

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 63-4125
Date Received: 8/25/1989
Receipt No: C010320
Received By:

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

1. Name of Claimant(s)

RANDY STILLMAN
2040 HILL RD
EAGLE ID USA 83616

Phone: (208) 938-4148

JAMI STILLMAN
2040 HILL RD
EAGLE ID USA 83616

Phone: (208) 938-4148

2. Date of Priority: 05/20/1937

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	10	NW SW	ADA	

5. Description of diverting works:

CONCRETE HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.2	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.2 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
04N	01E	10	NE	SW	IRRIGATION	0.5
			NW	SW	IRRIGATION	1.5
					Section Acres	2
					Total Acres	2

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 7/6/04

15. Basis of Claim: Statutory Claim

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

RECEIVED

OCT 21 2003

WATER RESOURCES
WESTERN REGION

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

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
1034125					

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)

Richard H. Martin
 2040 Hill Rd Eagle, Id.

4. New Owner/Claimant(s)

Randy + Jami Stillman

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

New Mailing Address

2040 Hill Rd

City, State and ZIP Code

Eagle, Id. 836116

New Telephone Number

208 938-4148

5. Date you acquired the property

January 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 <u>63-4125</u>		
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	<u>.200 CFS</u>	<u>2</u>
Stock	<u>.030 CFS</u>	
Domestic		
Other		
Total	<u>.200 CFS</u>	

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) *Johni Stillman*
(include title if applicable)

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 DH Date 10-21-03 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



**First American Title Company
of Idaho, Inc**

7311 Potomac Drive • Boise, ID 83704

Borrower's Settlement Statement

Property: 2040 West Hill Road, Eagle, ID 83616

File No: 4101-141265

Officer: Susan Packwood/SP

New Loan No: 0042480962

Settlement Date: 03/31/2003

Disbursement Date: 04/04/2003

Print Date: 3/31/2003, 10:28 AM

Borrower Randy E Stillman

Address: 2040 West Hill Road, Eagle, ID 83616

Seller:

Address:

Charge Description	Borrower Charge	Borrower Credit
New Loan(s):		
Lender: First Horizon Home Loan Corporation		
1st New Loan to File to First Horizon Home Loan Corporation		157,500.00
Interest on New Loan 04/04/03 to 05/01/03 @\$25.703000/day to First Horizon Home Loan	693.98	
Loan Origination Fee 1.0000% to First Horizon Home Loan Corporation	1,575.00	
Administration Fee to First Horizon Home Loan Corporation	250.00	
Flood Determination Fee to Federal Flood Certification	24.00	
Credit Report to Total Credit Service	78.00	
Tax Service Contract to Total Mortgage Solution	90.00	
Aggregate Accounting Adjustment to First Horizon Home Loan Corporation	-81.62	
Hazard Insurance 5 mo(s) @\$33.58/mo to First Horizon Home Loan Corporation	167.90	
County Property Taxes 6 mo(s) @\$81.66/mo to First Horizon Home Loan Corporation	489.96	
Payoff Loan(s):		
Lender: Wells Fargo Home Loans		
Payoff Amount: to Wells Fargo Home Loans	107,873.42	
Lender: Wells Fargo		
Payoff Amount to Wells Fargo	13,540.98	
Interest on Payoff Loan 03/27/03 to 04/09/03 @\$2.210000/day to Wells Fargo	30.94	
Title/Escrow Charges to:		
Record Quitclaim Deed to First American Title Company of Idaho, Inc	6.00	
Federal Express Fee(s) to First American Title Company of Idaho, Inc	20.00	
Endorsement(s) 100, 116 & 8.1 to First American Title Company of Idaho, Inc	50.00	
Record First Deed of Trust to First American Title Company of Idaho, Inc	60.00	
Reconveyance to First American Title Company of Idaho, Inc	126.00	
Escrow Fee w/119.00 credit to First American Title Company of Idaho, Inc	400.00	
Extended Lender's Policy W/314.50 Credit to First American Title Company of Idaho, Inc	818.20	
Cash (From) (X To) Borrower	31,287.24	
	157,500.00	157,500.00

October 24, 2003

Attn: Kimberly Brown
From: Jami & Randy Stillman
Re: Water Rights # 63-4125
1 of 2 pages faxed

Kimberly,

I hope this document will suffice. Please call me at 938-4148 if I need to fax something else.

Thank You,

Jami Stillman

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: A63-04125
Date Received: 8/25/1989
Receipt No: C010320
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD H. MARTIN 208-939-6636
Address: 2040 HILL ROAD
EAGLE, ID 83616

OR

Name: BONNIE E. MARTIN 208-939-6636
Address: 2040 HILL ROAD
EAGLE, ID 83616

2. Date of Priority: MAY 20, 1937

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	10	SW	NW	SW		ADA

5. Description of diverting works:
CONCRETE HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/VARIABLE AMT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	10	NE	SW		IRR	0.5
			NW	SW		IRR	1.5
						Section Acres	2.0
						Total Acres	2.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
DRY CREEK DITCH CO.

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: ~~0~~ -1-

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): Bonnie E. Martin Date: 8-25-89
Richard H. Martin Date: 8-25-89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of August 19 89

Carter Fritschle
Notary Public

Seal

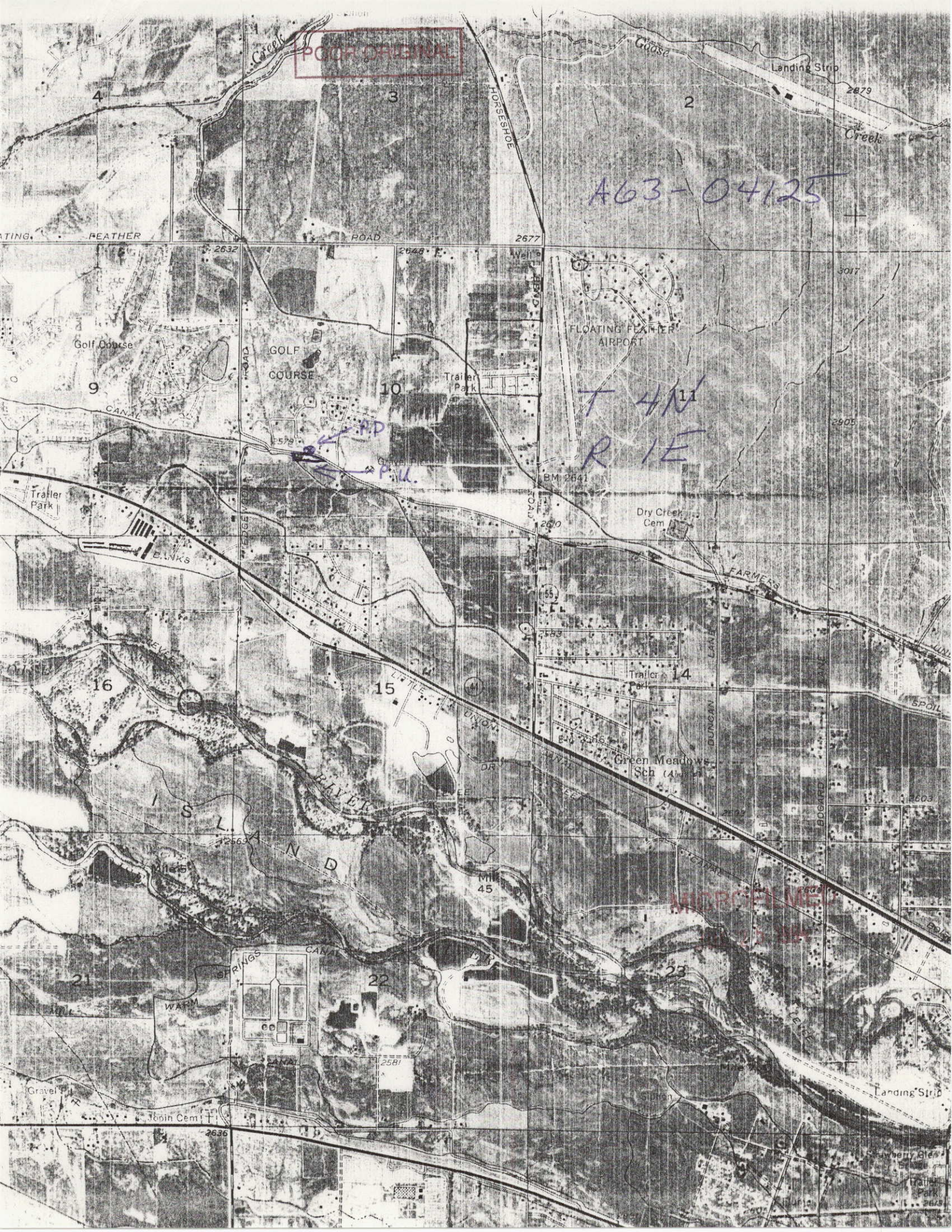
Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

MICROFILMED

JUL 25 1994



1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 6, 2004

RANDY STILLMAN
JAMI STILLMAN
2040 HILL RD
EAGLE ID 83616

Re: Notice of Claim to a Water Right No. 63-4125

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

06/30/2004

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

RIGHT NUMBER: 63-4125

NAME AND ADDRESS: BONNIE E MARTIN
2040 HILL RD
EAGLE ID 83616

RICHARD H MARTIN
2040 HILL RD
EAGLE ID 83616

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 0.050 CFS
4.500 AFY

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/20/1937

POINT OF DIVERSION:

T04N R01E S10 NWSW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.030 CFS 4.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S10 NESW 0.5 T04N R01E S10 NWSW 0.5

STOCKWATER same as IRRIGATION

1 ACRES TOTAL

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.

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO: S0510325700.

Use of this right is combined with water from New Dry Creek Ditch Co.

Stockwater use is for a variable amount of sheep, range cattle, and horses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4125 V1

WATER RIGHT NUMBER: 63-4125 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNIE E MARTIN 2040 HILL RD EAGLE, ID 83616 (208)939-6636
Current Owner	RICHARD H MARTIN 2040 HILL RD EAGLE, ID 83616 (208)939-6636

Priority Date: 05/20/1937

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.030 CFS	4.50 AF
	<u>Total Diversion:</u>	0.050 CFS	4.50 AF

Location of Point(s) of Diversion

WASTE WATER	NW1/4SW1/4	Sec. 10, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	10									.5	.5							1.0

Total Acres: 1

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 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.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. W52 Use of this right is combined with water from New Dry Creek Ditch Co.
5. X02 Stockwater use is for a variable amount of sheep, range cattle, and horses.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4125 V1

Remarks:

1. Explanatory PARCEL NO: S0510325700.

Comments:

1. kbrown 6/30/2004 Reduction of Irrigated Acres

Comment: The Martins/Stillmans have a decreed water right (#63-22678) for D & S purposes for 0.04 cfs; which covers internal and external domestic use up to 1/2 acre of lawn and garden irrigation. Since the Martins/Stillmans own a total of 1.55 acres, I am subtracting the 1/2 acre of lawn and garden covered by #63-22678; plus the house, driveway, etc. and recommending 1 acre of pasture irrigation.

Idaho Department of Water Resources

Resources



T04N, R01E,
S10

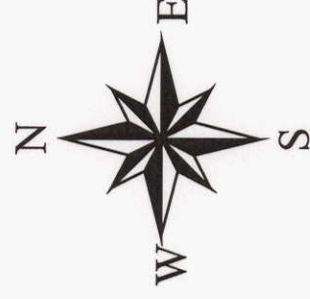
Claim No: 63-04125

Prepared By: Kimberly Brown

Date: June 30, 2004

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4

Acres Irrigated = 1.0



1987 NAPP



Ada County Assessor Land Records/GIS

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Property Details for Parcel S0510325700

General Information

Property Acres: 1.550
Zone Code: R-3
Primary Code Area: 05-25 [Tax Districts](#)
Group Type: SECT
Subdivision: 4N 1E 10
Section: 4N1E10

Property Description

PAR #5700 OF SW4
 SEC 10 4N 1E

Property Address

2040 W HILL RD
 EAGLE, ID 83616



[Click to View Interactive M](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	1.550	\$71,500	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$82,300	COST

Assessed Value: \$153,800

Parcel Valuation History

Assessed value for year 2004	\$153,800
Assessed value for year 2003	\$144,900
Assessed value for year 2002	\$122,400
Assessed value for year 2001	\$119,600
Assessed value for year 2000	\$119,600

Property Characteristics

[Residential](#)
[Land](#)

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Characteristics Detail
[Go Back to Property](#)
Residential**Land****Residential Characteristics 1 for Parcel "S0510325700"**

Occupancy Date:	No Date Available
Year Built:	1980
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	3
Number Bathrooms:	1.5
Number of Fireplaces:	1
Air Conditioning:	Y
Car Storage Sq Ft #1:	870
Car Storage Sq Ft #2:	320
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	200
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	1400
Main Floor Sq Ft:	1400
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Characteristics Detail

[Go Back to Property](#)**Residential****Land****Land Characteristics 1 for Parcel "S0510325700"**

Residential Acres:	1.550
Commercial Acres:	0.000
Other Acres:	0.000
MLS Area:	900 - Eagle
Street:	Gravel/Dirt
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C010320	52.00	63	4125		Claim

RECEIVED

OCT 21 2003

WATER RESOURCES
WESTERN REGION

October 2, 2003

David Beggrow
2062 Hill Road
Eagle, ID 83616

IDWR Western Region
Attn: Kimberly Brown
2735 Airport Way
Boise, ID 83705

To Whom It May Concern;

In regards to water rights number 63-4125, NW 1/4 of SW 1/4 Section 10 Township 4 N Range 1E B.M. tributary to New Dry Creek Canal at the address of 2040 Hill Road, Eagle, Idaho, current owners Randy & Jami Stillman.

For approximately the last 20 years I have personally witnessed the waste water in question being used for the purpose of irrigation and stock water. In the past I have had conversations with the previous owner of this property, Richard Martin, and he has stated that he had used this same water for the purpose of irrigation and stock water since 1937.

If you should need to contact me for any further information I may have regarding the issue of Evidence Of Priority for Randy & Jami Stillman and the use of this water, please contact me at 939-7251.

Sincerely,



David Beggrow

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-4125

September 25, 2003

Mr. Randy Stillman called, a tad angry at first, with questions about evidence of priority. He began the conversation by stating that his wife has been handling this situation and has no idea what is going on. He wanted to know why he could not use the Martin's *Notice of Claim* or *Claim to a Water Right* documents as evidence of priority, just as his wife wanted to do on the 22nd. Once again, I explained why these would not suffice and listed other options. Near the end of our conversation, Mr. Stillman said that he has a neighbor that could fill out an affidavit and that he would contact him.

In addition, Mr. Stillman said the wastewater is run-off from the golf course and that they use the water to flood irrigate their pasture. He also mentioned that this is the only water that he can use to irrigate his pasture.

I told Mr. Stillman that he would need to fill-out and submit a *Change in Ownership* form and explained the need for the required legal document. I then sent the Stillmans the appropriate form in the mail.

Kimberly Brown
Senior Water Resource Agent
Western Region

September 22, 2003

Att: Kimberly Brown
From: Jami & Randy Stillman
Regarding: Claim A63-04125

Kim,

After looking through our documents, I retrieved two different forms with the date of 1937. The first form is a "Notice Of Claim To A Water Right Acquired Under State Law" I think it is in direct reference to waste water. The second form is an original "Claim To A Water Right No. 63-4125. It is incased in a blue legal sized pamphlet, but it is in regards to irrigation & stockwater. Please let me know if this is what we are looking for, or if I need to look further. You can reach me at 938-4148.

Thank You,

Jami Stillman

9.22.03 @ 11:40 am

Left message on machine that
these IDWR forms will not
suffice as Evidence of priority.

1 of 3 pages faxed

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: A63-04125

Date Received: 8/25/1989

Receipt No: 0010320

Received By: CT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD H. MARTIN 208-939-6636
Address: 2040 HILL ROAD
EAGLE, ID 83616
OR
Name: BONNIE E. MARTIN 208-939-6636
Address: 2040 HILL ROAD
EAGLE, ID 83616

2. Date of Priority: MAY 20, 1937

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	10	SW	NW	SW		ADA

5. Description of diverting works:
CONCRETE HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/VARIABLE AMT.

Identification No. 03-77-155

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Richard H. Martin
post office address Route #1, Boise, Idaho

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 10 Township 4 N
Range 1 E B.M. located on Unnamed Stream
(Name of source)

tributary to New Dry Creek Canal in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 20, 1937

amount: 0.20 cfs. or _____ acre feet

amount: _____ cfs. or _____ acre feet

amount: _____ cfs. or _____ acre feet

Total claimed 0.20 cfs. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from March 15 to Nov. 15 (both dates inclusive)

use Stockwater period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete headgate

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-04125

September 22, 2003

Mrs. Jami Stillman called in response to the evidence of priority letter I sent on 9/4/03. She began the conversation by stating, "We are *really* confused Can we bring in all of our documents and have you go through them?" After explaining the documents that would suffice as evidence of priority and the purpose of this exercise, she agreed to fax some documents that she has in her possession. I told her I would look at them and let her know if they would provide the necessary information. Therefore, Mrs. Stillman faxed two documents to me: the *Notice of Claim* and the *Claim to a Water Right*. After receiving her fax, I then called Mrs. Stillman back and left a message on her answering machine explaining that we already had a copy of these documents in our file and that they would not suffice as evidence of priority.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2003

RANDY STILLMAN
2040 HILL RD
EAGLE, ID 83616

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-04125

Dear Claimant(s),

According to Richard Martin, you are now the current owner of this property. If this is correct, you will need to complete a Change In Ownership form.

In addition, in the past, Mr. Martin submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. Mr. Martin indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to 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 important that each element of the Notice of Claim 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.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 2, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-04125

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 12, 2002

RANDY STILLMAN
2040 HILL RD
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-4125

Dear Property Owner(s):

We have been advised you may be the new owner of the property with the water right referenced above. Enclosed is a copy of the claim for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

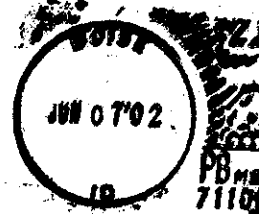
RETURN SERVICE REQUESTED

RECEIVED

JUN 11 2002

WATER RESOURCES
WESTERN REGION

RESORTED
FIRST CLASS



Send to
Randy Stillman
2040 Hill Rd.
Eagle Id.
83616

POA
Phil Martin

Deceased

RICHARD H MARTIN
BONNIE E MARTIN
3408 OVERLAND AVE
BURLEY ID 83318-3240

Ch. of ownership letter sent 6-11-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 30, 2002

63-4125

RECEIVED

DIRK KEMPTHORNE
Governor

JUN 11 2002

KARL J. DREHER
Director

WATER RESOURCES
WESTERN REGION

Went to Stillman 6/11/02

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 10 years ago you or your predecessor filed with the Idaho Department of Water Resources (IDWR) a Notice of Claim to a Water Right in the Snake River Basin Adjudication. Over the last 10 years, IDWR and the SRBA Court have been working on a number of legal questions called "Basin Wide Issues". These have been settled to the point that the Department is proceeding with investigating claims. Claims investigation in Basin 63, Part II, Ada County, is now underway.

You are invited to attend a public meeting in:

Boise Wednesday, June 19 at 7:00 p.m.
Capital High School Big Auditorium
8055 Goddard Rd., Boise

The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from a historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from the Boise Western Regional Office, will be contacting various water users in Basin 63 Part II. We ask for your cooperation in this process - the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

This investigative effort will be conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in other areas, including the Payette River Drainage, the Bruneau River Drainage, the Owyhee River Drainage, and the Mountain Home/Glenns Ferry area.

Please contact the Boise Western Regional Office with any questions.

Sincerely,

Adjudication Section
Western Region

Enclosures
JS:lh

Sirs

We sold this place at Eagle
on 2040 Hill Rd. in Jan. 2002 to
Randy Stillman at 2040 Hill Rd Eagle ID
83616

POA Mich Martin

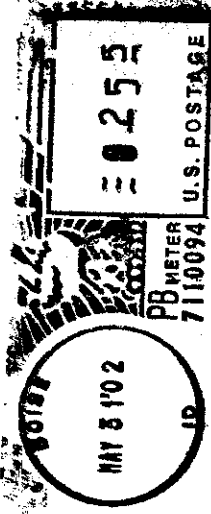
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098**

Return Service Requested

63-4125

Sent again
6.7.02

**PRESORTED
FIRST CLASS**



RECEIVED

JUN 06 2002

**WATER RESOURCES
WESTERN REGION**

BONNIE E MARTIN
RICHARD H MARTIN
2040 HILL RD
EAGLE ID 82616

MARTIN 0361000/ 1A01 05 06/03/02
 RETURN TO SENDER
 MARTIN
 3406 OVERLAND AVE
 BURLEY ID 83310-3240
 RETURN TO SENDER

SHL GROUP



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 25, 1992

Mr. James M. Seltzer
202 Sandra Street
Eagle, ID. 83616

RE: Illegal Diversion of Water

Dear Mr. Seltzer:

This office received a complaint on 2/19/92 that you installed a berm across an area that normally provides waste water to a water diversion used for irrigation of a pasture at 2040 Hill Road. The pasture irrigation occurs under water right no. 63-04125, a statutory claim based on Idaho Code 42-243.

I visited the site today. The earth and gravel berm impounding a small amount of water was observed. A water right is required to divert and/or impound surface water in a situation such as this. According to department water right and adjudication records, no water right exists to cover the impounded water held in place by the berm.

If you own the land where the berm is found, this letter serves to notify you that you are diverting water illegally. To comply with Idaho laws, you must either a) remove the berm and cease using it or any other means to impound water in the field in question, or b) immediately file a water right permit application to provide legal protection for the diversion and use of the water. Water must be used beneficially to be part of a valid water right. Water right applications are subject to protest under the provisions of Idaho Code 42-203A.

Please contact me by writing or calling (334-2190) by 3/4/92 to explain which of the two actions you will take. Let me know if you have any questions concerning this issue.

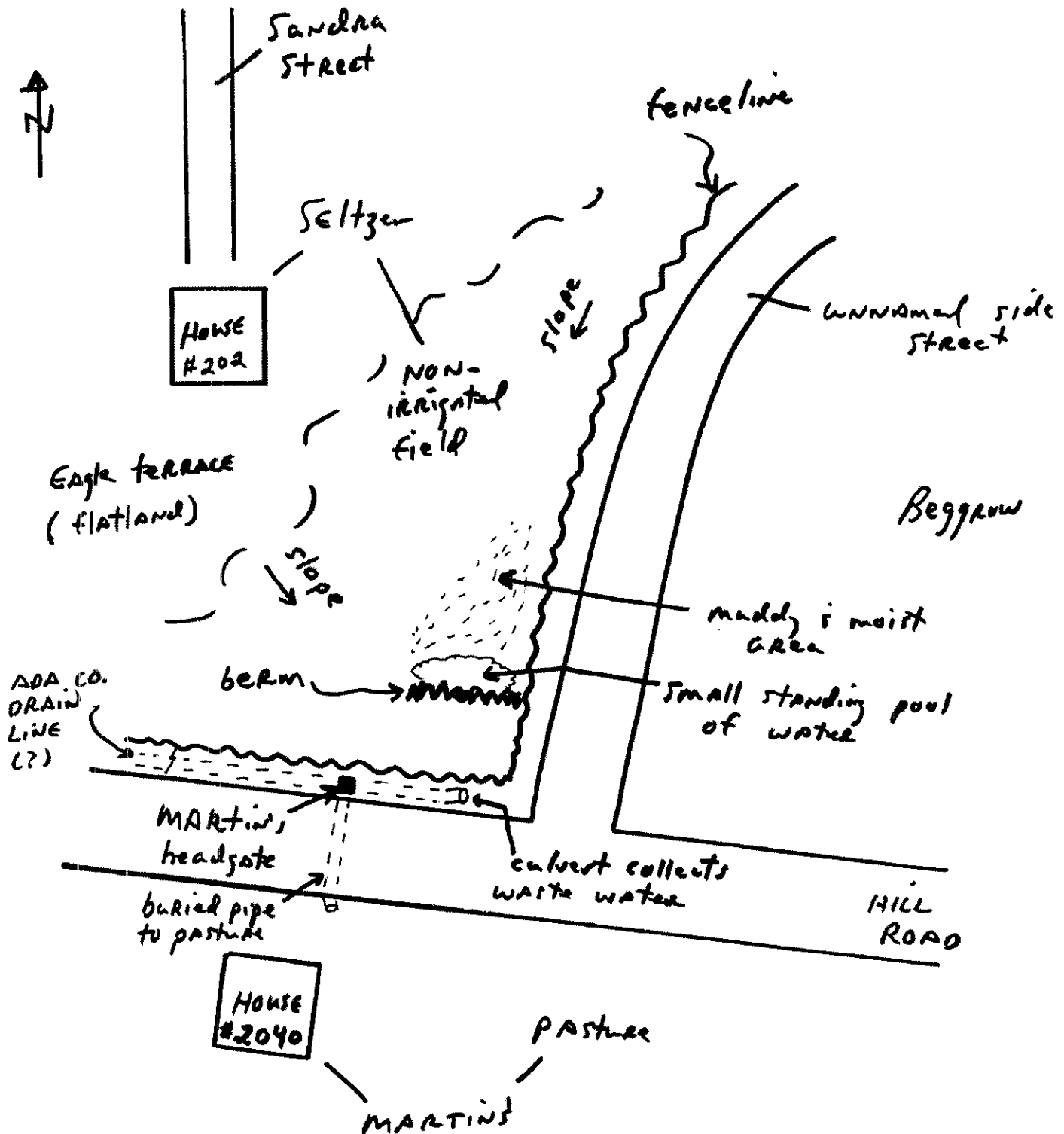
Sincerely,

Steve Lester
Sr. Water Resource Agent

CC: R. and B. Martin
D. Beggrow

2040 Hill Rd. } Eagle
2062 Hill Rd. }

Diagram: Complaint involving 63-04125



- Ske: -

2/21/92

I have a faint recollection of seeing something about this conflict years ago (or perhaps I am thinking of a similar unrelated situation).

Would you plz check out?

DATE: 19-Feb-1992 15:44

TO: DAVE TUTHILL

Thanks, Dave

FROM: KAY WALKER *kay*

RE: WATER WARS

Today Richard and Bonnie Martin came into the office to find out what can be done about a person who has dammed up their source of water because of neighborhood problems.

According to the Martins, about 2 years ago, some neighbor women were concerned about some horses that were being pastured and called the humane society. The owner thought that Mr. and Mrs. Martin had called the humane society and dammed up their water source, which they have used continuously since May of 1937, recorded by Statutory Claim No. 63-04125. The person who dammed up the water took a backhoe and dug out the source, then put gravel fill in, which eventually washed out. He then filled up a bunch of plastic garbage bags with dirt and gravel and put these into the source which formed a dam. This person does not use this water and does not have a water right on file. After the water backs up over the dam it goes into a trench and flows around a pipeline which goes into the sewer district. The pipeline into the sewer district goes under the highway. The Martins contacted the highway district but they cannot do anything until the water washes out the pipeline and causes damage to the highway.

The source of water is waste water, originating from the Golf Course (just north of their place), possibly some from Farmers Union Canal, and from Evans Water Company. The previous owner of the property was Richard Evans, whom the Martins never had any problems with. The current owner is "Seltzer" (this was all the Martins knew) who I located in the phone book under James Seltzer, 1 N. Sandra, Eagle.

I told the Martins that we could only advise Mr. Seltzer that he has no right to divert the water and request that he remove the dam; if there was no result they would have to get an attorney. The Martins would like someone to come out and look at this problem. They requested we contact them so they can show whoever just what the problem is. Their address and phone number are as follows:

Richard and Bonnie Martin
2040 Hill Rd.
Eagle 939-6636

Identification No. 63-4125
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Richard H. Martin
post office address Route #1, Boise, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 10 Township 4 N
Range 1 E B.M. located on Unnamed Stream
(name of source)
tributary to New Dry Creek Canal in Ada County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
May 20, 1937 amount: 0.20 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.20 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Irrigation period of use from March 15 to Nov. 15 (both dates inclusive)
use Stockwater period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of Concrete headgate
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

63-4125

_____, if so, give dates and explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known. _____

Sc 14 89

- b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered Sheep - beef - horses
7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho

County of Ada ss.

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 affiants knowledge.

Richard H. Martin
Claimant

Sworn to before me this 14 day of Oct, 1971

[Signature]
Notary Public

Residing at 3014 E. Idaho

My commission expires 2-18-1974

Rec'd #8382 For Department Use Only

Received by <u>[Signature]</u>	Date <u>10/14/71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>[Signature]</u>	Date <u>10/14/71</u>		<u>63</u>	<u>11/25</u>
Fee received by <u>[Signature]</u>	Date <u>10/14/71</u> fee \$ <u>10.00</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>The Statesman</u>	Date <u>11-4 & 11-11-71</u>			