

7/27/01

Barbara Kevan
3462 N 2500 E
Twin Falls ID 83301

Re: Enlargement Claim 29-13213

Dear Mrs. Kevan:

On July 20, I spoke with Jack and Mary Clysdale regarding the above referenced enlargement claim for the water right, 29-00035, on the Portneuf River property. I regret that I told them that I would try to have this claim to them before they departed, however, that did not seem to work.

To explain a bit of the history surrounding this claim; apparently when the initial survey and land distribution was made the North quarter-quarters were split in an odd proportion such that the property divided into 69 rods South. This leaving some 11 rods in the quarter-quarters as belonging to the adjacent lands, apparently now in the estate you represent.

The decree description of 29-00035 specifically defines 5.3 acres of irrigation, excerpt enclosed. When I made the GIS pictorial representation of the place of use the additional 2.4 acres became evident. At any rate the initial decree claim was made for 7.0 acres, which is for more than the decree allows. In conversation with Jack and Mary, they decided that the enlargement claim was necessary to preserve the historically irrigated acres. However, there are two issues that require attention; 1.) I understand that you are the representative of the estate. Therefore, if so, I need a document that describes your role as representative and the address needs changed to show you as the representative, 2.) You will note that the claim has a Priority Date of 01/01/1999. Obviously, this is not the correct date. I need some type of documentation that the actual Priority Date is much earlier. So satisfy this requirement you might look at the original deed, any homestead documents, chain of title, or an affidavit from someone with personal knowledge that the lands were irrigated from the source claimed from the date you wish to claim.

I will be out of the office for the next two weeks. Should you have any additional questions you can either address them in writing or, I should be in the office on August 13th and can discuss this matter with you via telephone.

Thank you for your attention in this important matter. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

CC; file

Enclosures: Decree excerpt 29-00035
File memorandum
Water right proof report
GIS representation

29-00035

DECREED AS: 0.10 cfs ON 5.3 AC. DELIVERED THROUGH DEMPSEY AND TOPAZ CANALS. PERIOD OF USE 4/15 TO 9/15.

CLAIMED AS: 0.10 cfs ON 7.0 AC. NO REFERENCE TO CANAL DELIVERY. PERIOD OF USE 4/15 TO 9/15. CLAIM

FIELD EXAM: POD/POU (ACROSS)

RECOMMENDATION: ① REDUCE ACROSS TO 5.3 AC., AS DECREED (EXCEPT)
② Priority, Q. Poll 98 - OK

6/20/01 MET GARY STODARD (RUSTON) HE PUMPS OUT OF DEMPSEY CANAL INTO A DITCH FOR FLOOD IRRIG ON KEVAN PROP.

DISCUSSED THE APPARENT PROBLEM OF GCDB NOT MATCHING FENCE LOCATIONS - THEN I GOT TO ROAD 2. Symons DODD DESCRIPTION - HE (Symons) ONLY OWNS THE FIRST (N TO S) 69 AC OF SECTION 4 LOTS 2 AND 3 (SEE LEGAL IN 29-00032).

ENLARG., 11 CLAIM
NEEDED FOR 1.7 AC.
* THIS EXPLAINS THE ADDITIONAL ACROSS OVER THE DECREED. IT'S BETWEEN THE HOUSES AND HWY.

MEMORANDUM

22 May 2001

To: The file of 29-00035

From: A. Ruberry

Subject: SRBA Claim

Spoke this date with Bill Kevan (claimant's husband). Explained the problem with the claimed acreage of 7.0 acres, where the 1932 decree specifically states 'irrigation of 5.3 acres....' (w/i the POU claimed). Any additional acres over the decreed acres will need an Enlargement claim..... costing about \$100.00 (\$50.00 claim + \$50.00 late fee).

Further, I explained that my preliminary GIS work shows only 6.5 acres. But, whatever any difference between the decree and the actual irrigated acres will need the enlarg... claim, if they wanted to continue irrigating. We discussed the property values of irrigated vs unirrigated, the problems associated with the continuance of irrigation absent a water right, and the purpose of the Enlarg... claim (more irrigated acres...not more water).

Additional notes/questions:

This water right appears to be served by the Dempsey/Topaz Canal system. *den*

Question: How is this right accounted for? Does the watermaster deliver it or is it accounted for through the canal system?

Question: Mr. Kevan said something about this water right being in an estate. If so, do they (Barbara and sister/brother) want this right decreed in Barbara's name only? Need documentation that Barbara is the Representative of the Estate.

5/22/01

MAILED: COPIES OF WR PROPT (w/NOTES), CLAIM & MAP, AND
2 GBS MAPS.

7/20/01 Spoke w/ Jack & Mary Clydesdale (RELATIVES)

DISCUSSED THE NEED FOR A DEC. SHOWING BARBARA
AS THE REP. OF THE ESTATE AND THE NEED TO FILE
AN ENLARG... CLAIM FOR AC OVER 5.3 AS DECREED.
ADVISED OF \$100 FEE FOR ENLARG... CLAIM. MANY
WILL CONTACT BARBARA (SISTERS) TO BEGIN THIS PROCESS.