



Chip Atkinson
Monica Cornelissen
PO Box 3692
Ketchum, Idaho 83340
208.788.3288

RECEIVED

SEP 09 2004

DEPARTMENT OF
WATER RESOURCES

September 7, 2004

Department of Water Resources
Carter Fritschle
1301 North Orchard Street
Boise, ID 83720

Dear Mr. Fritschle

Enclosed please find the following information in regard to Notice of Claim to A Water Right, civil case number 39576, for Water Right 37-4252, located at 385 River Road, Bliss, Idaho 83314. I have been able to verify that the recreational ponds that the water right refers to were added to the property in 1971 or 1972. Virginia M. O'Neil, the owner of the property had the ponds installed prior to the sale of the property. The list of items I have included for Evidence of Priority include:

- 1) Copy of Notice of Claim
- 2) Copy of Warranty Deed for Purchase of property by Virginia O'Neil, 1969.
- 3) Copy of Warranty Deed for Sale of property by Virginia O'Neal, 1972.
- 4) Affidavit from James Brizendine, a long time resident in that area, stating his recollection of the ponds installation.
- 5) Affidavit from Ronde Wood, another long time resident, stating his recollection of the ponds installation.
- 6) Aerial photograph from www.terraserve.microsoft.com from May 16, 1992 showing the pond.
- 7) Aerial photograph from the Shoshone Office of the BLM from August 5, 1979, showing the pond.

Please advise me if this information is or is not sufficient as proof of the historic use of this right.

Kindest regards,

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 : 37-4252
Date Received: 8/16/1988
Receipt No: W000715
Received By:

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

1. Name of Claimant(s)

CHARLES R ATKINSON Phone: (208)788-3288
PO BOX 3692
KETCHUM ID 83340

MONICA C CORNELISSEN Phone: (208)788-3288
PO BOX 3692
KETCHUM ID 83340

2. Date of Priority: 01/01/1966

3. Source: SPRINGS Trib. to: MONTANA MINING COMPANY DITCH
SPRINGS SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
06S	13E	17	NW	SE		GOODING	
06S	13E	17	NW	SE		GOODING	

5. Description of diverting works:

HEADGATE, PIPELINE, PONDS 4AF & 0.06AF

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER FROM STORAGE	1/01	12/31		0.04
FISH PROPAGATION STORAGE	1/01	12/31		4.06
RECREATION STORAGE	1/01	12/31		4.06
DIVERSION TO STORAGE	1/01	12/31	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 4.06 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	17	NW	SE	FISH PROPAGATION STORAGE	
			NW	SE	RECREATION STORAGE	
			NW	SE	STOCKWATER FROM STORAGE	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

PONDS USED FOR RECREATIONAL SWIMMING, FISH PROPAGATION, AND STOCK WATER PURPOSES.

15. Basis of Claim: Statutory Claim

042000

THIS WARRANTY DEED made this 14 day of July 19 69

between Edward H. Kerpa and Erika F. Kerpa, husband and wife,

Buhl County of Twin Falls State of Idaho

hereinafter referred to as "grantor", and

Virginia M. O'Neil
Bliss County of Gooding State of Idaho

hereinafter referred to as "grantee".

WITNESSETH that grantor, for and in consideration of the sum of—

\$10.00 and other valuable consideration Dollars

lawful money of the United States, to grantor in hand paid by grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto grantee,

and to grantee's heirs and assigns forever, all of the following described property situated in Gooding County, State of Idaho: A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Twp. 6 S., R. 13

E.B.M. described as follows:

Beginning at the Northwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence South 3° 23' West 234 feet, more or less, along a boundary fence purported to be the boundary between the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the center of the channel of an irrigation ditch and which point is the true point of beginning; thence continuing South 3° 23' West along said fence 618 feet, more or less; thence South 36° 25' East 70.8 feet to the Northerly line of a private road; thence North 47° 51' East 712.85 feet along the Northerly line of said private road to a point of intersection with the Westerly right-of-way of old Highway No. 30; thence North 36° 26' West 327.9 feet, more or less, along the said westerly right-of-way to the center of the channel of an irrigation ditch; thence South 71° 21' West 264.7 feet along the center of the channel of said irrigation ditch; thence North 76° 26' West 89.0 feet along the center of the channel of said irrigation ditch to the point of beginning, containing 5.46 acres, more or less.

Subject to a mortgage in favor of C. H. and Thelma A. Ferguson, recorded as Instrument 25828, Gooding County, Idaho records on which there is a present balance due of \$6,947.47 which balance grantee assumes and agrees to pay.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the grantor.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the grantee, and to the grantee's heirs and assigns forever. And the grantor, and the grantor's heirs, the said premises in the quiet and peaceable possession of the grantee, and the grantee's heirs and assigns, against the grantor, and the grantor's heirs, and against all and every person and persons whomsoever lawfully claiming the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the grantor has subscribed this deed the day and year first above written.

Edward H. Kerpa

Erika F. Kerpa
Grantor

State of Idaho } ss.
County of Twin Falls }

On this day of July 19 69, before me, the undersigned notary public in and for
said state personally appeared
Edward H. Kerpa and Erika F. Kerpa, husband and wife
known to me to be the person whose name is are subscribed to the within instrument and acknowledged to
me that they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate

David P. MacKinnon
Notary public for the State of Idaho
Residing at Buhl, Idaho

Indexed Paged
in said state.

Indexed..... Paged.....
Proof read..... Corrected.....
No. **29568**

WARRANTY DEED

EDWARD R. KERPA, et ux

to

VIRGINIA M. O'NEIL

State of Idaho }
County of Gooding } ss.

I hereby certify that this instrument was
filed for record at the request of

JAMES, HOBDEY & SHAW

at 31 minutes past 4:00
o'clock P. M.

AUGUST 13, 1969

in my office and recorded in

RECEPTION NO. **29568**
Book _____ Page _____
of the records of deeds.

STEPHEN S. STEVENS
County Recorder

By *Zella Barnes* Deputy

Return to

JAMES, HOBDEY & SHAW

**BOX 176
GOODING, IDAHO 83330**

43051

WARRANTY DEED

Printed and for sale by Knaprock Company, Boise

THIS INDENTURE, Made this 30th day of November
 in the year of our Lord one thousand nine hundred and seventy two
 between
 Virginia O'Neill, a divorcee, as her sole and separate property
 of Nezperce, County of Gooding, State of Idaho
 the party of the first part and
 Kenneth Campbell and Jean Campbell, husband and wife
 of Bliss, County of Gooding, State of Idaho
 the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 Ten Dollars, and other valuable consideration (10.00) DOLLARS

lawful money of the United States of America,

to her in hand paid by the said
 parties of the second part, the receipt whereof is hereby acknowledged; has granted, bargained
 and sold, and by these presents do co grant, bargain, sell, convey and confirm unto the said parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate
 situated in Bliss, County of Gooding, State of Idaho, to-wit:

Township 6-S, R. 13 East of Boise Meridian, Sec. 17: A tract of land in the
 NW 1/4 described as follows: Beginning at the Northwest corner of said NW 1/4
 thence S. 30° 23' W. 231.0' along a boundary fence purported to be the boundary
 between the NW 1/4 and the NE 1/4, to the South bank of an irrigation ditch and
 which point is the true point of beginning; thence continuing S. 30° 23' W. along
 said fence, 621.0 feet; thence S. 36° 25' E. 70.8 feet to the northerly line of
 a private road; thence N. 47° 51' E. 712.85 feet along the northerly line of
 said private road to a point of intersection with the westerly right of way of
 Old Highway No. 30; thence N. 36° 26' W. 330.9 feet along said westerly right
 of way to a point on the southerly bank of an irrigation ditch; thence S. 71°
 21' W. 226.7 feet along the southerly bank of said irrigation ditch; thence
 N. 76° 26' W. 89.0 feet along said ditch bank to the point of beginning.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto
 in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof, and all estate, right, title and interest in and to the said property as well
 in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances unto the parties of the second part, and to their heirs and assigns forever
 and the said party of the first part, and her heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said party
 of the first part and her heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Virginia C. Neil [Seal]
Virginia C. Neil [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

County of Gooding

On this 1st day of December

in the year 1972

before me

Georgia Clark

a Notary Public

in and for said State, personally appeared Virginia O'Neil

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Georgia Clark
Notary Public for the State of Idaho,
Residing at [illegible] Idaho

044054

WARRANTY DEED

BOOKED

1700

Date: December 5, 1972

STATE OF IDAHO

County of Gooding

I hereby certify that this instrument is filed

concerned at request of

SECURITY TITLE CO.

at [illegible] minutes past

o'clock of this day

at [illegible] in 1972

at my office and duly recorded in Book

of [illegible] pages

by [illegible]

Notary Public

State of Idaho

My Comm. Expires [illegible]

Notary Public

State of Idaho

I TESTIFY THAT THE (2) POND
AT ADDRESS OF 385 RIVER RD. BLISS ID.
WERE BUILT BY OWNER VIRGINIA O'NEIL
IN EITHER 1971 OR 1972 BEFORE SHE SOLD
SAID PROPERTY. IN 1972

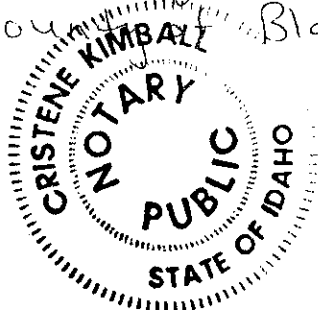
SIGNED

James E Brizendine
486 RIVER RD.
BLISS ID 83314

I certify that on this 2nd day of
September 2004, personally appeared before
me James E Brizendine and signed the
foregoing document.

Cristene Kimball
Notary Public

State of Idaho
County of Blaine



My commission
expires 8-31-06

To whom it may concern-

I, Rhonde Wood have lived
in The Hagerman Valley since
1954.

Virginia O'Neal built The Ponds
in 1971 or 1972. They have
had water and fish in them
since then to the best of my
knowledge.

Rhonde H. Wood
1895 S 800 E
Bliss ID
83314

208-352-4289

I certify that on this 2nd day of September, 2004,
personally appeared before me Rhonde Wood and
document.



Cristeene Kimball
Notary Public

State of Idaho } my comm exp
County of Blaine } 8-31-06

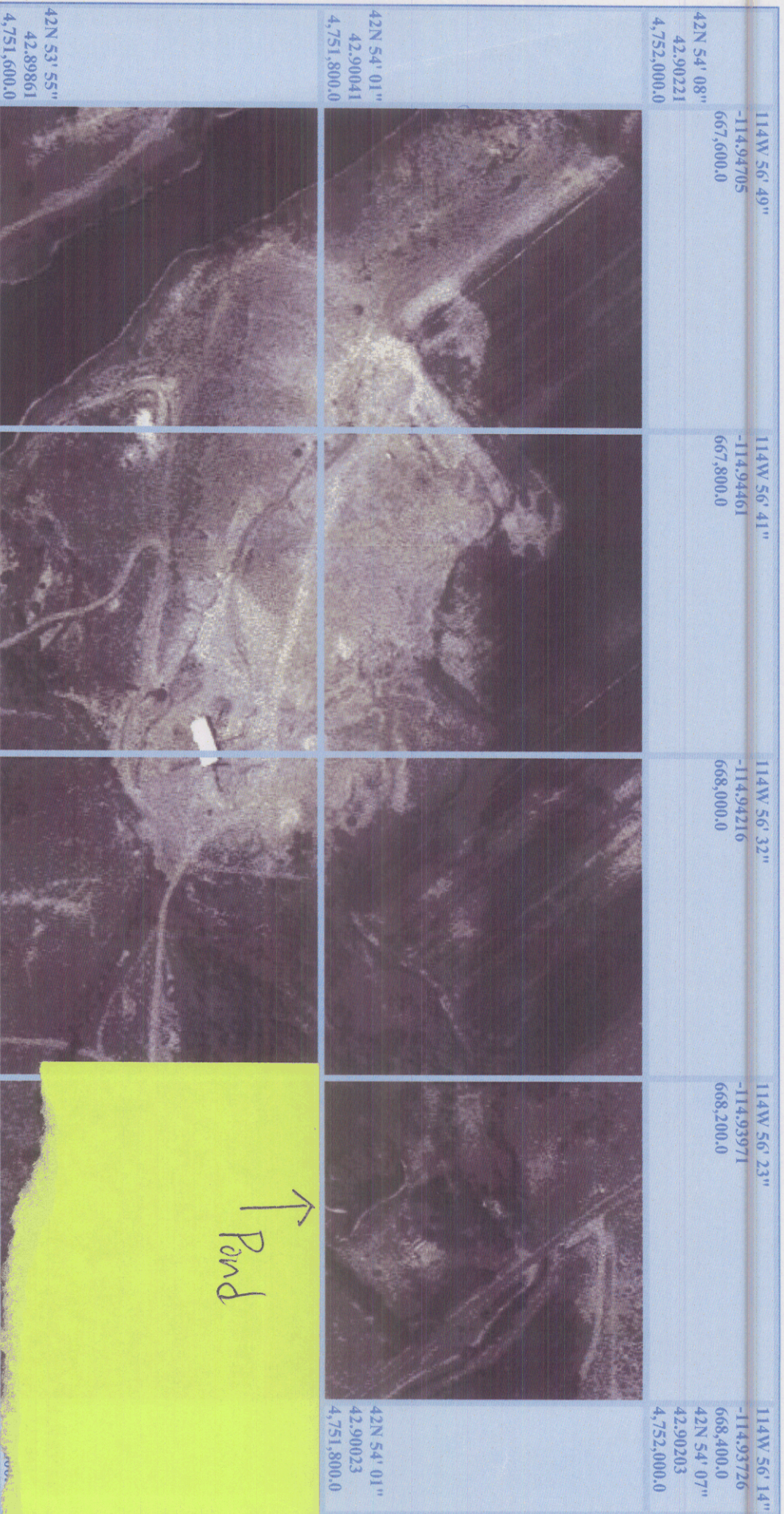
Projection:

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Back to TerraServer

TerraServer-USA formed the image below by extracting pixels from one or more source images. Meta-data about the source image can be viewed by hovering your mouse over each of the image tile's below.

4 km S of Bliss, Idaho, United States



16 May 1992

8-5-79 8:55 BLM 24 TD-79DC 3-10-56

