



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 11, 2002

Dear Claimant(s):

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right(s) might not be correct and that October 10, 1878, might be the appropriate priority date for your claim(s). In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim(s) would need to be amended. Therefore, I have enclosed for your review and signature an amended claim form. If you would like to amend your claim(s) to reflect the earlier priority date please initial the change on the amended claim form and have your signature notarized; then, return the signed amended claim in the enclosed self-addressed envelope.

The Department intends to issue its preliminary Director's Report for your water right(s) in January, 2003. If we do not receive the signed, notarized amended claim form from you prior to January 10, 2003, the Department will recommend your water right(s) with the priority date no earlier than the priority date that you have currently claimed.

If you have any questions concerning this matter, you can contact me at (208) 327-5404 or Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

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 29-328A
Date Received: 2/26/1990
Receipt No: E012149
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY ID USA 83234

Phone: (208)897-5718

DONNA B WILLIAMS
26132 S DOWNATA RD
DOWNEY ID USA 83234

Phone: (208)897-5718

2. Date of Priority: ~~06/09/1904~~ 10/10/1878

3. Source: BIRCH CREEK , ROWLEY CREEK Trib. to: MARSH CREEK , BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	23	SE NE	BANNOCK	
12S	36E	10	NE SE	BANNOCK	

5. Description of diverting works:

HEADGATES TO DITCHES TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.66	

7. Total Quantity Appropriated is:
2.66 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
12S	36E	12	SE	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	25
			SW	NW	IRRIGATION	28
					Section Acres	133
					Total Acres	133

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:

14. Remarks:

THIS CLAIM IS A PORTION OF DECREED WATER RIGHT 29-00328.
 ORIGINAL DECEED WATER RIGHT LISTED DIVERSION RATE AS "1/6 OF THE FLOW" OF BIRCH CREEK. NO ACTUAL DIVERSION RATE WAS RECORDED.
 CLAIMANTS' DEED INDICATES THAT THEIR PORTION IS "1/4 OF 1/6 OF THE WATERS OF BIRCH CREEK FLOWING TOWARD MARSH VALLEY, AND 1/4 OF THE WATERS OF ROWLEY CANYON." (SEE ATTACHED COPY OF ADDENDUM.) FLOW HAS BEEN CALCULATED AS 0.02 CFS (OR 1 MINER'S INCH) PER ACRE. PRIORITY TAKEN FROM DECREE DATE.

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____