

No Color

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 A65-

Date Received 12/1/89

Receipt Number CO13131

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 1 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Harold A. and/or Evea H. Powers Phone (208) 365-3776

Mailing Address 2685 Cherry Circle, Emmett, Idaho Zip 83617

2. Date of Priority (Only one (1) per claim) July 1984

3. Source of water supply (a) wells
which is tributary to (b) _____

4. a. Location of existing point of diversion: Township 6 North Range 1 West Section 16,
SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Gem

Additional points of diversion, if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Two wells 85 and 65 feet deep
6 inch casing

MICROFILMED

SEP 24 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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For ~~XXXX~~ Irrigation purposes from Mar. 1 to Oct. 31 amount 0.09 or _____

For Heating & Cooling purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For Domestic purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 Household, 3 animals cows or horses, geothermal heat pump to cool and heat one household

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	1 W	16											DG L						3.0

Total number of acres irrigated 3.0

11. In which county (ies) are lands listed above as place of use located? Gem

12. Do you own the property listed above as place of use? Yes X 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.
Emmett Irrigation District water is not available early enough in the spring or late enough in the fall for many item grown or None ()

14. Remarks: Some water is available for the Emmett Irrigation District.
This water is not available early enough in the spring or late enough in the fall to grow many item suited for the area.

MICROFILMED

SEP 24 1992

Last Name POWERS Ident No. 65-12834

Copies: White -State, Yellow-Claimant

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.

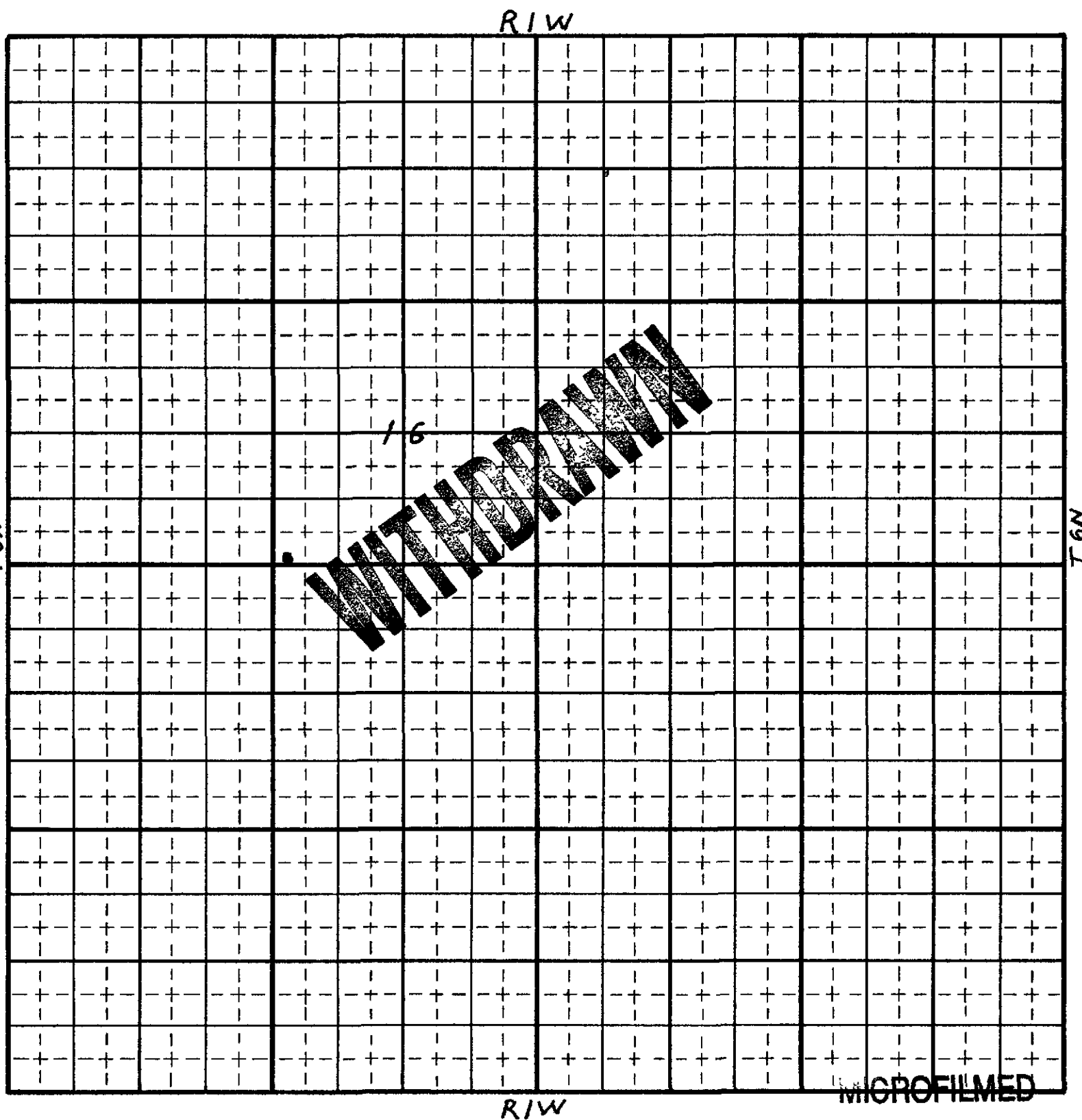
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

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.

RECEIVED

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name POWERS

Ident No. 65-12834

Copies: White-State, Yellow-Claimant

SEP 24 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number 65-12834

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 0

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

Signature of Claimant (s) Harold A. Powers 11/30/89

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 30 day of November 19 89

SEAL

Notary Public [Signature]

Residing at Boise

My Commission Expires 3-16-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

SEP 24 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - A65-12834

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
POWERS

HAROLD A.

1 - 2685 CHERRY CIRCLE

2 -

3 -

City- EMMETT

State- ID Zip- 83617

Phone - 208-365-3776

POWERS

EVEA H.

1 - 2685 CHERRY CIRCLE

2 -

3 -

City- EMMETT

State- ID Zip- 83617

Phone - 208-365-3776

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/12/1988 14 Error in Region W - WITHDRAWN

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

06N 01W 16 SW SW SW (45) GEM

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/01	10/31		0.090	
22 - HEATING		01/01	12/31		0.020	
25 - COOLING		01/01	12/31		0.020	
43 - DOMESTIC		01/01	12/31		0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.090

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
06N	01W	16	SW SW		3.0	01	IRRIGATION	(45) GEM

Total Acres: 3.0

+ - - Diversion Means - TWO WELLS , PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

WITHDRAWN

SEP 24 1992
MICROFILMED

Water right number - A65-12834

Adj. flag translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - -
WITHDRAWN BY REQUEST 7/06/90.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
HARRIS

+ - - - - 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 - 01/31/1990	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - X777777	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector -	Presumption Flag -

MICROFILMED
SEP 24 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Power

CLAIM IDENT. NO.

A65-

DATE RECEIVED

CK #

CO 13/31

AMOUNT \$

YES

NO

Require
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (If required) ☐ YES ☒ NO N/A ✓
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
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. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO 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 owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
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.) ☒ YES ☐ NO N/A ✓
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ✓
17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the
identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by:

RMC

Date:

5/25/90

Claim must be returned to claimant:

☒ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

QJ

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

SEP 24 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12834

Priority: April 12, 1988

Maximum Diversion Rate:

0.09 CFS

This is to certify, that HAROLD A POWERS
EVEA H POWERS

2685 CHERRY CIRCLE
EMMETT ID 83617

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 12, 1988; and has submitted Proof of Beneficial Use on November 8, 1989. An examination indicates that the works have a diversion capacity of 0.140 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.08 CFS	
HEATING	01/01 to 12/31	0.02 CFS	
COOLING	01/01 to 12/31	0.02 CFS	
DOMESTIC	01/01 to 12/31	0.02 CFS	
	Totals	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 16, Township 06N, Range 01W
GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	01W	16	SWSW	2.5		2.5

Total number of acres irrigated: 2.5

PLACE OF USE:

HEATING, same as IRRIGATION use

PLACE OF USE:

COOLING, same as IRRIGATION use

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

OCT 21 1996

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

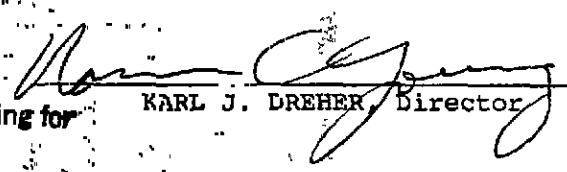
WATER RIGHT NO. 65-12834

CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor exceed a combined annual irrigation diversion volume of 11.3 af for the lands above.
7. The heating and cooling uses shall not exceed a combined annual diversion volume of 5.6 af.
8. Domestic use is for 1 home and shall not exceed an annual diversion volume of .6 af.
9. Domestic use does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21st
day of MARCH, 1976.

Acting for


KARL J. DREHER, Director

MICROFILMED

OCT 21 1996

WHITE - State Auditor
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy

EXPENDITURE VOUCHER

STATE OF IDAHO
 Office of State Auditor

AGENCY USE

Date	2181
Code	07/15/90
	193007

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below

AGENCY NAME DEPT. OF WATER RESOURCES

Document No

Pre-Audit

Date

Warrant No

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT. () PARTIAL () FINAL

Encumbrance Reference No

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 1a2	9337	8931		REFUNDS PER D. SHAFF RECEIPT #0013131 7/11/90 53.00 <i>A65-12834</i>	53.00	
TOTAL						53.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority, that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form, that totals carried hereon are correct, that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith, and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

MICROFILMED
SEP 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1990

Harold A. Powers
2685 Cherry Circle
Emmett, ID 83617

RE: Snake River Basin Adjudication (SRBA)
Gem County Receipt #C013131, \$53.00 - #A65-12834

Dear Mr. Powers:

Due to the fact you have withdrawn your claim, we have initiated the refund process with the State Auditor's Office. You should receive your check in the near future.

You may submit another claim within the next two years by submitting the claim with the required filing fee within two years. Additionally, the agency director or the court may require in the future, you to submit a claim for the water right described by the permit. You will be notified if this requirement becomes effective.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:sf:state:west

MICROFILMED

SEP 24 1992

CP 7-17-90

TO: Debbie Allen

THRU: D. Shaff *087-17-90*

FROM: J. CARLSON *JPC*

DATE: 07-11-90

RE: Receipt *C013131* Refund ~~\$25.00~~ *53.00*

Please process a refund of ~~\$25.00~~ *53.00* to:

*Harold or Euea Powers
2685 Cherry Circle
Emmett, ID 83617*

(withdrawn)

*A65-1283A
G W/R*

*Withdrawn claim. Right was based upon a permit #65-12834
which has a priority date of 4/12/88.*

Not refunded as of 7/12/90

OK to refund JPC 7/13/90

MICROFILMED

SEP 24 1992

C013131

12/01/89
14:57:03

POWERS, HAROLD A./EVEA

ADJUDICATION FEE

0410162 9337 6490

\$53.00

\$53.00

CHECK 2087

Idaho Department of Water Resources

Region: STATE

Signature: _____

MICROFILMED
SEP 24 1992

IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT MAINTENANCE II - MAINT. SCREEN 1DATE: 07/12/90
TIME: 16:31:03

RECEIPT NUMBER : C013131

RECEIPT AMT : 53.00

RECEIPT TYPE : CK
DATE & TIME : 12/01/89 14:57:03
FROM PAYER : POWERS, HAROLD A./EVEA
USER ID : KEATHLEY
ADJUST FLAG : W
TRANS NUMBER : 90-657
AR NUMBER :
RECEIPT REMARKS :
UPDATE REMARKS :
AMOUNT REFUNDED :
REFUND REASON :
REFUND NAME :

CHECK NUMBER: 2087
JULIAN DATE : -

REC. GROUP : F
TRANS YR-MO : 1989-12

REFUND DATE : __/__/__

REFUND CK NO: _____

RECEIPTED FEES : X

WATER RIGHT NUMBERS: X

(ENTER=CONTINUE) (GOLD2=UPDATE)

MICROFILMED

SEP 24 1992

SD-170

IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT MAINTENANCE II - MAINT. SCREEN 2

DATE: 07/12/90
TIME: 16:31:09

RECEIPT NUMBER : C013131

RECEIPT AMT : 53.00

DESCRIPTION	PROGRAM	ACCT	CLASS	FEE
ADJUDICATION FEE	410162	9337	6490	53.00

(ENTER=CONTINUE)

(GOLD2=UPDATE)

MICROFILMED
SEP 24 1992

SD-171

IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT MAINTENANCE II - MAINT. SCREEN 3

DATE: 07/12/90
TIME: 16:31:15

RECEIPT NUMBER : C013131

PAGE 1 OF 3

RECEIPT AMT :

53.00

53.00

(ENTER=CONTINUE) (GOLD2=UPDATE) (GOLD4=PREV PG) (GOLD5=NEXT PG)

MICROFILMED

SEP 24 1992

RECEIVED

JUL - 6 1990

Department of Water Resources

Form 25a

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant: Harold A. Powers
(Please Print)
Mailing Address: 2685 Cherry Cr., Emmett, ID. 83617
Amount: \$ 53.00 Receipt No.: C013131
County of Water Right: Jem
Claim No(s).: A65-12834

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do X/do not request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

Harold A. Powers 7/6/90
(Signature of Claimant) (Date)

(Signature of Claimant) (Date)

(Signature of Claimant) (Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

For IDWR Use

	Initials	Date
Approval Region		
Approval State Office	<u>df</u>	<u>7-17-90</u>
Data Entry	<u>df</u>	<u>7-17-90</u>
Claim File		

MICROFILMED

SEP 24 1992

Left on Host Temp
but adding Remark.
Fees insufficient for
uses claimed. df 7-17-90



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 28, 1990

Mr. and Mrs. Harold A. Powers
2685 Cherry Circle
Emmett, ID. 83617

Re: Notice of Claim - Gem County

Dear Mr. Powers:

We are returning your Notice of Claim to a Water Right filed for your property in Gem County.

All portions of the claim have been filled in properly. However, we wish to be sure that you are aware that you may not be under statutory or court-ordered obligation to file a Notice of Claim on this water right. Only those water rights which were in existence as of, or prior to, November 19, 1987, are required to file such a notice.

The date of priority on your Claim is shown as July, 1984. However, the source of your water is groundwater and the date of priority for any use other than single family domestic use must be before March 25, 1963 or a Permit is required by law. A Permit is referenced in Item 15, Basis of Claim, but the priority date on this Permit is April 12, 1988.

Because your priority date may be April 12, 1988, you may be under no obligation to file a claim. Additionally, if this claim represents a new use (other than that covered by 65-12834) you need to file the enclosed application for Permit.

Your Permit #65-12834 is in good standing. You may file a Claim based on this right but you are under no obligation to do so at this time.

MICROFILMED

SEP 24 1992

Mr. and Mrs. Powers
June 28, 1990
Page 2

If you choose to file this based on beneficial use and not the permit, then please choose a day for the date of priority in July of 1984.

Should you decide to resubmit this claim, simply return the claim form to this office. The priority date should be corrected to match that of the existing Permit. To do this, simply line through the information on the Claim and initial any changes. The claim form should be delivered to our office or postmarked by July 30, 1990, otherwise we will assume you wish to withdraw the claim.

If you do not wish to file your Notice of Claim, please complete the enclosed Request for Withdrawal of Claim and return it to the address shown. Your request for refund will be processed as quickly as possible. Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,



John D. Carlson
Adjudication Supervisor

RM:lk:state:tf

Enclosures:

Notice of Claim
Request For Withdrawal Of Claim

MICROFILMED
SEP 24 1992