

1/21/2004

General Comments

The property has been sold and then foreclosed. The current owner is represented by attorney Karl Decker in Idaho Falls, 523-0620. Karl will prepare a change of ownership.

The map is incorrect; the place of use and point of diversion are one block east of the sketched location. This changes the legal description.

Ownership

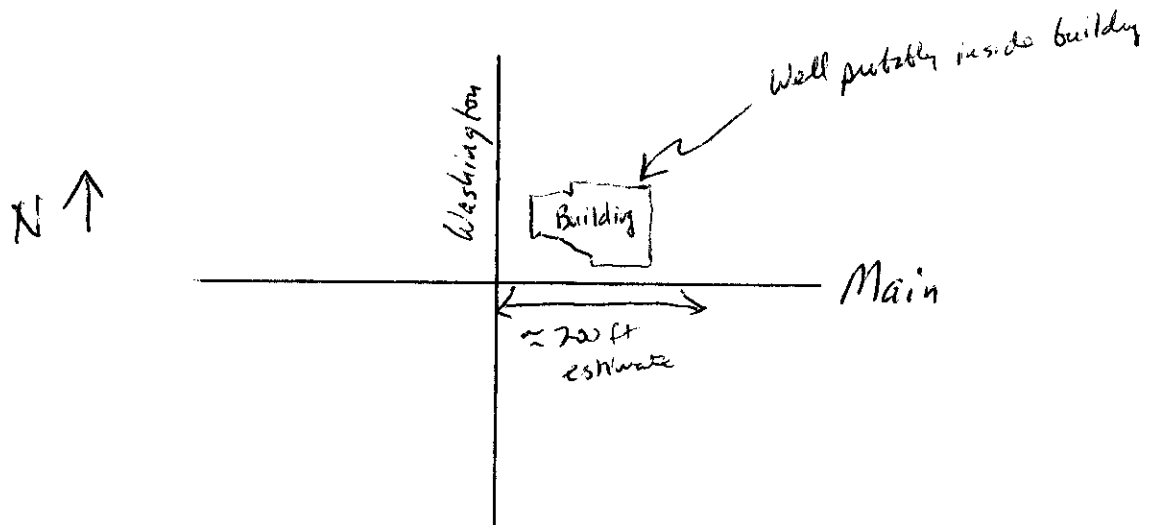
See above.

POD

Since Mr. Decker did not have a key, I did not go in the building. No evidence of a well was seen in the (snowy) yard. The well is probably in the basement of the building. Please see the sketch below. The legal description of the POD location is T8N R38E Section 8 SW SW NE. I did not have a GPS unit with me but the building should be visible on the GIS aerial photo image.

POU

The POU is a gas station on the NE corner of the intersection of Washington and Main streets in Lewisville ID. The legal description is T8N R38E Section 8 SW NE. The approximate layout is sketched below:



Overlap

None noted.

Conflict

None noted.

Priority

The affidavit in the file supports a priority of 12/31/1925.

Quantity

Diversion rate: The description lists "drinking - rest rooms (toilet and sink only) - hand washing sink." Using the "mercantile" classification of Exhibit 14 of the Field Examiner's Handbook, five fixtures X 1.3 gallons per minute = 6.5 gallons per minute. While the handbook suggests a minimum of 40 gallons per minute, the claimed rate of 0.04 cfs (18 gallons per minute) should be more than adequate for service station usage.

Volume: From Table 3 of Field Examiner's Handbook:

Two public restrooms (Stores: 400 gallons/day/toilet room)	800 gal/day
Four workers (Workers: Day 15 gallons/person/shift)	60 gal/day
25 autos serviced (Service Stations: 10 gal/vehicle/day)	<u>250 gal/day</u>
Daily total	1100 gal/day

Since this is less than the non-residential de minimus domestic limitation of 2500 gallons/day, I propose $2500 \text{ gallons/day} \times 365.25 \text{ days} = 913,125 \text{ gallons} = 2.8 \text{ acre feet per year}$.

Summary: I propose 0.04 cfs and 2.8 acre feet/year.

Water Use

Commercial

List of Photos

- A25-11479_1.jpg Location sketched on ^{claim} map as POU. No evidence of building seen, though it may have been hidden by snow. Note that USGS topo shows a building in this location. Looking NE towards sketched location
- A25-11479_2.jpg Correct place of use. This is the NE corner of the intersection of Washington and Main streets. Photo looking NE from in the intersection.

Bryce A. Contor
Bryce A. Contor

1/21/04
Date

Photo 2 is
still in the
camera - will
be included
in the 2nd
photo
BAC

MEMORY TRANSMISSION REPORT

PAGE : 001
 TIME : JAN-20-04 12:13PM
 TEL NUMBER1: 208-282-7950
 NAME : University of Idaho - Idaho Falls

FILE NUMBER : 597
 DATE : JAN-20 12:10PM
 TO : 208-5251080
 DOCUMENT PAGES : 006
 START TIME : JAN-20 12:10PM
 END TIME : JAN-20 12:13PM
 SENT PAGES : 000
 STATUS : NG BO

FILE NUMBER : 597

*** TX FAILURE NOTICE ***

Form No. 42-1409 (2) a 1/88

Karl Decker
 525-1080

6 pages
 Bi Contor
 681-7100

RIGHT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

EDUCATION
 OF WATER FROM
 WATER SYSTEM

CIVIL CASE NUMBER: 39576
 Ident. Number 225-11477
 Date Received 1-28-88
 Receipt Number 500 4439

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) LAVAR E HELGINS ALVEY Phone (208) 522-3667
 Mailing Address 390 E 24th St Idaho Falls Idaho Zip 83404
- Date of Priority (Only one (1) per claim) June 15, 1925
- Source of water supply (a) Groundwater
 which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 4N Range 38E Section 8
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Jefferson
 Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
 Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____
 Govt. Lot _____ B.M., County of _____
 ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____
 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
 including the dates of any changes or enlargements in use, the dimensions of the diversion works as
 constructed and as enlarged and the depth of each well.

2" Well

MICROFILMED

NOV 11 1992

Water Resources
 Field Services
 208 663 4667

A25-11479 Preview/Contact log

1/19/04 Preview

1) EDP adequate 12/31/1925

2) Use field exam handbook for Q/vol
400 gal/day for customer workshop
15 gal/day/day worker
1.3 gpm/fixture min 40 gpm

1/19/04 12:08 522-3667 Mrs. Alvey
Elaine passed away. Mr. Alvey will call.
He still owns this property

1/19/04 - Went to location sketched on map -
no buildings - perhaps mapped wrong.
One photo.

1/17/04 - Mr. Alvey called me.

Mr Alvey - sold business,

now in Bankruptcy -

Karl Decker is aware of transaction -

Holder/Kidwell Firm

1/20/04 Holder/Kidwell Firm 523-0620 10:50

Fax Claim to Karl - 525-1080

Per Karl the business was a gas station. There was an old gas station on the corner S of sketched POC. Karl will forward map.

1/21/04 Karl Decker - please call 523-0620
Noon. map left for Karl.

1/21/04 Karl Decker

- 1) His client has foreclosed & will send ownership
- 2) Keys are with owner in Los Angeles CA
- 3) Business is gas station directly N of LDS Church.
Description on p2 of claim matches actual facilities per Mr. Decker.

1/21/04 Drive-by & photo. This is just 1 block east of sketch on claim. NE corner of intersection of main & Washington Streets.

August 18, 2003

LaVar and/or Elaine Alvey
390 E 24th St
Idaho Falls, ID 83404

Re: Water Right Adjudication Claim(s) A25-11479

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months, we will be contacting you to make an appointment to look at your diversion works and uses of water.

The purpose of this letter will be to locate and photograph the well and review the historical use of water.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a better time to call or a more convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

Water Resources
Field Services
208 663 4667