

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 47-4489
Date Received: 12/14/1988
Receipt No: S004476
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAULA HASBARGEN Phone: (208)543-6922
4365 CANYON VIEW LN
BUHL ID 83316-5260

DANIEL M HASBARGEN Phone: (208)543-6922
4365 CANYON VIEW LN
BUHL ID 83316-5260

2. Date of Priority: 04/01/1970

3. Source: SPRING Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	14E	24	SE NW	TWIN FALLS	

5. Description of diverting works:

POND, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.11	

7. Total Quantity Appropriated is:
0.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	24	SE	NW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

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:

USGS MAP SHOWS NAMED STREAM NEAREST TO SPRING IS MUD CR.

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

DAN HASBARGEN
PAULA HASBARGEN
4365 CANYON VIEW LN
BUHL ID 83316-5260

Re: SRBA Claim(s) 47-4489, 47-4490

Dear Mr. and Mrs. Hasbargen:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
JAN 07 2003
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
✓ <u>N/C</u>	<u>47-4490</u>	—	_____	_____	—
<u>N/C</u>	<u>47-4489</u>	—	_____	_____	—
<u>25th fee</u>	<u>47-12251</u>	—	_____	_____	—
_____	_____	—	_____	_____	—
_____	_____	—	_____	_____	—

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. ✓ Name and Address of Former Owner/Claimant(s)

Roxanne Winter
124 Rainbow Dr. Jerome, Id 83338

4. ✓ New Owner/Claimant(s)

Dan and Paula Hasbargen

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

4365 Canyonview Ln.

City, State and ZIP Code

Buhl, Idaho 83316-5260

New Telephone Number

208 543-6922

5. ✓ Date you acquired the property

July 26 2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Paula Hasbarger

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

For Office Use Only

Received by *[Signature]* Date 1/6/03 Fee 25⁰⁰
 Receipted by *[Signature]* Date 1/6/03 Receipt No. 5023470
 Processed by *[Signature]* AJ Date 2/28/03 WR _____ Date _____

Twin Falls County, Idaho

Case No. 47312SM

Recorded for:
TITLEFACT

03:13pm Jul 26, 2002

2002 - 014961

No. of Pages: 2 Fee: \$5.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CD

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

RECEIVED
JAN 07 2003
Department of Water Resources
Southern Region

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED ROXANNE M. WINTER, a single woman, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto DANIEL M. HASBARGEN and PAULA HASBARGEN, husband and wife, hereinafter called Grantee, whose address is: 4365 Canyon View Lane, Buhl, Idaho 83316, the following described premises in Twin Falls County, Idaho; to-wit:

PARCEL NO. 1

Township 9 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 24: S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPT

W $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

AND EXCEPT the East 40 feet thereof

PARCEL NO. 2

Roadway easement described as follows:

A strip of land over and across a portion of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 9 South, Range 14 E., B.M., Twin Falls County, Idaho, and being more particularly described as follows:

A thirty (30) foot wide strip of land along the Northerly boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 24; BEGINNING at the Easterly right-of-way line of a county road;

THENCE North 89°44'56" East 284.23 feet to the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$.

AND a fifteen-foot wide strip of land along the Northerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 24; BEGINNING at the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 24;

THENCE North 89°44'56" East 30.00 feet to the POINT OF ENDING.

AND a twenty-five-foot wide strip of land along the Southerly portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 24, being 12.5 feet either side of the following described centerline;

COMMENCING at the Southwesterly corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 24;

THENCE North 00°10'38" West 12.50 feet along the Westerly boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the POINT OF BEGINNING;

THENCE North 89°44'56" East 326.95 feet to a point on the Easterly boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24;

THENCE North 89°44'56" East 467.93 feet;

THENCE North 29°38'46" East 53.09 feet;

THENCE North 50°36'28" East 50.93 feet;

THENCE North 86°08'11" East 25.87 feet;

THENCE South 64°07'26" East 26.78 feet;

THENCE South 38°56'49" East 23.62 feet;

THENCE South 28°00'45" East 21.23 feet;

THENCE South 32°26'28" East 22.28 feet;

THENCE South 44°57'23" East 16.79 feet;

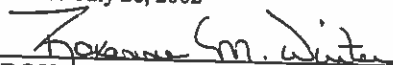
THENCE North 89°44'56" East 21.81 feet to a point on the Westerly boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 24;

THENCE North 89°44'56" East 326.98 feet to a point on the Easterly boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 24 to the POINT OF ENDING.

SUBJECT TO: Declaration of Restrictions recorded July 2, 1984, as Instrument No. 863760, records of Twin Falls County, Idaho, and amended by Amendment recorded June 11, 1985, as Instrument No. 882431, records of Twin Falls County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's 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 encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 26, 2002


ROXANNE M. WINTER

RECEIVED
JAN 07 2003
Department of Water Resources
Southern Region

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 26th day of July, 2002, before me, a Notary Public in and for said State, personally appeared **ROXANNE M. WINTER, a single woman**, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2002

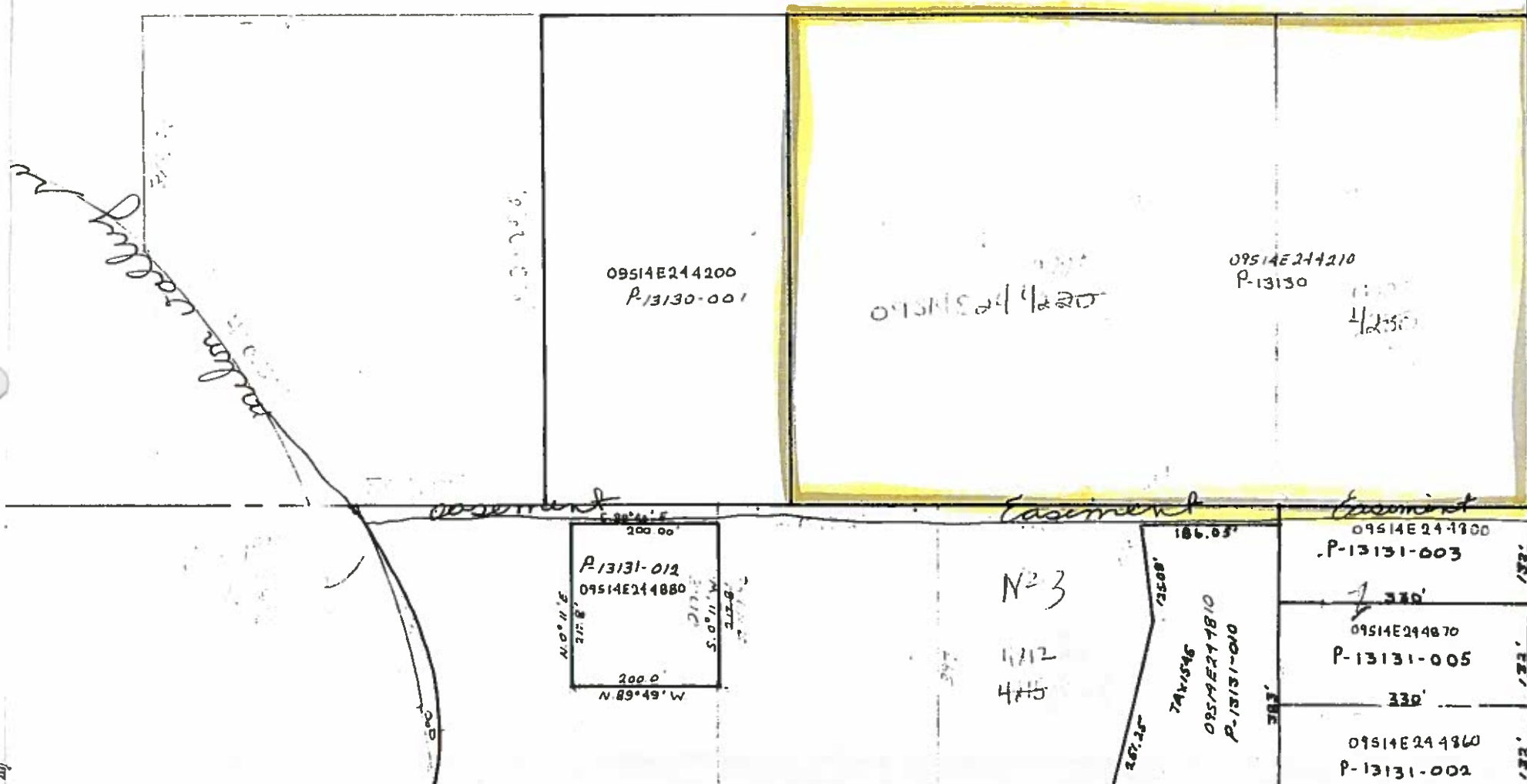


RECEIVED
 JAN 07 2003
 Department of Water Resources
 Southern Region

09514E243600
 P-13129

TITLE FACT, INC.

While this is a photographic reproduction of the Twin Falls County map of the subject area, TITLEFACT, INC., assumes no liability for variations, if any, with a survey.



10/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-4489

NAME AND ADDRESS: DANIEL M HASBARGEN
4365 CANYON VIEW LN
BUHL ID 83316-5260

PAULA HASBARGEN
4365 CANYON VIEW LN
BUHL ID 83316-5260

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.100 CFS

Right Nos. 47-4489 and 47-4490 are limited to a total combined diversion rate of 0.1 cfs.

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T09S R14E S24 SENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T09S R14E S24 SENW 5.00

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5 acres in a single irrigation season. Combined Right Nos.: 47-4489 and 47-4490.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-4489

NAME AND ADDRESS: DANIEL M HASBARGEN
4365 CANYON VIEW LN
BUHL ID 83316-5260

PAULA HASBARGEN
4365 CANYON VIEW LN
BUHL ID 83316-5260

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.100 CFS

Right Nos. 47-4489 and 47-4490 are limited to a total combined diversion rate of 0.1 cfs.

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T09S R14E S24 SENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T09S R14E S24 SENW 5.00

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5 acres in a single irrigation season. Combined Right Nos.: 47-4489 and 47-4490.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



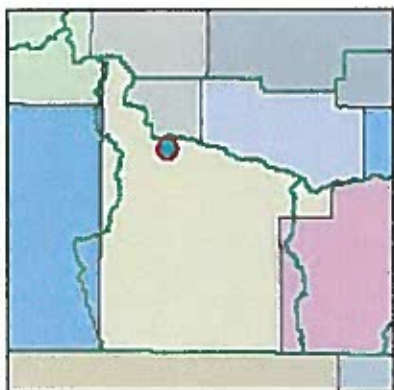
Idaho Department of Water Resources

SRBA Recommendation:

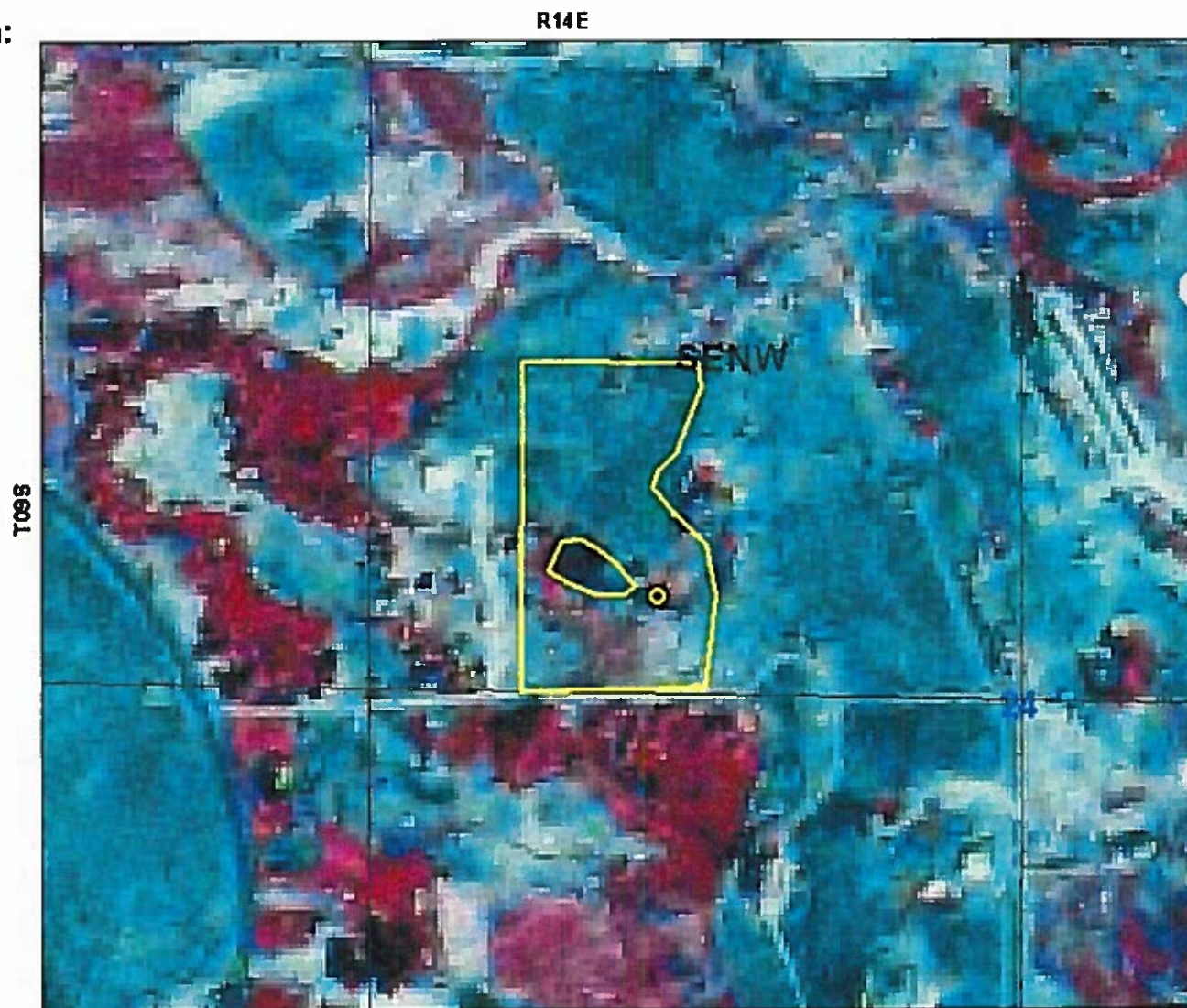
47-4489

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Twin Falls County
IDWR Basin 47



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.

Prepared by N. Erickson
On Wednesday, September 27, 2006
1987/88 Aerial Photography

The date of April 01, 1970
on claim 47-4489 and Jun 01, 1958
for claim 47-4490 are valid dates.

The water is being used and
has been used as of those
dates.

543-5794

X Dennis Palmer

DENNIS PALMER

RECEIVED

SEP 27 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 20, 2006

Daniel M. Hasbargen or Paula Hasbargen
4365 Canyon View Lane
Buhl, Id 83316

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS: 47-4489 and 47-4490

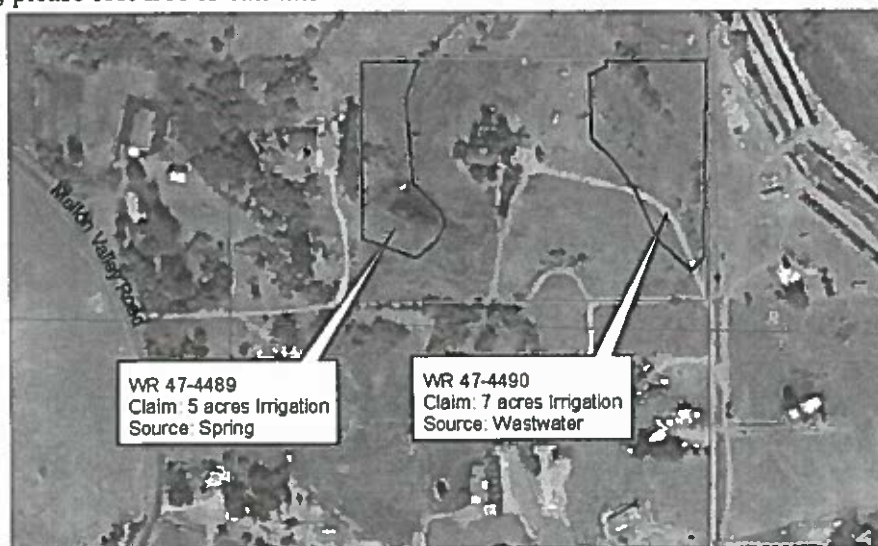
Dear Mr. and Mrs. Hasbargen:

The Idaho Department of Water Resources (IDWR) is presently investigating water right claims in Twin Falls County in preparation for submittal of Director's Report recommendations to the SRBA Court this Fall. We are in the process of evaluating beneficial use SRBA claims 47-4489 and 47-4490.

Upon initial review of these claims it has come to our attention that no evidence of priority has been submitted supporting the claimed date of Apr 01, 1970 for 47-4489 and Jun 01, 1958 for 47-4490. Without sufficient evidence of priority, these claims will be recommended as **disallowed**. I have included a pamphlet that outlines acceptable evidence of priority documentation. If no response is received by **September 27, 2006** the water right will be recommended as **disallowed**. If you have any questions, please feel free to call this office.

Sincerely,

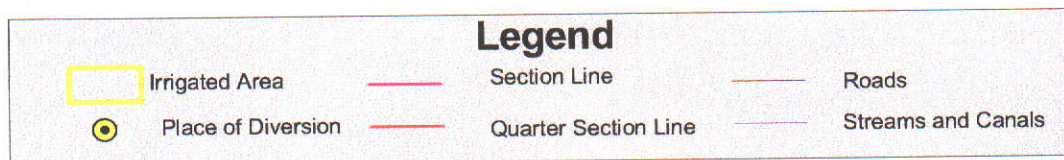
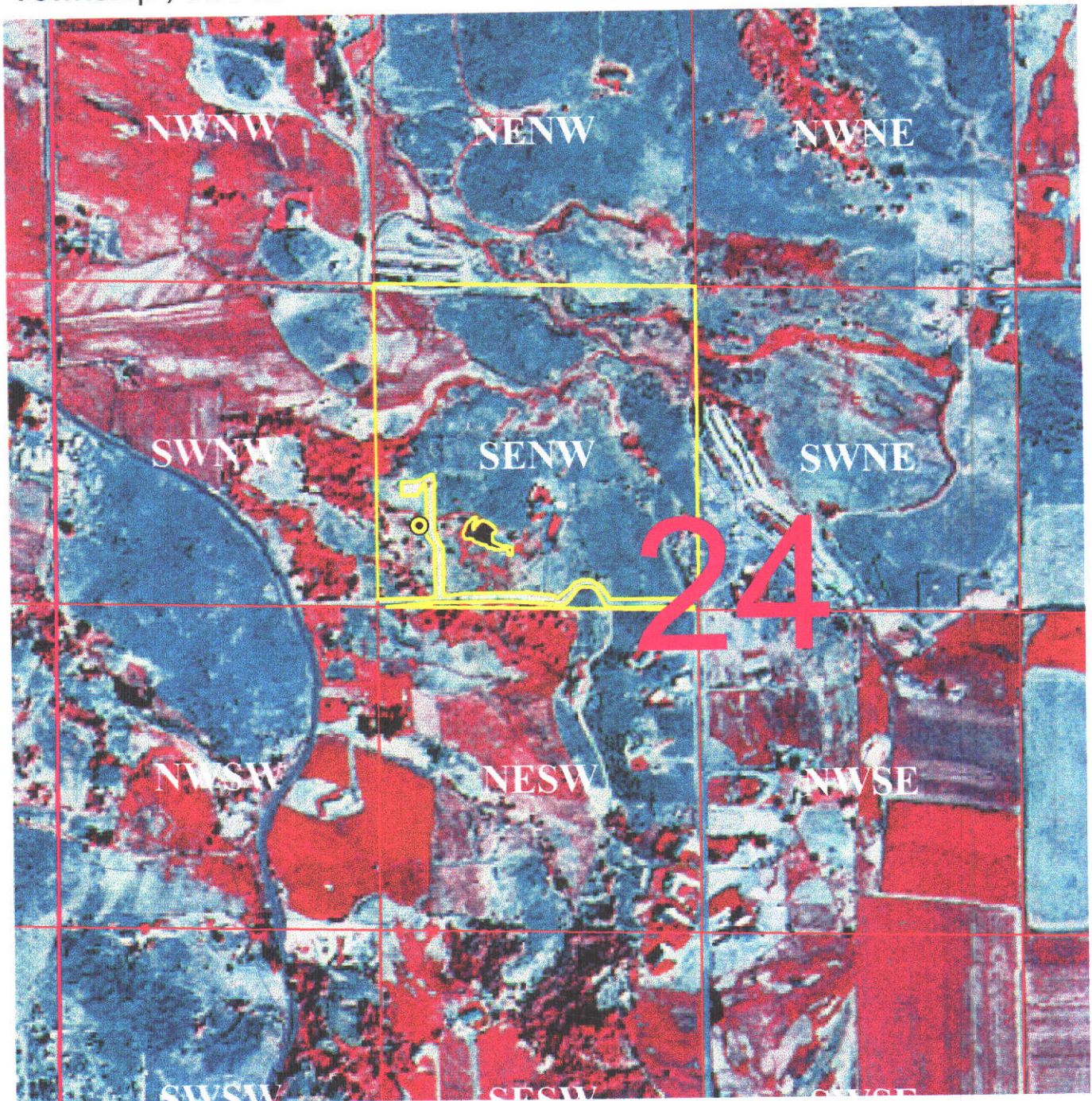
Nathan Erickson
Sr. Water Resource
Agent
Idaho Department of
Water Resources



2004 imagery of claimed POU for 47-4489 and 47-4490

Water Right Claim Number 47-04489
Township , 9S14E

02/26/2001



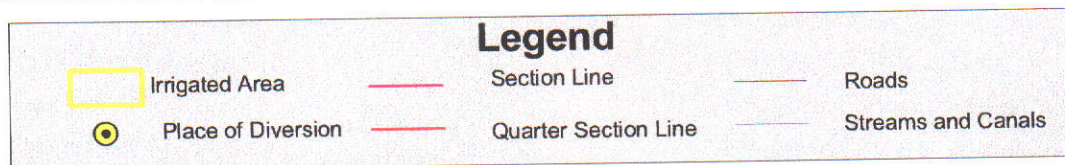
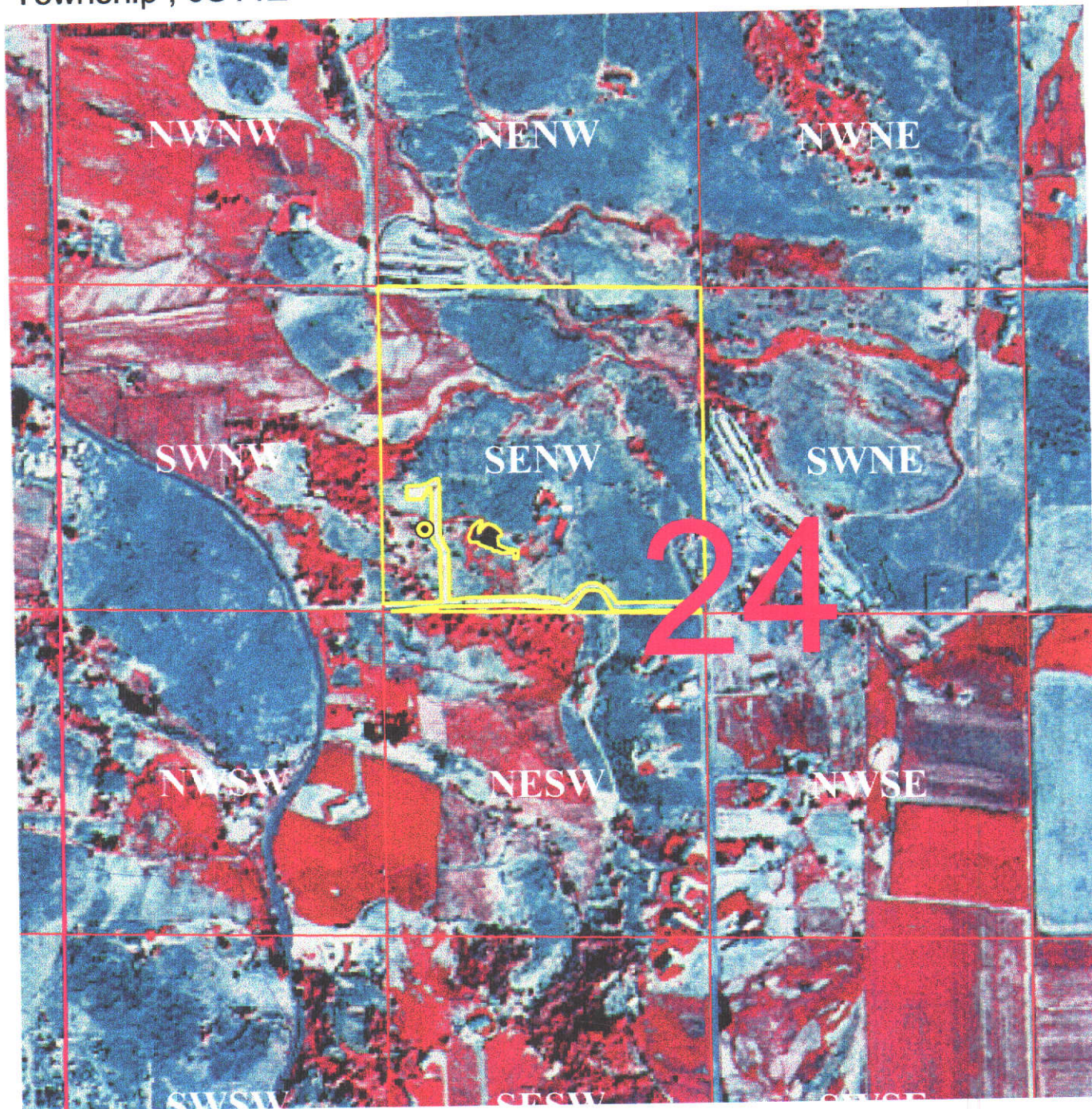
400 0 400 800 Feet



 SPATIAL
DYNAMICS

Water Right Claim Number 47-04489
Township , 9S14E

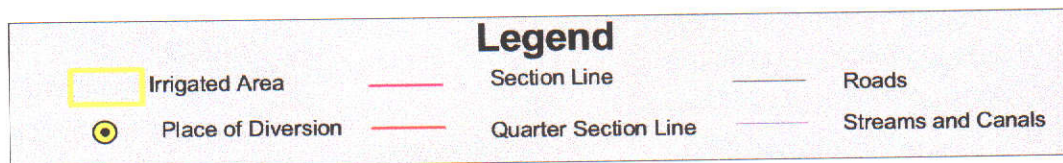
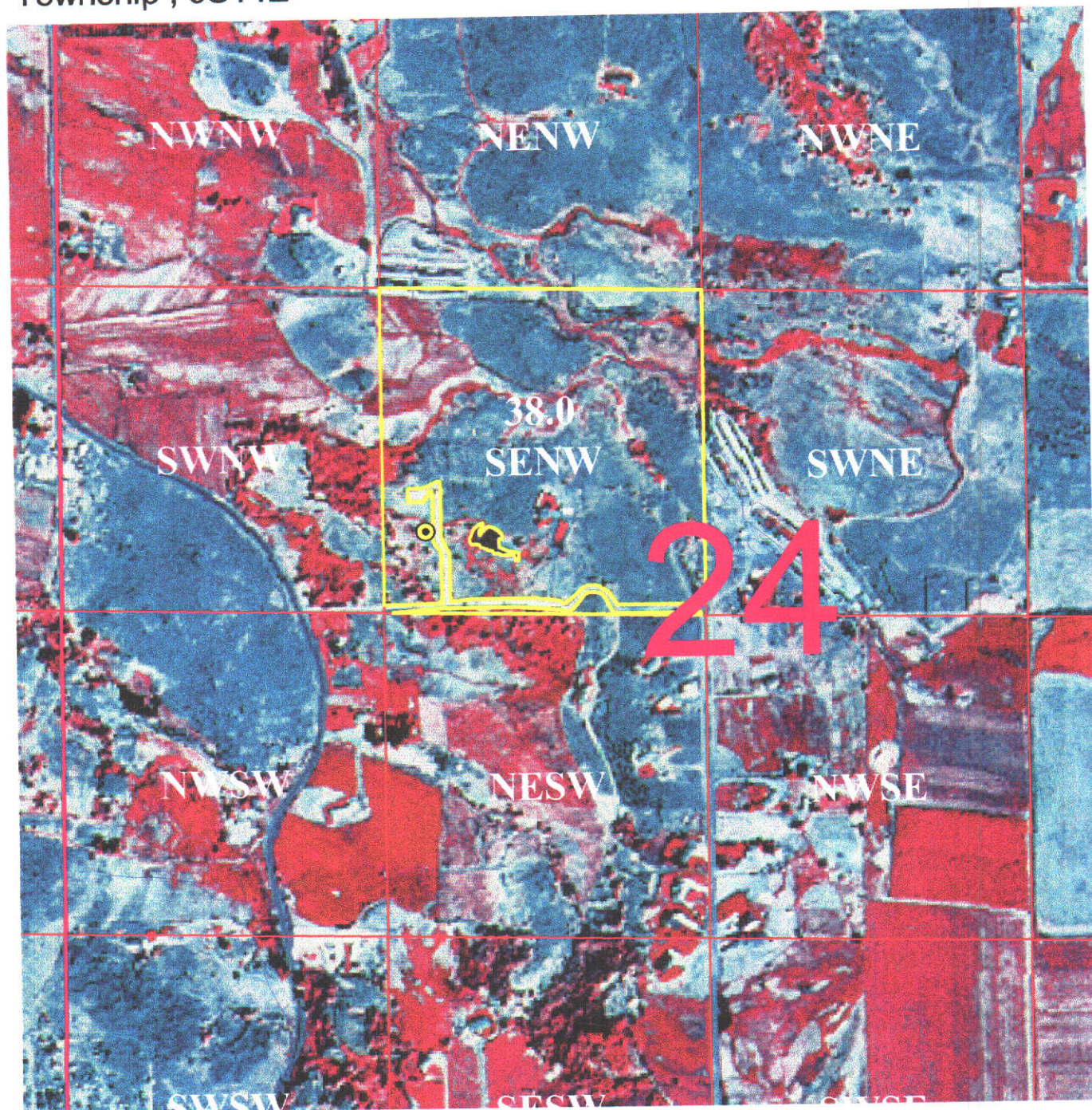
02/26/2001



 SPATIAL
DYNAMICS

Water Right Claim Number 47-04489
Township , 9S14E

02/26/2001



400 0 400 800 Feet



SPATIAL
DYNAMICS

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: A47-04489
Date Received: 12/14/1988
Receipt No: S004476
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROXANNE MILLER 208-543-6661
Address: P.O. BOX
BUHL, ID 83316
2. Date of Priority: APR 01, 1970
3. Source: SPRING Trib. to: MUD CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 14E | 24 | SE | | NW | | TWIN FALLS |
5. Description of diverting works:
POND, PUMP, SPRINKLERS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.110 | | |
7. Total Quantity Appropriated is:
0.110 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 15.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	24	SE	NW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

A47-04489

Page 1

Date: 12/14/88

MICROFILMED

MAR 11 1993

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:

A47-04490

14. Remarks:

USGS MAP SHOWS NAMED STREAM NEAREST TO SPRING IS MUD CR.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Roxanne Miller Date: 12-14-88
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of December 19 88 Steve Collier
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04489
ROXANNE MILLER
P.O. BOX
BUHL

ID 83316

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.

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.

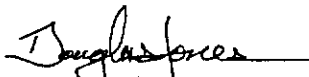
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

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.

She came in to discuss the possible purchase of some lands and wanted to know the story for the water rights as listed above. I told her of the ongoing SRBA and the rights were claims to a water right and will not be validated until the exams are done and the decree issued. We reviewed the maps of the area and it does appear the acres may be closer to the 7 acres than the 12 acres of the two rights. Suggested she contact the TFCC to see if the wastewater right is infringing on their system.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GOVERNOR PHILIP E. BATT
Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04489
ROXANNE MILLER
P.O. BOX
BUHL

ID 83316

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.

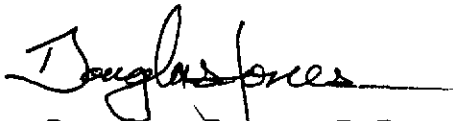
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in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

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

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

AJ5809NP
No. A47-04489

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/10/95
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROXANNE MILLER P.O. BOX BUHL ID 83316 (208) 543-6661	04/01/1970	IRRIGATION	04-01 11-01	0.11 CFS	
TOTAL DIVERSION:					0.11 CFS	
CONSUMPTIVE USE:						15.00 AFA

Water Source: SPRING

Tributary to: MUD CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R14E S24 SENW

TWIN FALLS 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	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
09S	14E 24	:								:						:				:				:	5.0
TOTAL ACRES																							5.0		

POU County: TWIN FALLS

Other Rights: A47-04490

Remarks: USGS MAP SHOWS NAMED STREAM NEAREST TO SPRING IS MUD CR.

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

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

EVIDENCE OF PRIORITY

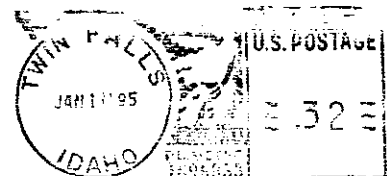
**A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT**



IDAHO DEPARTMENT OF WATER RESOURCES

APRIL 1991

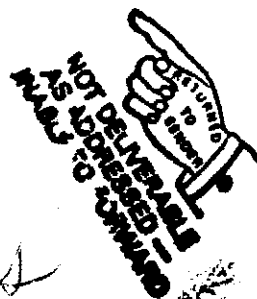
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301-6105



NOV 28 1996

Call

Not at
this
address



JAN 13 1995

JAN 13 1995

Dept of Water Resources
Twin Falls Region Office

Log for claim 47-04489

Spatial Dynamics BTD

2/26/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	24	SENW	5	38	POD placement? / Indiscernible
Totals:			5	38	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-04489
Township , 9S14E

02/26/2001



Legend

- | | | |
|----------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| ⊙ Place of Diversion | Quarter Section Line | Streams and Canals |



400 0 400 800 Feet

SEATTLE
DYNAMICS

Water Right Claim Number 47-04489
Township , 9S14E

02/26/2001



Legend

- | | | |
|--|--|--|
|  Irrigated Area |  Section Line |  Roads |
|  Place of Diversion |  Quarter Section Line |  Streams and Canals |



400 0 400 800 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-04489
Township , 9S14E

02/26/2001



Legend

Irrigated Area

Section Line

Roads

⊙ Place of Diversion

Quarter Section Line

Streams and Canals



400 0 400 800 Feet

SPATIAL
DYNAMICS

AJ5809NP
No. A47-04489

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 153

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROXANNE MILLER PO BOX BUHL ID 83316 (208) 543-6661	04/01/1970	IRRIGATION	04-01 11-01	0.110 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.110 CFS	15.00 AFA

Water Source: SPRING

Tributary to: MUD CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R14E S24 SENW

TWIN FALLS 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
09S	14E	24	:																	5.0
TOTAL ACRES																				5.0

POU County: TWIN FALLS

Other Rights: A47-04490

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
47-12251 47-13009 A47-04029A A47-04490 A47-12251 A47-13008 A47-13009 A47-14983

Other Water Rights Listing Overlapping Place(s) of Use:
A47-04490 A47-14983

Remarks: GEN USGS MAP SHOWS NAMED STREAM NEAREST TO SPRING IS MUD CR.

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

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

Audit: 12/14/88 CLELLAND 03/30/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that **Larry O. Smith**

(Name of Claimant)

Route #3 Box 196, Buhl, ID 83316
(Mailing Address)

(Zip Code)

Telephone No. 543-4472

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1970

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Unnamed Stream

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)	To	To
0.11 cfs		Irrigation		Apr 1		Nov 1	
		Use					
		Use					
		Use					
		Use					

- (4) 0.11 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NW 1/4, Sec. 24 Twp. 9S Rge. 14E B.M., County of Twin Falls

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pond, 2 hp pump to 45 Rainbird sprinklers (15 run at one time).

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	14E	24							5										5

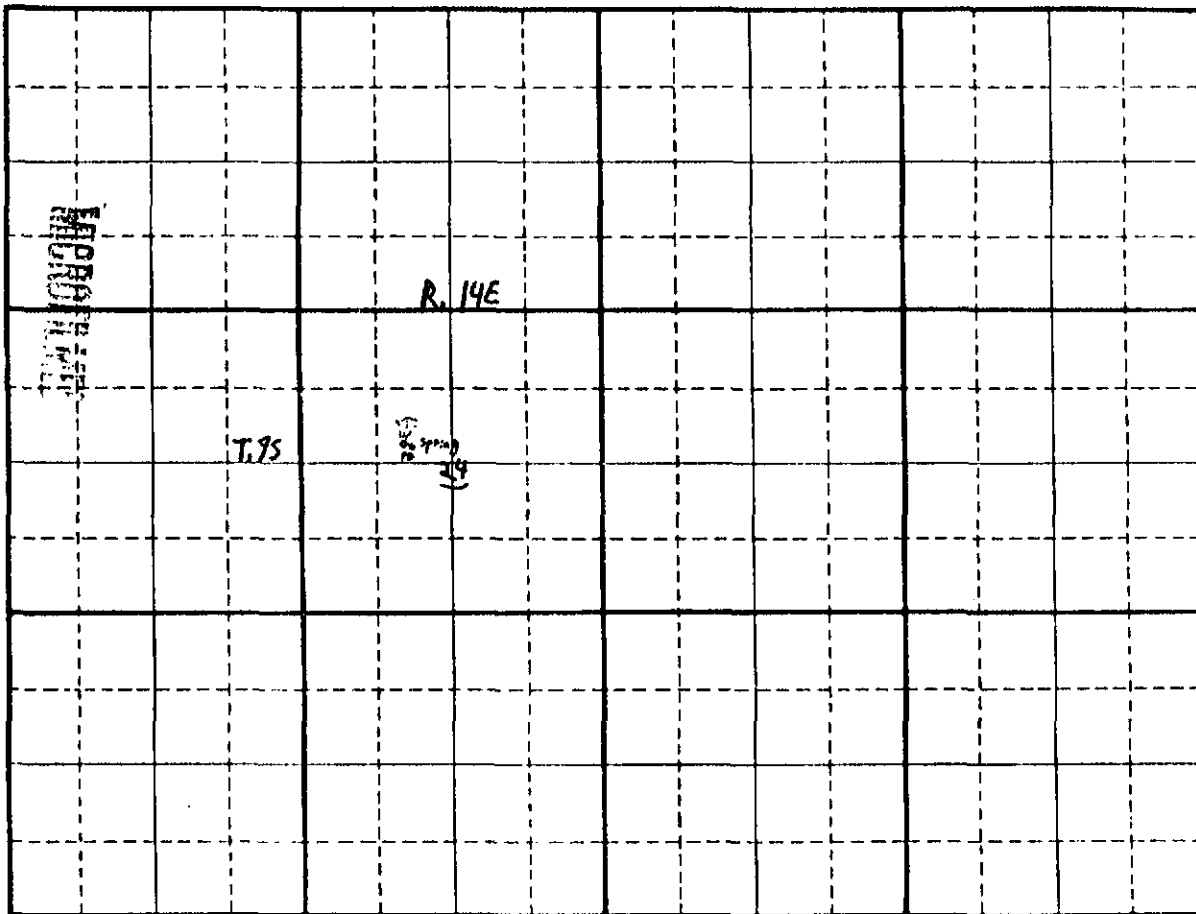
No. of acres 5

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of Twin Falls

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 1st day of November

19 83

Larry O. Smith
(Claimant)

Loren O. Hulse
Notary Public

Residing at

Twin Falls, ID

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by J. E. Stanton

Date 11-1-83

Exception filed by:

Forwarded to

Date

Prelim. check by T. C. Blum

Date 11-9-83

claimant by:

\$100, \$30.00 fee received by JA

Date 11-1-83 43721

Published in Times News

Dates 11/24 & 11/1/83