAKI

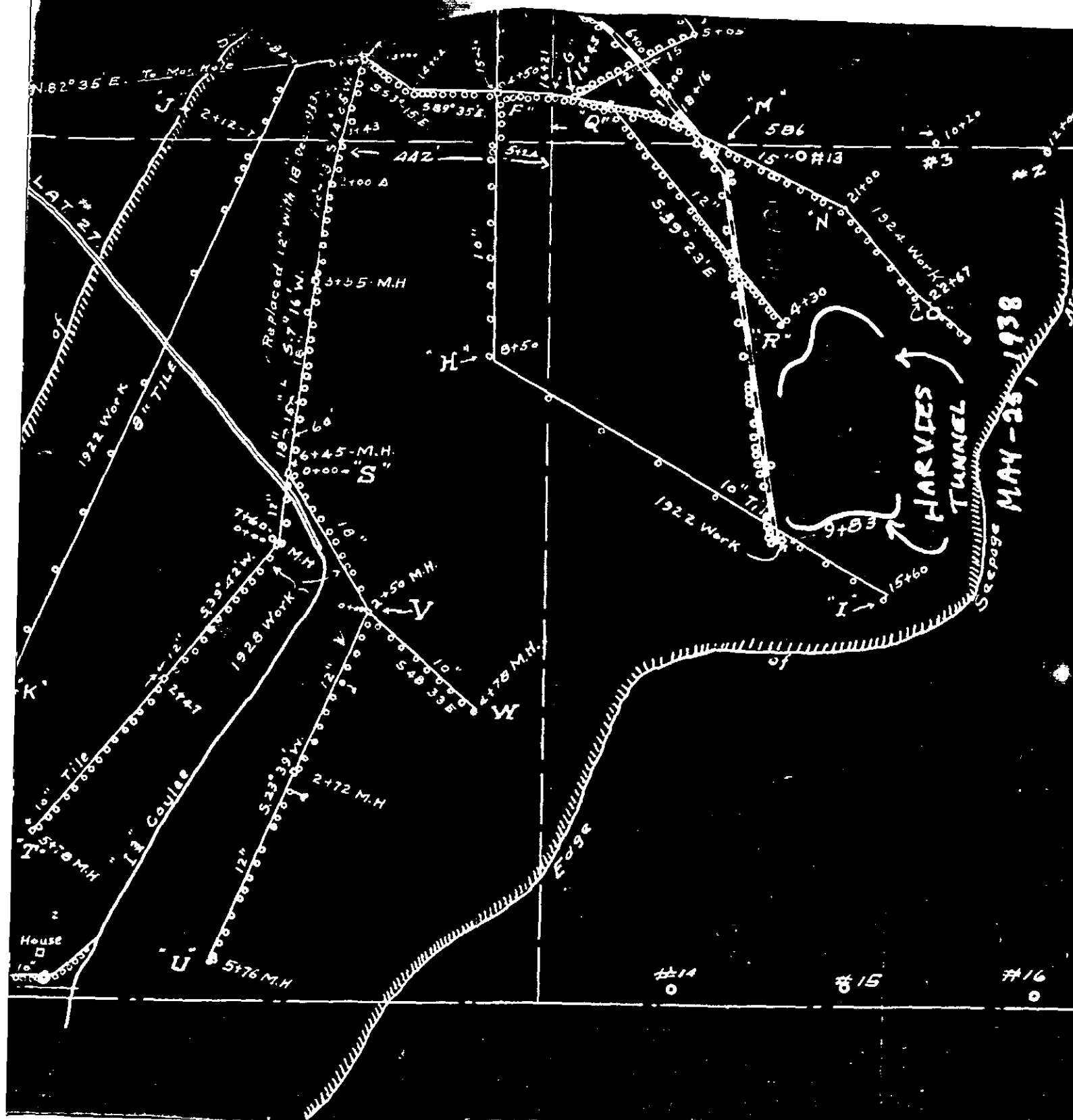
_____, a notary public in and for said State of

Idaho, personally appeared Charles Matthews, Glen Gould and Dale Gould

known or identified to me (or proved to me on the oath of _____) to be the persons

whose names subscribed to the within instrument and acknowledged to me that they executed the same.

Jackie Maki
Notary Public for Idaho
Residing at Buhl, Idaho
My commission expires 05/03/2000



W.H. HARVEY
 S²NW & SW. NE: 33-9-15
 CONTRACT # 191

| Line | Date | No. Wells | Size of Tile | | | | |
|---------------------|---------|-----------|------------------------|------|------|------|-----|
| | | | 18" | 15" | 12" | 10" | 8" |
| EKL | 1922 | 22 | | | | | 155 |
| DHI | 1922 | 29 | | | 450 | 1110 | |
| CEGO | 1924 | 88 | | 1600 | | | |
| Q-R | 1925-26 | 38 | | | 430 | | |
| CPC | 1925-26 | 30 | | 600 | 130 | | |
| X-Y | 1927 | 24 | | 574 | 219 | | |
| C-E | 1928 | | 224 | 412 | | | |
| E-S-T | 1928 | 60 | 600 | 45 | 362 | 530 | |
| S-V-W | 1928 | 20 | 250 | | | 228 | |
| V-U | 1928 | 26 | | | 576 | | |
| L to I ³ | 1924 | 12 | | | | 170 | |
| A-Z | 1933 | 26 | 948 | 176 | | | |
| C-D | 1928 | 6 | | 180 | | | |
| Spur. X-85 SE | 1926 | 21 | | | | 200 | |
| from D-F | Total | 336 | 2022 | 3587 | 2167 | 2238 | 155 |
| Total Length | | | 11564 Ft. - 2.27 Miles | | | | |

HARVEY TUNNEL
 Length - 983 Ft. Size - 4' x 6'
 No. of Wells - 39 Total depth - 2664 Ft.
 Length of Conduit - 380 Ft., Size 3' x 3 1/2'

33 T. 9 S. R. 15 E.

Scale 1" = 200'

4 E

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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 Kelly K Christensen

DATE

March 15, 1995 2:49pm

CUSTOMER

CHARLES MATTHEWS

SUBJECT: AMENDMENT ON A47-04416 AND NEW CLAIM A47-16398
phone call (.) walk-in (.)

A47-04416 was amended to move the priority date back to the date that matches the evidence of priority date submitted. He also decided to file on his domestic use.

NOV 28 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-04416

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 Kelly K Christensen

DATE

March 15, 1995 1:31pm

CUSTOMER

CHARLES MATTHEWS

SUBJECT: evidence of priority FOR A47-04416
phone call (.) walk-in (X)

He brought in evidence that supported a May 25, 1938 priority date and wanted to amend the claim. I started to change the claim but he indicated that he did not have any identification. He stated that he will get some identification and return later this date.

NOV 28 1996

AGRICULTURE
Governor PHILIP E. BATTR. KEITH HIGGINSON
Director

January 10, 1995

A47-04416

CHARLES MATTHEWS

MARILYN MATTHEWS

RT. 1

FILER

ID 83328

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

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.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

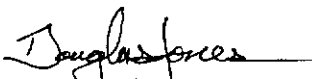
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

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.

NOV 28 1996

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: A47-04416
Date Received: 12/08/1988
Receipt No: S004339
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES MATTHEWS 208-326-4874
Address: RT. 1
FILER, ID 83328

Name: MARILYN MATTHEWS
Address: RT. 1
FILER, ID 83328

2. Date of Priority: JAN 01, 1953

3. Source: LATERAL #31 Trib. to: CEDAR DRAW

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 09S | 15E | 21 | SE | NE | | | TWIN FALLS |

5. Description of diverting works:
STOCK DRINK FROM LATERAL

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.500 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 RANGE

10. Place of Use:

| | | | | | | |
|----------|-------|---------|------------|-----|-------|-------|
| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
| 09S | 15E | 21 | SE NE | | 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:

14. Remarks:

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): Charles Matthews Date: 12-8-88
Date:

State of Idaho)
County of TE) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Dec 19 88 Lon White
Notary Public

Seal

Residing at TE
My Commission Expires 5/95