

RECEIVED

JUL 07 2006

DEPARTMENT OF
WATER RESOURCES



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2006

GINA S WADDELL
532 DAY RD
WEISER ID 83672

RESPONSE DEADLINE
July 10, 2006

RE: EVIDENCE OF PRIORITY FOR SNAKE RIVER BASIN ADJUDICATION (SRBA) 67-4530

Dear Claimant:

I recently received the Change in Ownership form for the above-mentioned claim. Thank you for responding so quickly, and for including a map of the property showing well locations. I also received the deed dated 1943 that mentions water rights. Unfortunately, many deeds have similar phrases and further evidence is needed to establish the priority date. I sent an "Evidence of Priority" pamphlet with my last mailing and you might consult that for further information on establishing a priority date.

As you know, water right claims similar to this one are established by the historic use of water, dating back to when water was first used for the irrigation. The priority date for your claim has not been verified. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have any questions regarding this matter, please call me at (208) 287-4907 or another Water Resource Agent, Misty Mount, at (208) 287-4940.

Respectfully submitted,

Monica L.B.

Monica P. Van Bussum
Water Resource Agent/GIS Technician

Gina S. Waddell
532 Day Rd
Weiser, ID 83672
Adjudication #SRBA 67-4530

State of Idaho
Department of Water Resources
322 East front Street
P.O. Box 83720
Boise, ID 83720-0098

Dear Adjudicator,

I was able to trace previous owners of my property back to 1946, when this house was built. I have enclosed a notarized affidavit signed by the son of Joe Jonely, who owned the property at that time. His name is Jim Jonely and he remembers helping build the house and outbuildings, and says that the property was definitely irrigated during the entire time that the Jonely family owned the property. I have included a copy of the deed of transfer showing Joe Jonely selling the property to the next owner; and also a copy of my deed to show that we are really talking about the same property. If you need to contact Jim Jonely; he now lives at 1112 Feltham Peak Way Emmett, ID 83617 and his phone number is 365-3348.

I have also included an aerial photograph from the USGS for August 1946, with the property circled.

I hope that this information is conclusive enough to preserve the water rights of this property for future generations.

IN THE MATTER OF
NOTICE OF CLAIM TO
A WATER RIGHT NO. (S)
67-4530

AFFIDAVIT

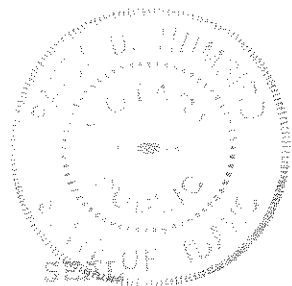
State of Idaho
County of _____

being first duly sworn,

deposes and says: I, Jim Jonely, am the son of Joe Jonely,
who owned the property at what is now 532 Day Rd. in
Weiser, Idaho from 1947 through March of 1956. The legal
description of the property is, to-wit:

Beginning at the Southwest corner of the North Half of
the South Half of the Northwest Quarter of the Southeast Quarter
of Section 4, Township 10 North, Range 5 W of the Boise Meridian
and running thence due East a distance of 32 rods; thence North
a distance of 10 rods; thence West a distance of 32 rods, thence
South a distance of 10 rods to the place of beginning.

I attest that the above property was being irrigated
in 1947 when we moved there, and continued to be
irrigated while my family lived there.



Jim Jonely
(Signature)

Subscribed and sworn to before me this
day 3rd of May, 2006.

Dale E. Emmert
(Notary Public)

Residing at Emmett

My Commission Expires 3-19-2011

WARRANTY DEED

BOOK 84 PAGE 131

INSTRUMENT NO. 98412

THIS INDENTURE, Made this 12th day of March, in the year 1936, between JOE JENSEN and LUCILLE JENSEN, husband and wife,

of Idaho Falls, County of Bonneville, State of Idaho, the part. i.e.s. of the first part, and ARLO R. CHAPMAN and GENEVA CHAPMAN, husband and wife,

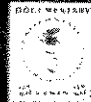
of Nailsar, County of Washington, State of Idaho, the part. i.e.s. of the second part.

WITNESSETH, That the said part. i.e.s. of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION----- DOLLARS lawful money of the United States of America, to them in hand paid by the said part. i.e.s. of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said part. i.e.s. of the second part, and to their heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

Beginning at the Southwest corner of the North Half of the South Half of the Northwest Quarter of the Southeast Quarter of Section Four (4) in Township Ten (10) North of Range Five (5) West of the Boise Meridian, and running thence due East a distance of thirty-two (32) rods; thence due North a distance of ten (10) rods; thence due West a distance of thirty-two (32) rods; thence due South a distance of ten (10) rods, to the place of beginning.

1936 Q.

This grant is made subject to ~~STATE~~ taxes.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part. i.e.s. of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the part. i.e.s. of the second part, and to their heirs and assigns forever. And the said part. i.e.s. of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part. i.e.s. of the second part. their heirs and assigns against the said part. i.e.s. of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said part. i.e.s. of the first part have hereunto set their hands and seals the day and year first written.

Signed, sealed and delivered in the presence of:

Joe Jensen (SEAL)
Lucille Jensen (SEAL)

_____ (SEAL)

DOUGLAS & DONAHY
ATTORNEYS AT LAW
WEAVER, IDAHO

Compared

BK 84 / pg 132

-132-

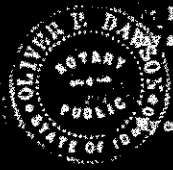
BOOK 84 , PAGE 132
INSTRUMENT NO.

STATE OF IDAHO, }
County of Bonneville } ss.

On this 16th day of March, 19 56, before me, the undersigned
a Notary Public in and for the State of Idaho, personally appeared JOE JONELY and LUCILLE
JONELY, husband and wife,

known to me to be the persons whose name is subscribed to the within instru-
ment 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.

 Oliver E. Darrow
Notary Public.

commission expires Jan 7, 1960
Residing at Idaho Falls, Idaho

No. 88412
WARRANTY DEED

Joe Jonely, et ux
TO
Arlo R. Chapman, et ux

Dated March 12, 19 56

STATE OF IDAHO, }
County of Washington } ss.
I hereby certify that this instrument was
filed for record at the request of Vincent Derig
at 30 minutes past 1
o'clock P. M. the 18th day
of October, A. D. 19 63
in my office, and duly recorded in book
84 of Deeds at page 21

HELEN LINCK
Recorder.
By Charlotte H. Heston
Deputy.
Fees \$ 1.80
132

185716

oved by:

ils _____

WARRANTY DEED

VALUE RECEIVED, HARLAN I. DOWNS, a married man dealing with his sole and
rate property, the Grantor, does hereby, grant, bargain, sell and convey unto GINA
'ADDELL, a single woman, the Grantee, whose address is 532 Day Road, Weiser, ID
'2, the following described real estate situated in Washington County, State of Idaho,
t

Beginning at the southwest corner of the North Half of the South Half of the
Northwest Quarter of the Southeast Quarter of Section 4, Township 10 North,
Range 5 West of the Boise Meridian, and running thence due East a distance of 32
rods; thence North a distance of 10 rods; thence West a distance of 32 rods; thence
South a distance of 10 rods to the place of beginning.

SUBJECT TO right of way for existing county road, known as Day Road, along the
West boundary

HAVE AND TO HOLD the said premises, with their appurtenances unto the said
itee, her successors and assigns forever. And the said Grantor does hereby covenant
id with the said Grantee, that he is the owner in fee simple of said premises; that said
ises are free from all incumbrances, and that he will warrant and defend the same
all lawful claims whatsoever.

ED this 4-25-02 day of April, 2002.

Harlan I. Downs
Harlan I. Downs

By: William Floyd Gordon Attorney in Fact
William Floyd Gordon, Attorney in Fact

TE OF IDAHO)

: ss

nty of Washington)

his 5 day of April, 2002, before me, a Notary Public in and for said State,
onally appeared WILLIAM FLOYD GORDON, known or identified to me to be the
on whose name is subscribed to the within instrument as the attorney in fact of
LAN I. DOWNS, and acknowledged to me that he subscribed the name of Harlan I.
ns thereto as principal, and his own name as attorney in fact.

185716
STON, IDAHO
03:09:00 No. of Pages: 1
WASHINGTON COUNTY TITLE

5-3-06
Notary Public - Clarence R. Stark

Clarence R. Stark
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 09/07/05



8-31-40

3 180

GS-CK

OP 17 EASTMAN AEROPHOTOGRAPHIC SAFETY

OP 17 EASTMAN AEROPHOTOGRAPHIC SAFETY

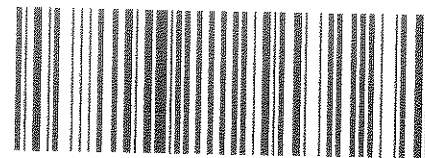
 **USGS**
science for a changing world

1946 Survey

addell

3672

CERTIFIED MAIL™



7003 2260 0002 2043 6832

RETURN RECEIPT
REQUESTED



U.S. POSTAGE
PAID
WEISER, ID
83672
JUL 05 '06
AMOUNT

9264

83720

\$4.88
00035194-06

State of Idaho
Department of Water Resources
~~322 East Front Street~~
P.O. Box 83720
Boise, ID 83720-0098

Adjudication # (SRBA) 67-4530