

1/10

Das

635-10386
JAMES M. PAHL
2174 S. 3200 W.
AMERICAN FALLS
ID 83211

Wade - subject of
Priority OK
Need info on speed
cellar - humidifier
capacity





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 12, 1999

James M. Pahl
2174 S. 3200 W.
American Falls, ID 83211

RE: Snake River Basin Adjudication (SRBA) claims A35-10386, A35-02234
and A35-07201

Dear Claimant:

I have reviewed the Notice of Error Reply you submitted for SRBA claim A35-10386. Claim A35-10386 is being recommended for only domestic and stockwater purposes because some of the claimed uses were not supported by the information in the file for the priority date claimed. However, I was able to recommend claim A35-02234 with an accomplished change in nature of use to include the commercial uses claimed for A35-10386. In addition, the irrigated place of use for claims A35-02234 and A35-07201 was intended to include the irrigation of the trees and windbreaks. (Note: The "domestic well" has been added as a point of diversion for claims A35-02234 and A35-07201.) I have revised the GIS map to include these areas, and I have enclosed a copy of the revised map for your review. The revision of the map results in an increase in the total number of irrigated acres. The additional acres will be recommended for claims A35-02234 and A35-07201. Revised copies of the Preliminary Recommendations of Water Rights Acquired under State Law for claims A35-02234 and A35-07201 are also included for your review.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading 'Carter Fritschle', written in dark ink.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures

Preliminary Recommendations of
Water Rights Acquired under State Law
GIS map

November 20, 1998

Field 3/4

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 35-10386

JAMES M PAHL
2174 S 3200 W
AMERICAN FALLS ID 83211

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Insufficient.

2. Describe the changes you wish to make in the proposed recommendation:

Increase to - .15 cfs -

3. Give a brief explanation as to why you disagree with these portions:

Insufficient in respect to normal farm usage - cedar snag - lanes w/ trees + windbreak.

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-11-98 SIGNATURE: J. Pahl -

Please print your name: James M. Pahl.

[Handwritten mark]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 2, 1993

James M. Pahl
2174 S. 3200 W.
American Falls, ID 83211

RE: Snake River Basin Adjudication (SRBA)
Claims A35-10386 and A35-10387 - Power County

Dear Mr. Pahl:

We are currently in the process of preparing the Notices of Claim to a Water Right referenced above for court decree in the Snake River Basin Adjudication.

These claims were filed based on beneficial use of water dating back to 1938 for A35-10386 and to 1949 for A35-10387. On June 28, 1991, the Department sent you a letter requesting that you submit evidence supporting the priority dates you have listed on these claims. The evidence was received on September 3, 1991. However, the evidence was not sufficient to support the priority dates claimed for all of the water uses claimed.

In reference to claim A35-10386, I need some additional information as to when the potato cellar was built and connected to the well, and when the retail sales business commenced. I also need information on how much water is used in the potato cellar. It would be helpful to know the capacity of the cellar (how many hundredweight it will hold) and/or the quantity of water actually used in the cellar (such as gallons per minute and hours per day).

In reference to claim A35-10387, I need some additional information as to when the older of the two potato cellars was built. Also, it would be helpful to know the capacity of the cellar and/or the quantity of water actually used in the cellar.

In reference to the newer potato cellar, an aerial photograph indicates that it was built after August 1, 1987, and therefore cannot be included in the recommendation of claim no. A35-10387. I have included a blank Notice of Claim to a Water Right form you may use if you wish to file a claim for the water use in the newer potato cellar. I have also enclosed an Application for Transfer of a Water Right if you wish to change the nature of use of a portion of your irrigation right (35-02605) to describe the water use in the newer potato cellar.

James M. Pahl
December 2, 1993
Page 2 - Power County

In order for the Department to make a recommendation to the Court for decree of this claim, the information requested must be submitted prior to December 15, 1993.

Thank you for your cooperation. If you should have any questions, or feel that you need help in any way, please contact me in Boise at 1-800-451-4129.

Sincerely,

/s/

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:sf:state:tf

Enclosures:

Short form with instructions

Transfer application with instructions

Copy of claim nos. A35-10386 and A35-10387

Mr. Pahl

Has had knee ¹²⁻⁸⁻⁹³
surgery. Will try
to get explanation
of water use sent
in during December

CF

12-27-93

Talked to Greg Pahl
about getting state-
ments as to when the
spud cellars were
built. His dad had
a blood clot in his
lower leg causing a
set back in his
recovery from knee
surgery

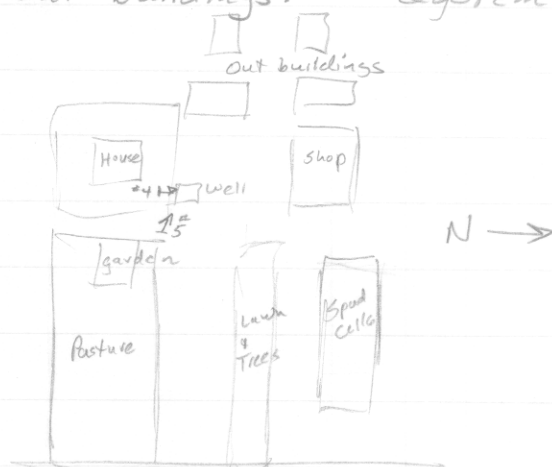
James Pahl

9-29-92 CA

Well has 8" casing - submersible pump - in pump under old windmill frame.

3 HP Franklin motor model # 282 3028 103

Photo #4 interior view of pump^{house} from access door on south side Photo #5 looking W.N.W. at pumphouse Toro control box for sprinkler system around lawn. 3 hand lines from u.g. mainline to irrigate pasture & garden 6 risers interconnected with main irrigation well/system 35-02234 & 35-07201 system services house, shop, spud cellar & other out buildings. System was operating



Not to scale



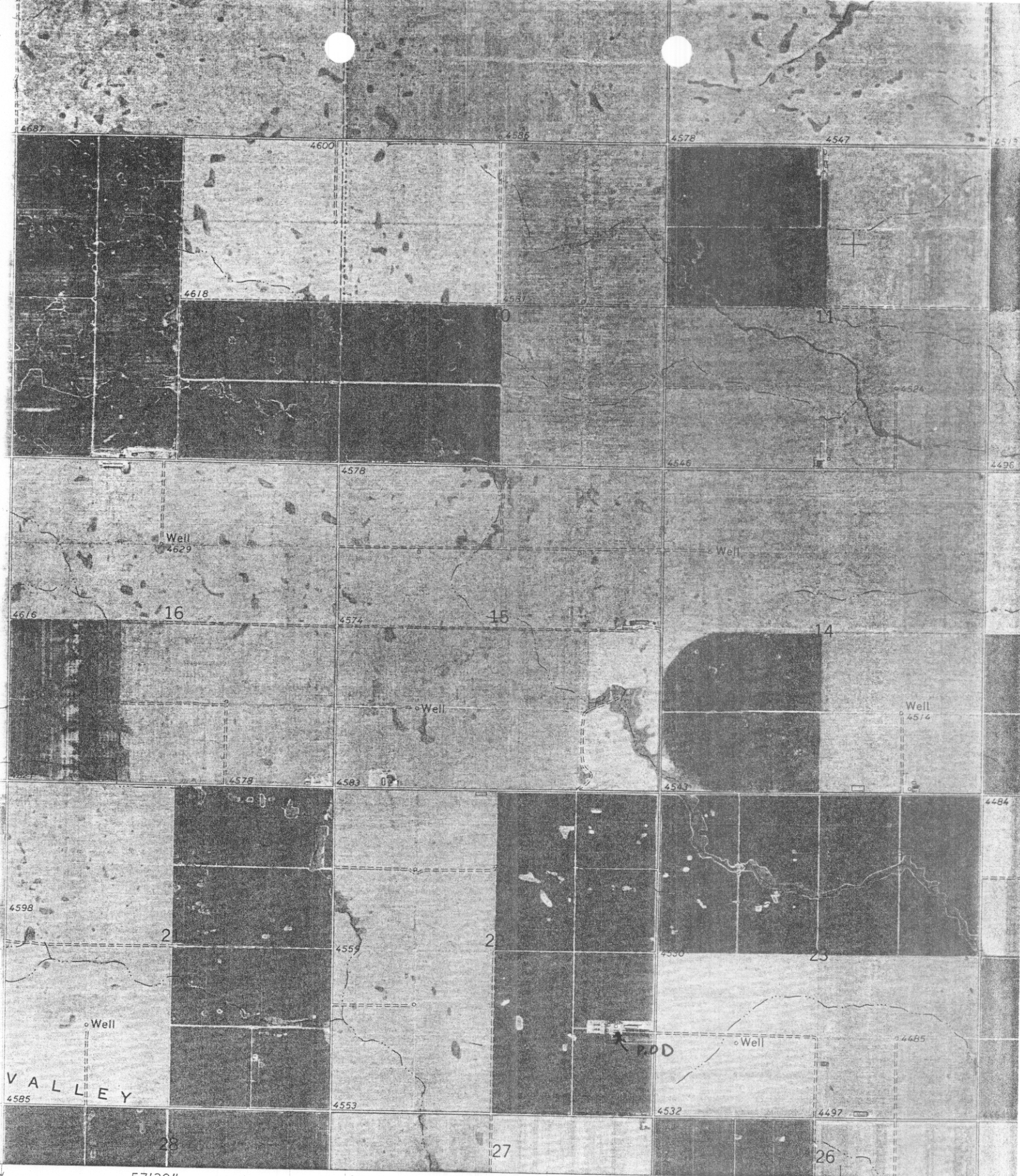
CLF 9-29-92

Left: Looking W.N.W.
at pumphouse

Below: Interior view
of pumphouse from
access door on south
side of pumphouse



CLF 9-29-92



57'30"

341

(AMERICAN FALLS SW)

3469 IV SW

SCALE 1:24000

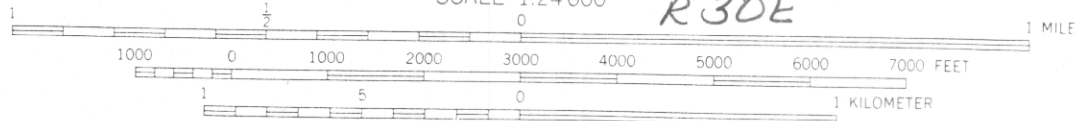
T65

R3DE

343

55'

344



MN
17°
302 MILS

CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

A35-10384

AFFIDAVIT

TO ESTABLISH PROOF OF WATER RIGHT PRIORITY DATE

I, ERNA RUFF, as a previous owner of the property described in claim number A35-10386, do hereby testify that the date this claim was put to beneficial use for the purposes claimed was Prior to 1946.

ERNA RUFF
Erna Ruff

Please Print

STATE OF IDAHO
County of Power

On this 29th day of August, 1991, before me, the undersigned Notary Public in and for said county and state, personally appeared Erna Ruff known or identified to me to be the person whose name is 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 first above written.

(Seal)

[Signature]

NOTARY PUBLIC FOR IDAHO

Residing at: American Falls, Idaho

Commission expires: 08-06-96

MICROFILMED

DEC 10 1992

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

MAXIMUM
DIVERSION

STAGE

A35-10386

JAMES M. PAHL
2174 S. 3200 W.
AMERICAN FALLS ID 83211

12/31/1938 DOMESTIC

COMMERCIAL

INDUSTRIAL

IRRIGATION

STOCKWATER

BENEFICIAL USE

01-01 12-31 0.04 CFS
01-01 12-31 0.01 CFS
01-01 12-31 0.04 CFS
03-15 11-15 0.06 CFS
01-01 12-31 0.02 CFS
TOTAL DIVERSION RATE: 0.17 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA
CONSUMPTIVE USE: 25.5 AFA

SOURCE: GROUNDWATER
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

TRIBUTARY:

REMARKS:

POINT OF DIVERSION:
T06S R30E S22 NESESE

PLACE OF USE: DOMESTIC
T06S R30E S22 SESE

PLACE OF USE: COMMERCIAL
T06S R30E S22 NESE

PLACE OF USE: INDUSTRIAL
T06S R30E S22 NESE

PLACE OF USE: IRRIGATION
T06S R30E S22 NESE 2.0
2.0 ACRES TOTAL

PLACE OF USE: STOCKWATER
T06S R30E S22 SESE

MICROFILMED
DEC 10 1992

June 28, 1991

JAMES M PAHL
2174 S 3200 W
AMERICAN FALLS ID 83211

RE: **Evidence of Priority** A35-10387 & A35-10386

Dear Mr Pahl:

The Notices of Claim identified with the numbers shown at the end of this letter have been filed in the Snake River Basin Adjudication (SRBA). The Notices indicate the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **July 29, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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DEC 10 1992

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

MICROFILMED

DEC 10 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME PAHL CLAIM I JT. NO. A35-10386

DATE RECEIVED 3/20/89 CK # _____ AMOUNT \$ _____

- | | YES | NO |
|--|--|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 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 entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 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 checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | Exempt ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: TR

MICROFILMED

Comments: ② APPLY 12/31/1938

DEC 10 1988

EC06252