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RECEIVED

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DEPARTMENT OF
WATER RESOURCES

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July 21, 2006

Don Shaff
Idaho Department of Water Resources
The Idaho Water Center
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: SRBA Water Claim A36-15490

Dear Don:

Upon review of Idaho Department of Water Resources' recommendation of A36-15490, we noted that in the explanatory material section the place of use is described as "Lot 48"; however, Block 48 is the correct legal description. Please see the attached Notice of Claim.

It is our understanding that a letter is sufficient to correct this error rather than the necessity of filing an objection because the language is part of the explanatory material, which is not included in the partial decree.

Thank you for your assistance. Please let me know if you have any questions about this matter.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

Enclosure
cc: Dennis Andrew
Z:\1778\7240

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 _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) City of Rupert Phone (208) 436 9040

Mailing Address P. O. box 426 Rupert, Idaho Zip 83350

2. Date of Priority (Only one (1) per claim) April 1 1952

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

4. a. Location of existing point of diversion is: Township 09s Range 24e Section 29,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Minidoka

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. One well 15 inches in diameter
approximately 30 feet deep, one 10 h.p. pump connected to a
sprinkler system and an aesthetic fountain within this park.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04|01 to 10|31 amount .06 or _____

For Aesthetic (fountain) purposes from 04|01 to 10|31 amount .01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .07 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Aesthetic: A decorative fountain located in this park.

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: D for 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	
<u>09s</u>	<u>24e</u>	<u>29</u>		<u>2, J</u>															<u>2</u>

Total number of acres irrigated 2 acres

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

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.
_____ or None (X)

14. Remarks: The location of this well is block number 48 of the original
townsite of Rupert Idaho.

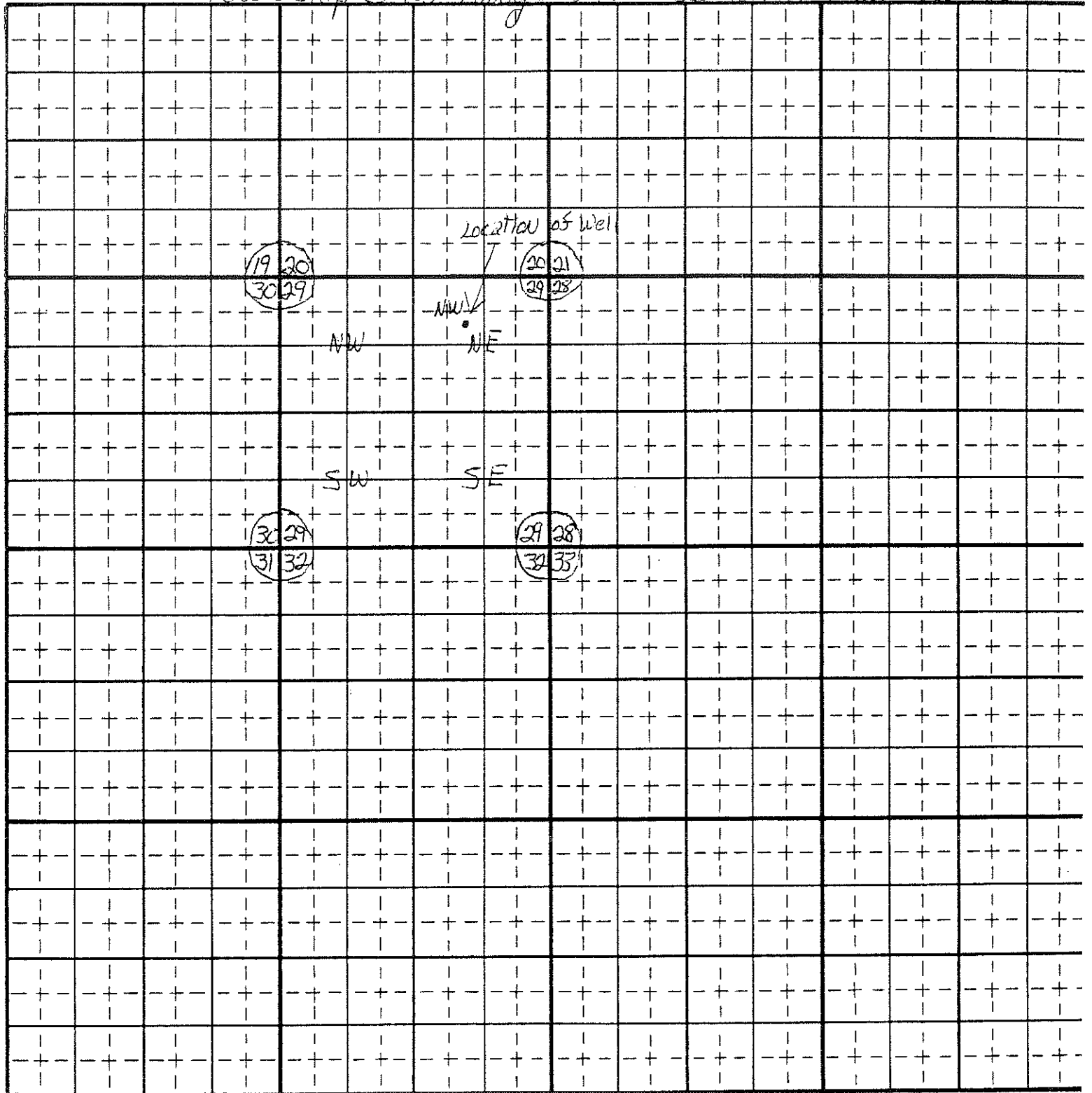
Last Name City of Rupert Ident No. 39576

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

Township 09S Range 24E Section 29 SE NW NE



15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For **Organizations**: I do solemnly swear or affirm that I am Irvin Hardy, Superintendent
Title

of City of Rupert _____, that I have signed the foregoing
Organization

document in the space below as Irvin Hardy, Water Supt. of City of Rupert
Title Organization

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

Signature of Authorized Agent

Irvin Hardy

Title and Organization Irvin Hardy, Water Superintendent Date 2-22-96

State of Idaho/or _____)

County of Minidoka _____)

SS.

Subscribed and sworn (or affirmed) before me this 22 day of February 19 96

SEAL

Notary Public

[Signature]

Residing at

Rupert

My Commission Expires

1/15/2002

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 _____

Last Name City of Rupert Ident. Number 39576

Copies White-State, Yellow-Claimant

A F F I D A V I T

STATE OF IDAHO)
) SS.
County of Minidoka.)

ODELL McLANE, being first duly sworn on oath, deposes and says:

1. That your affiant is past the age of majority; that I make this Affidavit of my own personal knowledge and in support of the priority date claimed by the City of Rupert for a certain claim made in the Snake River Adjudication.

2. That I am a resident of the City of Rupert, residing at 1014 G Street, Rupert, Minidoka County, State of Idaho.

3. That I am currently retired, but prior to my retirement was employed by the City of Rupert from 1951 holding a number of jobs, including foreman of the City construction crew and former fire chief.

4. That I know that there was located in the City Square in the City of Rupert the following described area of real property a well used by the City for the irrigation of the Rupert City Park. The said location is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

5. That I recall from my own personal knowledge that there existed prior to April 1, 1952 a well at the above said location used by the City of Rupert for irrigation at the Rupert City Park. That during my employment with the City of Rupert, and

subsequent to April 1, 1952, the well was used every summer for the purpose of irrigation by the City of Rupert.

DATED this 11 day of March, 1996.


Odell McLane

SUBSCRIBED and sworn to before me this 11th day of March, 1996.

(SEAL)


Notary Public
Residing at Rupert, Idaho
My Commission Expires: 10-29-99

((A))

THE FOLLOWING DESCRIPTION IS A MEETS AND BOUNDS
DESCRIPTION OF A TRAVERSE TO A POINT LOCATED DIRECTLY
ON THE SITE OF THE CITY OF RUPERT WELL LOCATED IN THE
GENERAL VICINITY OF BLOCK 48 OF THE ORIGINAL RUPERT
TOWNSITE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the NW corner, Section 29, Township 9 South, Range 24 East, Boise
Meridian, Minidoka County;

Thence North $89^{\circ} 56' 12''$ West 2,640.29 feet to the North $1/4$ Corner of
said Section 29 (found aluminum cap, corner perpetuation recorded 5-6-
87, instrument no. 372408); thence North $00^{\circ} 02' 30''$ East 760.55 feet to a
point; thence North $89^{\circ} 57' 30''$ West 965.45 feet to a point; thence North
 $00^{\circ} 02' 30''$ East 193.63 feet to the point located directly on the well site
referred to above.