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Documents

In File

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: **A57-10894**
Date Received: 10/15/1991
Receipt No: W013786
Received By: DE JDL

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

1. Name: RONALD MC DONNELL 208-896-4495
Address: PO BOX 71
MARSING ID 83639

OR

Name: PHYLLIS MC DONNELL 208-896-4495
Address: PO BOX 71
MARSING ID 83639

2. Date of Priority: JAN 4, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	04W	36	SW	NW		1	OWYHEE

5. Description of diverting works:
350' WELL, 8" CASING, 1 HP SUBMERSIBLE PUMP, PIPE TO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES; STOCKWATER, 5-10 HEAD LIVESTOCK

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OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	04W	36	SW	NW	1	DOMEST	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

CLAIM NO. A57-10895 & A02-07013, OPALINE IRRIG. DIST.

14. Remarks:

THIS WELL AND THE WELL FILED UNDER CLAIM NO. A57-10895 ARE USED TOGETHER FOR A TOTAL OF 2 HOMES.

15. Basis of Claim: BENEFICIAL USE

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires **MICROFILMED**
OCT 06 1992

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

RECEIVED
OCT 15 1991

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A57-10894Date Received 10-15-91Receipt Number W0137.86

Department of Water Resources
Twin Falls Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) RONALD OR PHYLLIS MCDONNELL Phone (208) 896-4495Mailing Address P.O. Box 71 MARSING, ID Zip 836392. Date of Priority (Only one per claim) 1-4-77 Month/Day/Year3. Source of water supply: (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) COLUMBIA Name or kind of source4. Location of point of diversion is: Township 2N Range 4W
Section 36, SW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot 1, BM.,
County of Owyhee

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well dug 1-4-77, 245' deep 8" casing 104'. Additional drilling 5-12-87 total depth of well 350' with 8" casing to 184' 1 HP submersible pump pipe to house. house & bank house, both wells are adjacent and used together

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For domestic purposes from 1-1 to 12-31 amount 0.04 cfs per *
(Both dates are inclusive) household
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.08 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 5 - 10 livestock

*ASSUME 2 HOMES

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OCT 06 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

#12 - CLAIM NO. A57-
10895 & A02-07013
OAKLAND ALIC. DIST.
#13

THIS WELL & THE WELL
FILED UNDER CLAIM
NO. A57-10895 ARE
USED TOGETHER FOR
A TOTAL OF 2 HOMES.

10. Place of use is: Township: 2N Range 4W
Section 36, SW 1/4 of NW 1/4, Govt. Lot 1, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? OWYHEE
12. Do you own the property listed above as place of use? Yes ☒ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or BOTH WELLS ARE USED TOGETHER - LICENSE 02-7013
14. Remarks: OPALINE IRRIG DISTR.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 10-11-91
Phyllis McDermott Date 10-11-91

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing
document in the space below as _____ Organization
Title _____ of _____ Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of _____)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 11th day of October 19 91

SEAL

Notary Public [Signature]

Residing at Council, Id 83612

My Commission Expires 4-9-92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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OCT 06 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

DEMIORIM

SEP 20 1988

4-3-91

CLAIMANT'S NAME Mc Donnell

CLAIM IDENT. NO. A57-

DATE RECEIVED 10-15-91 RECEIPT # 4013786 AMOUNT \$ 50 (2 claims - 25 ea) Required Info?

- | | YES | NO | Required Info? |
|--|---|--------------------------|---------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ | |
| Is the consumptive use correct? | ☒ N/A | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | ☒ N/A | ☐ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | ☒ N/A | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ <i>DM</i> | ☐ | <i>Self Comment</i> |
| 22. Is the fee enclosed correct? | ☒ | ☐ | * |

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OCT 6 1992

23. Should this claim be data entered?

YES

NO

Claim reviewed by: JP

Date

10-21-91

Claim data entered by: _____

Date _____

Claim is being returned to claimant:

Yes (Yes) No (No)

Claimant is being notified of modifications:

____ (Yes) ____ (No)

Comments:

Letter is being sent requesting late
fees. Two claims filed because 2 wells are
used for 2 homes total. Therefore, remarks
will be needed concerning both homes from
each well.* Late fee waived per letter dated
10-23-91 - see response dated 10-28-91. JP

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO 15 PM 4:54
I.R.C.P. 54(b) FOR

Water Right 57-10894

DISTRICT COURT-ST
TWIN FALLS CO, IDAHO
FILED

NAME & ADDRESS: RONALD MC DONNELL
PHYLLIS MC DONNELL
PO BOX 71
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/04/1977

POINT OF DIVERSION: T02N R04W S36 LOT 1 (SWNW)

Within Owyhee County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 2 HOMES

PERIOD OF USE
01-01 12-31

QUANTITY
0.08 CFS

PLACE OF USE: DOMESTIC Within Owyhee County
T02N R04W S36 Lot 1 (SWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: NOV 15 1996



DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

State of Idaho

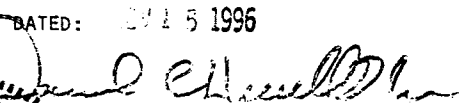
County of Twin Falls ss.

I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

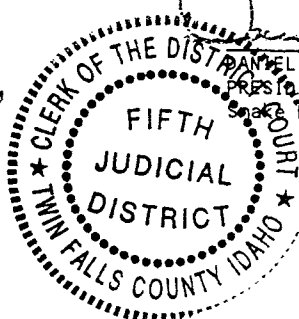
ROBERT S. FORT
CLERK OF THE DISTRICT COURT

PARTIAL DECREE PURSUANT TO I.R.C.P.
Water Right 57-10894

DATED: NOV 15 1996


DANIEL C. HURLBUTT
PRESIDING JUDGE

Snake River Basin Adjudication



MICROFILMED
JUN 06 1997

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-09-1996

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10894 ✓

NAME AND ADDRESS: RONALD MC DONNELL
PHYLLIS MC DONNELL
PO BOX 71
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR DOMESTIC, 2 HOMES

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/04/1977

POINT OF DIVERSION: T02N R04W S36 LOT 1 (SWNW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 2 HOMES	01-01 12-31	0.08 CFS

PLACE OF USE: DOMESTIC Within Owyhee County
T02N R04W S36 Lot 1 (SWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
PARCEL NO. RP02N04W363800.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP02N04W363800.

MICROFILMED
JUN 06 1997

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-1-1996

PAGE: A-310

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10894

NAME & ADDRESS: RONALD MC DONNELL
PHYLLIS MC DONNELL
PO BOX 71
MARSING ID 83639

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

PRIORITY DATE: 01/04/1977

POINT OF DIVERSION: T02N R04W S36 LOT 1 (SWNW)

Within Owyhee County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC DOMESTIC, 2 HOMES

PERIOD OF USE
01-01 12-31

QUANTITY
0.08 CFS

PLACE OF USE: DOMESTIC Within Owyhee County
T02N R04W S36 Lot 1 (SWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PARCEL NO. RP02N04W363800. *EXL*

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

*N11
N13
W013786
25-*

**MICROFILMED
JUN 06 1997**

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

PHONE - 208-896-4495

+ - - - STATUS - - - - +

+ - - - - - - - - - - TRIBUTARY - +

02N 04W 36 SW NW 1 (73) OWYHEE

0.080

0.080

COUNTY

(73) OWYHEE

THIS WELL AND THE WELL FILED UNDER CLAIM NO. A57-10895 ARE USED TOGETHER FOR A TOTAL OF 2 HOMES.

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
MICE NO OLD WATER RIGHT NUMBERS FOUND.

NO
MICROFILMED
OCT 06 1992

WATER RIGHT NUMBER - A57-10894

PREFIX TRANSLATION: ADJUDICATION CLAIM

----- CONDITIONS OF APPROVAL -----
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 10/28/91 HARRIS

----- COMMENTS -----
NO COMMENTS FOUND

----- ADJUDICATION RIGHTS DATES AND FLAGS AREA -----

| | | | | | | | | |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| COURT REPORT FILING | - | 00/00/0000 | FIELD INSPECTION MADE | - | 00/00/0000 | CIVIL CASE NUMBER | - | 39576 |
| OBJECTION FILED DATE | - | 00/00/0000 | FIELD INSPECTION FLAG | - | | OLD CASE NUMBER | - | |
| RESPONSE FILED DATE | - | 00/00/0000 | VERIFIED DATE | - | 00/00/0000 | OLD JUDICIAL DISTRICT | - | |
| CLAIM RECEIVED DATE | - | 10/15/1991 | LAST AMENDED DATE | - | 00/00/0000 | TEMPORARY RIGHT | - | P |
| PROOF DUE DATE | - | 00/00/0000 | PROOF MADE DATE | - | 00/00/0000 | WATER DISTRICT | - | |
| LICENSED DATE | - | 00/00/0000 | RECEIPT NUMBER | - | W013786 | FEDERAL/STATE INDICATOR | - | S |
| CLAIMS TAPE ERROR FLG | - | | POU OWNERSHIP FLAG | - | Y | PRESUMPTION FLAG | - | |
| FEE EXEMPT FLAG | - | | NAME CONNECTOR | - | OR | NOTICE OF ERROR FLAG | - | |

RP 02N040363800

PROOF
0 1991

PROOF
PROOF NOV 05 1991
0 1991

DATA ENTRY

ENTERED

CHECKED 12/31/91 AE

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
NOV 05 1991

CERTIFIED
NOV 05 1991
WATER EXAMINER

MICROFILMED
OCT 06 1992

INTER-DEPARTMENT MEMO

(A57-10894) (A57-10895)

TO: ANITA WARNTJES

SUBJECT: ATTACHED CLAIMS

FROM: JANI THURTELL

DATE: 10-31-91

Hi Anita,

Here are the latest two claims - I had sent these people a late fee letter & they wrote back stating they went into self office & filed on their mig. claim & were told not to file on their hom stock. Their daughter was having heart surgery at that time & they never gave it another thought. Since they did come in with due diligence & filed a claim timely, no late fees will be charged.

☐ For your information☐ Response required

signature

Please send to Ken Dunn. No selection file made

MICROFILMED
OCT 16 1992



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

October 28, 1991

Ron or Phyllis McDonnell
PO Box 71
Marsing, ID 83639

Dear Mr. & Mrs. McDonnell:

Enclosed is your check No. 2636 for \$100 that you sent to cover the late fees for the two Owyhee County claims recently submitted.

We are returning this check to you based on the information contained in your letter also sent with the check. It is our office procedure not to charge a late fee for claims submitted after the original deadline when the claimants did show due diligence by coming to our office when the first notice was received and filing a claim on irrigation or uses other than domestic or stockwater. Along with the circumstances you were having at that time, it appears the late fee should be waived.

You will receive a notice when your domestic claims are drafted to be sent to the court for decree. If any errors are apparent at that time, you will be given an opportunity to contact us. The Snake River claim filed in 1989 will not be included in this report and we will contact you at a later time when we begin our review of claims with direct diversion from the Snake River.

If you have any questions concerning this letter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jan Shurte'.

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures

MICROFILMED
OCT 06 1992

RECEIVED
25mm
OCT 24 1991

10-23-91

Dear Jan Shute,

Department of Water Resources
Western Regional Office

You are correct we were notified in 1988. We both personally went to your office and filed our irrigation claim and were prepared to file the domestic water claim. At that time the office staff said it was not necessary, because of a court ruling. Since our daughter was very ill with heart trouble and not expected to live, we were waiting for her health to improve enough for surgery we just didn't dwell on the water rights. Later on in Jan. 1989 they did perform an 8 hr. operation, and fixed 4 things mainly the aortic valve, and she did survive. At that point in our lives, our attention was on our daughter. Your staff had **MICROFILMED** about the Court order. I guess the emphasis now is, **OCT 06 1992**, the Court order still applies but it is addressable to file, hence the late fee. We are paying the late fee, but feel compelled to tell you we don't believe this is entirely our fault. Please find enclosed a check for \$100.00 for the late fee for the 2 water claims on our wells. Reference your letter 10-21-91. Receipt # WS 13786.
Sincerely Phyllis McDonnell



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

October 21, 1991

Ronald or Phyllis McDonnell
PO Box 71
Marsing, ID 83639

Dear Claimant(s):

We have received your Notices of Claim to a Water Right filed for property located in Owyhee County. Enclosed is Receipt No. W013786 for the \$50 filing fee also submitted.

These claims were filed as a result of the 2nd Round Commencement sent to you as a property owner in Owyhee County. The 1st Round Commencement Notice was sent to you on October 14, 1988, to file a water right claim for your Owyhee County property by March 1, 1989 for domestic or stockwater uses, or January 19, 1989 for all other uses. The 2nd Round Commencement Notices recently sent were to notify property owners who appear to have some irrigated land in Owyhee County and no claim has been filed in their name, that they **MAY** now need to file. This irrigated land may be covered by an irrigation district filing, however, a notice was still sent to insure that all property owner's who may use another source of water for irrigation have been officially notified to file. This also occurred if property was located within a city boundary. Even though all cities that have their own water system have filed, this notice was to notify those property owners who use their own well for various purposes that they **MAY** need to file also.

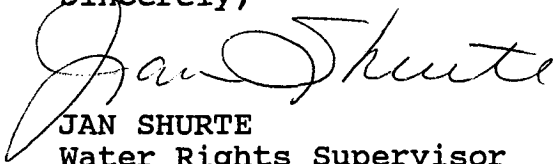
Idaho Code Section 42-1409(b) mandates that late fees are to be charged if a claimant was notified in the 1st Round Commencement Notice, did not file, then was again notified in the 2nd Round Commencement Notice and has now filed. The only exceptions to this late fee are claimants who were **NOT** notified in the 1st Round Notice or those filing a claim for instream stockwatering or for fire protection, which are uses for which a claim is not required. Our records show that you **DID** receive a notice in both the 1st Round and 2nd Round Commencement Notice mailings, therefore, **a \$50 late fee per claim, or \$100 total is now due, in addition to the filing fee already submitted, in order to file these claims.** Also enclosed is a request for extension of time that can be completed if circumstances occurred preventing the filing of the claims during the 1st Round Notice filing period. The \$100 late fees still must be submitted at this time, and if the extension request is approved this late fee will be refunded.

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Please note that if you are filing claims for domestic or stockwater purposes, there are special provisions that allow you to defer this filing as explained in the enclosed brochure. If you do decide to defer filing these claims, please complete the enclosed withdrawal of claim forms and return them to this office. A refund of the filing fees paid will be made.

Please submit either the \$100 late fee or the signed withdrawals of claim within 10 days from the date of this letter. If we do not hear from you within this 10 day period, either in writing or by telephone, we will assume you do not wish to file and these claims will be returned to you and your original filing fee refunded.

Sincerely,



JAN SHURTE
Water Rights Supervisor
Adjudication Section

ENCLOSURES: RECEIPT No. W013786
WITHDRAWAL FORM
DOMESTIC/STOCKWATER
BOOKLET ON DEFERRAL

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