



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

SEP 01 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2005

DARRALL MARVIN
BARBARA MARVIN
1929 WIDNER RD
MIDVALE ID 83645

RE: Snake River Basin Adjudication (SRBA) claim 67-10186

Dear Mr. and Ms. Marvin,

On April 27, 2005, a contractor, Bosco Bosler, hired by the Idaho Department of Water Resources (IDWR) met with you to conduct a field exam concerning SRBA claim 67-10186 for irrigation from Pole Creek. In the process of reviewing the file I ran into a couple of questions:

- 1) Evidence of priority: Along with the field exam report, Bosco included an affidavit from yourself stating that you owned the property since 1988 but you were told by the previous owner, Wesley Dale, that the property had been irrigated for the past 30 years. With further research, it was found that W.W. Dale had filed three different applications for permit in an attempt to establish a water right on your property in the past. All three of these permits were voided in one way or another before a water right license was issued.
 - a) Old application for permit number 24148 was approved in 1953 and was relinquished. When a permit is relinquished, it is the applicants decision. So for some reason Mr. Dale decided that he did not want to pursue a water right license at that time.
 - b) Old application for permit number 72280 was approved in 1958 and lapsed as proof of beneficial use was not submitted on time.
 - c) Permit number 67-2342 was filed for in 1966 but lapsed in 1988 as the appropriate fees were not paid and no licensing field exam was conducted.

That being said, I have seen water rights that have been established through historical beneficial use but were never licensed simply because someone forgot to pay a fee. I am not saying that there is not a valid water right on the property. However, I need additional evidence of when the water was put to beneficial use to support this claim. The evidence of priority you submitted is second hand knowledge. I need at a minimum a statement from someone that has first hand knowledge of when the irrigation system was put in place. And based on the relinquished and lapsed permit, even with the

additional evidence I am requesting, I feel the earliest priority date we could support could be no earlier than 1966 unless evidence can be provided showing differently. Please submit this evidence as soon as possible.

2) I could not find information describing your diversion system. In order to make a recommendation for diversion rate and capacity, I need to know how your system works. Can you please provide me with as much information as possible about your diversions works? The notes on the claim say "Dam, 14' high, 112' long, "L" shaped, pump & sprinklers".

- a) How many sprinklers to you run at one time? *36*
- b) What size of pump do you use? *300 GPM, BERKLEY - P.T.O.*
- c) How much lift is there from the water level to the pump. *8'*
- d) What is the capacity of the storage pond? *EST- 31106 cubic'*
 - a. I need average depth, and or maximum depth of the pond. - *MAX-14' AVER. 8'*

TRACTOR MAY BE PARK EITHER SIDE OF DAM.

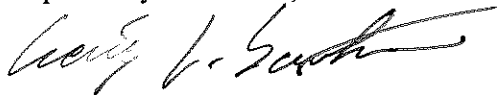
Any information you can provide would be helpful. I have included a couple of maps where you can draw in ditches, pump locations, points where water is diverted from the pond... anything that could help explain how your system works.

3) On the maps I have provided, I drew an outline in green of the area that Bosco indicated on his field exam that was irrigated. Note that the boundary of the green outlined areas is 14 acres of the 30 you claimed. Please feel free to add areas that might have been missed, or exclude areas that aren't irrigated.

Please submit the requested information to me as soon as possible. I apologize for the inconvenience, but getting this information will allow IDWR to describe your water right as accurately as we can. Your input in this process helps us tremendously.

Please feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s):

Cc: Bosco Bosler



State of Idaho

POU Location Map

Claim #: 67-10186

Map Source: 1987 True Color



Additional drawings are more accurate

- Claimed Point of Diversion
- Claimed POU
- Tax Lot Data
- Quarter Quarter Lines
- Section Lines

Claimed Irrigated Acres: 30.0

Initial Acres Found: 14.0





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Claim #: 67-10186

Map Source: 1987 True Color



● Claimed Point of Diversion

□ Claimed POU

□ Tax Lot Data

□ Quarter Quarter Lines

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August 23, 2005

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Department of Water Resources
322 East Front Street
Boise, Id. 83720-0098

RE: Snake River Basin Adjudication (SRBA) claim 67-10186

Dear Mr. Saxton,

W.W. Dale and myself Viola Dale husband and wife had the dam on Pole Creek constructed approximately in the year ~~1976~~ ¹⁹⁷⁶ We first used it as a flood plan on the west and northwest meadow. Later we purchased a tractor powered irrigation pump and by using hand lines that had 30 some sprinkler heads that were moveable we irrigated approximately 30 acres of very productive hay and pasture land. (1976 }

In 1988 we sold the property to Darrall A. and Barbara J. Marvin, to my knowledge they have been farming , haying and pasturing the land ever since.

Sincerely,



Viola Dale