

RECEIVED

JUL 28 2005

DEPARTMENT OF
WATER RESOURCES

MEMO

Date: July 28, 2005

TO: Michael Cissell, IDWR

FROM: Joseph L. Jordan (208)229-0122

REF: Your Letter dated June 30, 2005

SUBJECT: Evidence of Priority, SRBA Claim 69-04105

The land served by this water right claim was purchased on August 20, 1998, and is currently owned by the following:

Joseph L. and Cynthia A. Jordan
Glen S. and Susan J. Lovelace

Our records indicate that the original SRBA Claim was submitted by the former owner, Beulah R. Runge, on June 6, 1983, Priority Date listed as March 15, 1901.

While the source of this date as the beginning of beneficial use is unknown, the following documents are submitted as supporting evidence.

* Affidavits or notarized statements of personal knowledge regarding dates of use of the Bear Creek Ditch which serves our land:

Exhibit #1	Lawrence Warner
2	A. J. Gallagher
3	Mary McGahey
4	Clarence Warner

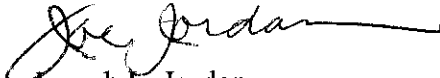
We understand Bert Warner, referred to in the statements, lived on the current Joe Warner property downstream of our property on the same ditch.

* Recent photos showing evidence of early irrigation of our property.

Exhibit #5	Wire-wrapped wood stave pipe in field.
6.	Concrete turnout in same field. Note hard hat for scale.
7.	Same fields looking upstream. Note: Rotted stumps from early clearing.
8.	Early horse-drawn hay mowing machine and disk plow on our property.

We appreciate your consideration of this information and would like to review it with you on the property. Please advise when your field work is scheduled.

Sincerely,



Joseph L. Jordan

cc: Susan Lovelace

Attached: Notice of Claim (2 pp)

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: **A69-04105**
Date Received: 2/ 1/1989
Receipt No: C005362
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GLEN S LOVELACE 208-253-1103
Address: 2555 FRUITVALE GLENDALE RD
FRUITVALE ID 83620
AND
Name: SUSAN J LOVELACE 208-253-1103
Address: 2555 FRUITVALE GLENDALE RD
FRUITVALE ID 83620
AND
Name: JOSEPH L JORDAN 208-253-1103
Address: 2555 FRUITVALE GLENDALE RD
FRUITVALE ID 83620
AND
Name: CYNTHIA A JORDAN 208-253-1103
Address: 2555 FRUITVALE GLENDALE RD
FRUITVALE ID 83620

2. Date of Priority: MAR 15, 1901

3. Source: BEAR CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	02W	18		SW	NE		ADAMS

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

8. Total consumptive use is 220.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	03W	13	SW	SE		IRR	30.0
			SE	SE		IRR	40.0
						Section Acres	70.0
		24	NW	NE		IRR	40.0
						Section Acres	40.0
						Total Acres	110.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGED BY DB 11/6/98.

15. Basis of Claim: BENEFICIAL USE

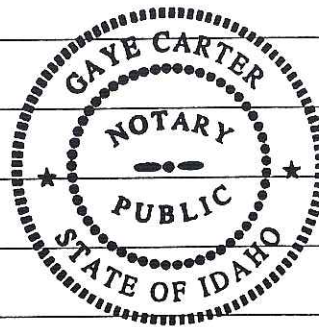
69-04105

To my knowledge the ditch known as the Warner ditch and the main Bear Creek Ditch were both in use in 1923.

Lawrence Warner

July 24, 1999

Gaye Carter
Notary for Idaho
Council, Idaho 83612
Exp 9/99



69-04105
EXHIBIT #1

TO WHOM IT MAY CONCERN:

This is to certify that Bert Warner of Bear, Idaho, was a user of water from Bear Creek for sixteen years, that I know of, from 1932 to 1948 inclusive.

I base my statement on the fact that I lived at Bear, Idaho, as a neighbor to Bert Warner and his family for the above period, as Adams County Tax records will show.

Signed this 21 day of June 1967.

R. J. Gallagher

Larry E. Muir
Notary Public State of Idaho
Comm Expires April 20th 1969

69-04105
EXHIBIT #2

TO WHOM IT MAY CONCERN:

To my knowledge water from Bear Creek has been used for irrigation and drinking since November 1936 on the place currently owned by Bert Warner.

Date

July 7, 1967

Signed

Mary McGahey

State of Idaho
County of Nezperce

Mary McGahey personally appeared before me Walter H. Durland a Notary Public in and for the State of Idaho and affixed her signature to the above described instrument on this Seventy Day of July 1967

Walter H. Durland

Notary Public --
Residing at Lewiston, Idaho
My Commission Expires 10/27/67

69-04105
EXHIBIT # 3

TO WHOM IT MAY CONCERN:

To my knowledge water from Bear Creek has been used for irrigation and drinking water since Sept. 15, 1915 on the place presently owned by Bert Warner.

Signed Clarna Warner Date 7-10-67

Notary Public for the State of Idaho

Robert L. Wood
Council, Idaho 83612
Expiration Date 5-23-70

69-04105

EXHIBIT #4



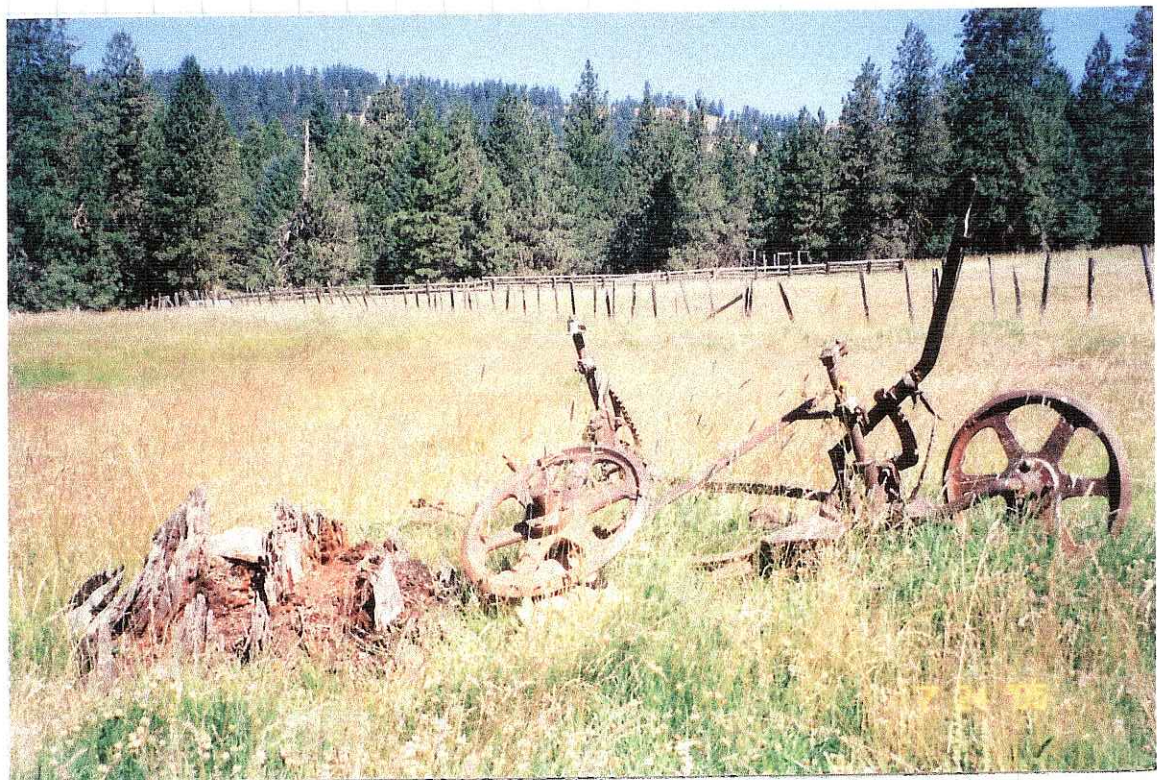
69-04105
EXHIBIT # 5



69-04105
EXHIBIT #6



69-04105
EXHIBIT # 7



69-04105
EXHIBIT #8