

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: **A65-22246**
Date Received: 9/ 2/1999
Receipt No: _____
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DEAN E OGLEVIE 208-325-4416
Address: PO BOX 484
DONNELLY ID 83615
AND/OR
Name: CHARLOTTE G OGLEVIE 208-325-4416
Address: PO BOX 484
DONNELLY ID 83615

2. Date of Priority: MAY 31, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03E	9	NW	SW			VALLEY

5. Description of diverting works:

68' DEEP, 1 HP SUB. PUMP & PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC / 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	03E	9	NW SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

FRAN-DOT SUBDIVISION NO. 1

15. Basis of Claim: BENEFICIAL USE

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

SEP 02 1999

WATER RESOURCES
WESTERN REGIONIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AL5-22246Date Received 9-2-99Receipt Number W025673NOTICE 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) DEAN E. &/OR CHARLOTTE G. OGLEVIE Phone (208) 325-4416
Mailing Address P.O. BOX 484, DONNELLY, ID Zip 836152. Date of Priority (Only one per claim) MAY 31, 1979 Month/Day/Year3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____4. Location of point of diversion is: Township 16N Range 3E
Section 9 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of VALLEY NW SW per map
Additional points of diversion if any: attached5. 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. 68' DEEP, W/1 HP SUBMERSIBLE PUMP & PIPELINE TO PLACE OF USE

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

For DOMESTIC purposes from 01/01 to 12/31 amount 0.040 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.040 (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) DOMESTIC/ONE HOUSE

DEVIDER
PUB S O 172
CONSIGNED TO LAW
LIBRARY

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.

-10. Place of use is: Township: * 16N Range 3E
Section 9, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

NWSW per
attached map

11. In which county (ies) are lands listed above as place of use located? VALLEY
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.
(²) None or _____
14. Remarks: * FRAN-DOT SUBDIVISION NO. 1

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 X 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) Deane E. Oglevie Date SEPT 1, 1999
Charlotte R. Oglevie Date Sept 1, 1999

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 _____
Title 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 Valley) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 1st day of September 1999

SEAL

Notary Public [Signature]

Residing at Donnelly

My Commission Expires 11/18/2000

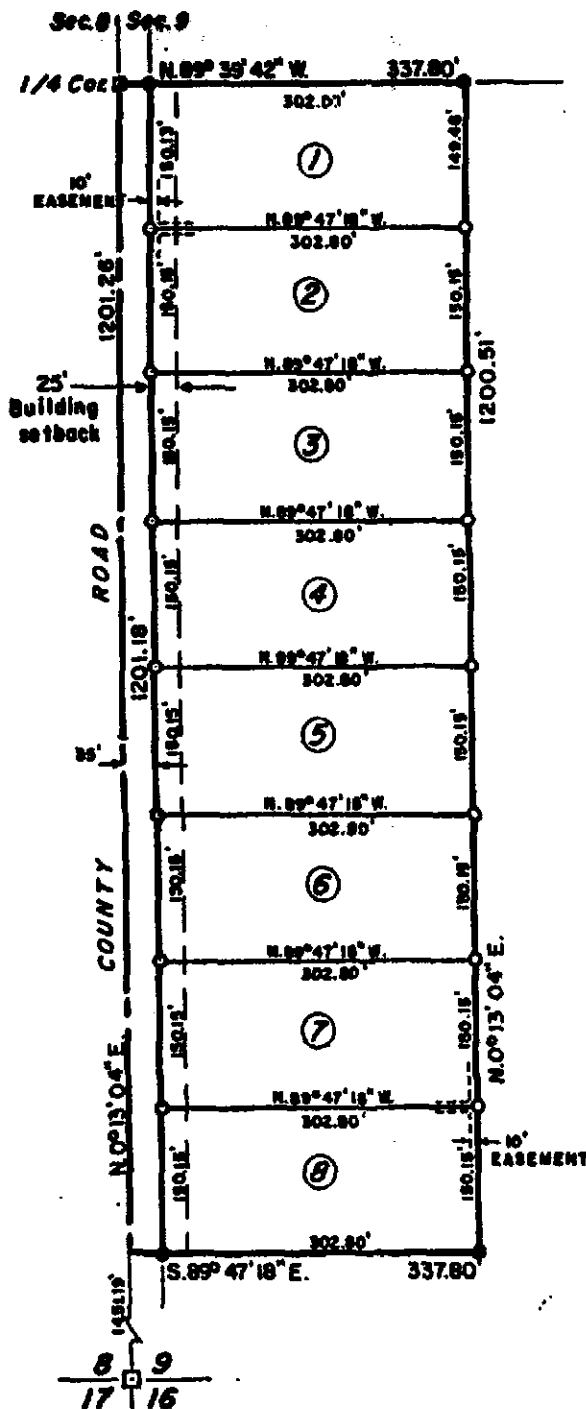
Last Name OGLEVIE Ident No. _____
Copies: White-State, Yellow-Claimant

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.



Sanitary Plan under Title So

Removed by Instrument No. 96120

FRAN-DOT SUBDIVISION NO. 1

Situate in

W2W2NW4SW4, Section 9, T.16N., R.3E., BM.
Valley County, Idaho

Thomas W. Kerr R.L.S. 998



Scale - 1" = 200'

MOUNTAIN TITLE CO.
BOX 798
CASCADE, IDAHO 83611
PH. 382-4207

LEGEND

- 5/8" x 24" steel pin
- 1/2" x 24" steel pin
- ③ lot numbers

--- 10' service and utility easement on frontage and centered on all interior lot lines

No building or shelter which will require a water supply or a sewage disposal system for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the State Board of Health by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities.

STATE OF IDAHO)
COUNTY OF VALLEY) SS.

Thomas W. Kerr, being first duly sworn, deposes and says that he is a Registered Land Surveyor, licensed to practice by the State of Idaho, that he has compared the above copy with the original plat and that the same is a true and exact copy of said plat.

Thomas W. Kerr

Subscribed and sworn before me this _____ day of _____, 1978.

Notary Public in and for the State of Idaho



WARRANTY DEED

For Value Received, Dorothy Gestrin Rising, a married woman dealing with her sole and separate property

the Grantors, do hereby grant, bargain, sell and convey unto
Dean E. Oglevie and Charlotte G. Oglevie,
husband and wife

whose address is: Box 484, Donnelly, Id. 83615

the grantee, the following described premises, to-wit:

All that certain lot, piece or parcel of land situated in Valley County, Idaho and shown as Lot 6, Fran-Dot Subdivision No. 1, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1994 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 6-3-94

Dorothy Gestrin Rising
Dorothy Gestrin Rising

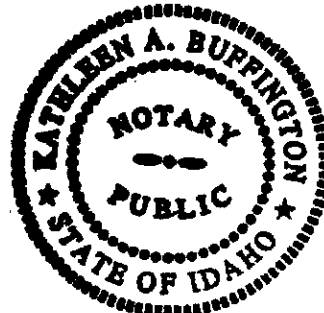
State of Idaho)
County of Valley) ss

On the 3rd day of June, 1994 before me, Kathleen A. Buffington
Notary Public a notary public in and for said State,
personally appeared Dorothy Gestrin Rising known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that she executed the same.

Kathleen A. Buffington
Notary Public

Residing at: Cascade

Commission Expires: 12-12-94



Commission Expires 12-12-94

204401
RECORDED BY: [illegible]
JUN 3 3 27 PM '94
TYPE: Deed #7
VALLEY COUNTY
BY: [illegible]
FEE: [illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN E OGLEVIE
CHARLOTTE G OGLEVIE
PO BOX 484
DONNELLY ID 83615

RE: Notice of Claim to a Water Right Claim No. A65-22246

Dear Claimants:

We have processed your Notice of Claim to a Water Right filed in the Snake River Basin Adjudication. In the initial review of this claim, we found it necessary to either complete or change an item or items on your claim form(s). A copy of the computer generated copy with these changes and the receipt for the filing fee submitted are enclosed. **ONLY ITEMS SHOWN BELOW WITH A CHECKMARK HAVE BEEN EITHER CHANGED OR ADDED TO YOUR CLAIM(S). IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM.(S)**

- _____ Item #2 - Only a portion of your priority date was listed. This item requires a month, day and year. We have added in the required information based on the Department's rules for dates of priority.
- X Item #4 - The point of diversion appears to be incorrectly described or not described at all. Based on other information provided which included your legal description, we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, enclosed is a copy of the subdivision map from which we computed the quarter-quarter legal description.
- _____ Item #5 - No description of diverting works was listed. Because the source was described as a groundwater source, we have completed this item with well, pump and pipeline. If your groundwater source is not a well, please notify us.
- _____ Item #6 - The period of use is not listed for the use(s) claimed. The Department has recommended periods of use for certain uses. The recommended period of use has been added to your claim.
- _____ Item #7 - The total quantity claimed was not completed. The use(s) claimed have been added together and this amount added to your claim.
- _____ Item #9 - The number of homes was not listed on your claim. It appears to be filed for one domestic home and this information has been added to your claim.

X

Item #10- The place of use appears to be incorrectly described, or not described at all. Based on other information submitted we have added in the quarter-quarter, section, township and range. If you had listed the Lot, Block and Subdivision name, we have enclosed a copy of the subdivision map from which we computed the quarter-quarter legal description. Or, if you had listed a quarter-quarter legal description under Item No. 4, we have listed this same quarter-quarter, section, township and range on this item.

_____ Item #12- The ownership of the place of use has not been marked. We have assumed you own the place of use and this information has been added to your claim.

_____ Item #15- The Basis of Claim was not completed. No previously recorded water rights were found, therefore, we have marked beneficial use of the water as the basis for filing this claim.

_____ Other _____

If you have any problems or questions concerning these additions and/or changes, please contact this office within 30 days from the date of this letter. If we do not hear from you within this time, we will assume you agree with these changes, and your claim will remain on file as shown on the enclosed data entered copy.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

DB:d

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

AJ0749NP
No. R65-22246

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/23/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEAN E OGLEVIE	05/31/1979	DOMESTIC	01-01 12-31	0.040 CFS	
C	CHARLOTTE G OGLEVIE					
	PO BOX 484					
	DONNELLY ID 83615					
	(208) 325-4416					
				TOTAL DIVERSION:	0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T16N R03E S09 NWSW

VALLEY County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16N	03E	9	:																	:

POU County: VALLEY

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PROPERTY IS ALSO KNOWN AS LOT 6, FRAN-DOT SUBDIVISION NO. 1.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/23/99 SBOCK