

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: A63-04684
Date Received: 9/11/1989
Receipt No: C011528
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERVIN E. MARKHAM 208-286-7872
Address: 11525 3RD
STAR, ID 83669

AND/OR

Name: JIMMY D. MARKHAM 208-286-7872
Address: 11525 3RD
STAR, ID 83669

2. Date of Priority: AUG 19, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	7	NW	SE	SE		ADA

5. Description of diverting works:
WELL, 6" CASING, 222' DEEP, 5 HP SUBMERSIBLE PUMP

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		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ DOMESTIC; S/5 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	SE	SE		DOMEST	
			SE	SE		STOCK	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
MIDDLETON DITCH CO.

14. Remarks:
LOT 7, BLK 3

15. Basis of Claim: BENEFICIAL USE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AG-04684Date Received 9-11-89Receipt Number 2011528NOTICE 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

RECEIVED

SEP 11 1989

pm 918

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) ERVINE and Jimmy D. MARKHAM Phone () 286-7822Mailing Address 11525 3RD STAR ID Zip 83669

2. Date of Priority (Only one per claim) _____ Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 4 North Range R1-ESection 7, NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, BM.,County of ADA

Additional points of diversion if any: _____

5. 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. WELL, 6" CASING, 222' DEEP 5HP SUBMERSIBLE
Pump 8-19-84 8-19-87

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

For Domestic purposes from 1-1 to 12-31 amount 1.04 (cfs)For Livestock purposes from 1-1 to 12-31 amount .02 (Both dates are inclusive)7. Total quantity claimed .06 (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, 5 HORSES

MICROFILMED

AUG 20 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.

10. Place of use is: Township: 4.N ~~STAR~~ Range 1 E
Section 7, SE 1/4 of SE 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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.
() None or Middleton ditch Co.

14. Remarks: Lot 7 BK 3

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 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) [Signature] Date 9-8-89

Date _____

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

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 Ada) SS. **NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 8 day of September 19 89

SEAL

Notary Public [Signature]

Residing at Boise

My Commission Expires 3-18-91

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

AUG 20 1992

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Vernon H. Peterman

(Name of Claimant)

Route #1, Box 138, Star, ID 83669
(Mailing Address)

(Zip Code)

Telephone No. 286-7873

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1971

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.07 cfs</u>	Use <u>domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) .07 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 7 Twp. 4N Rge. 1W B.M., County of Ada

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. well, submersible pump and pressure tank

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	7																X	

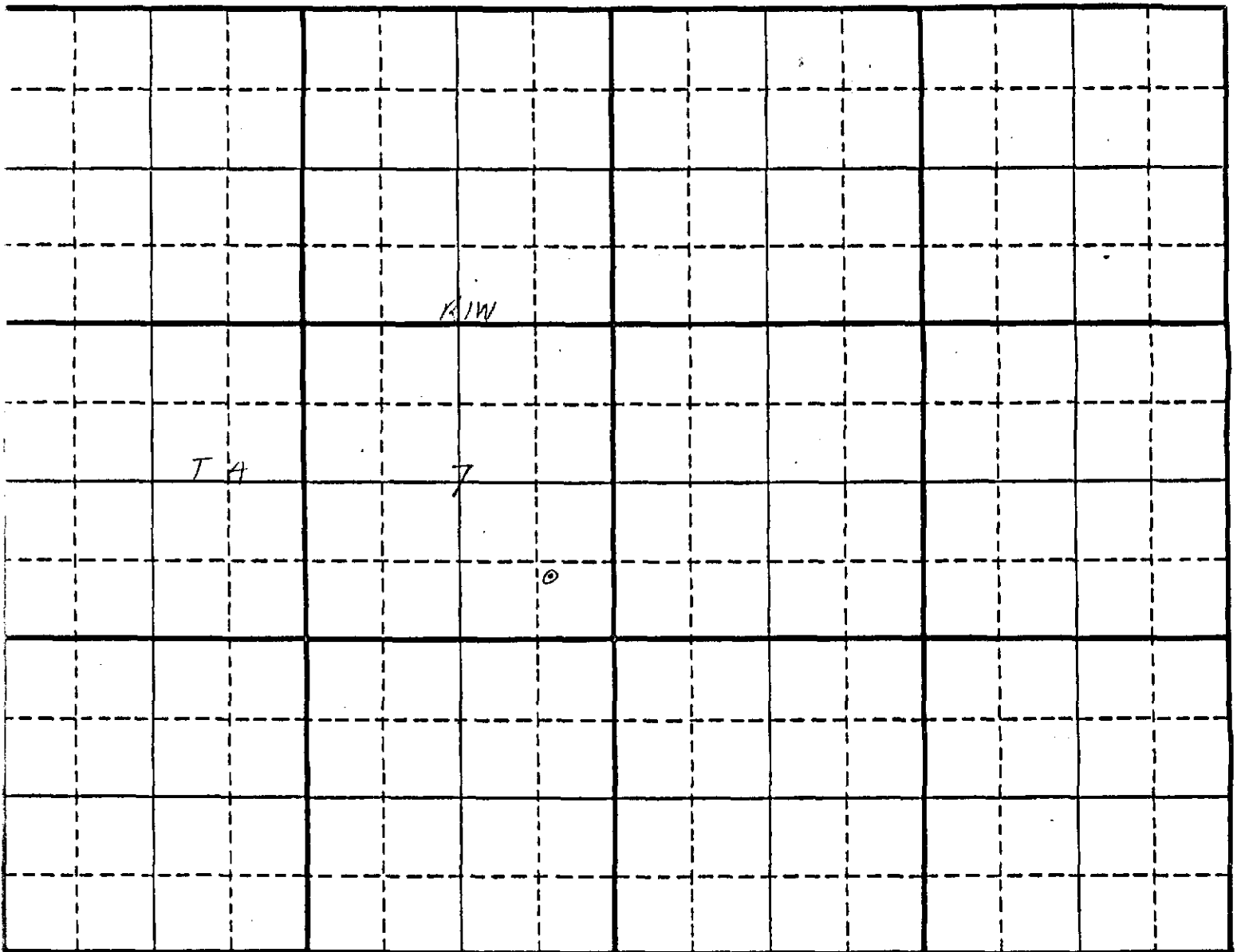
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: domestic for 1 home

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of September, 1979.
Union H. Peterson
(Claimant)

Linda Beal
Notary Public
Residing at Eagle, Idaho

My commission expires May 25, 1982

FOR DEPARTMENT USE ONLY

Received by <u>EBB</u>	Date <u>9/10/79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EBB</u>	Date <u>6 Sept 79</u>		claimant by:	
\$20.00 fee received by <u>EBB</u>	Date <u>9/27/79</u>	<u>#145413</u>		
Published in <u>Idaho Statesman</u>				
Dates <u>9/20 & 9/27/79</u>				

DATE: 08/27/98
PAGE: 1

Misc:

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

DATE: 08/21/98
PAGE: 4

DIVERSION RATE
DIVERSION VOLUME

Stage: BENEFICIAL USE

ADA County

SESW	: NESE	NWSE	SESE
Lt AC	: Lt AC	Lt AC	Lt AC

.....

MSHSH	SESH	NESE	SWSE	SESE
AC	Lt AC	Lt AC	Lt AC	Lt AC
---	---	---	---	---

Other Rights: MIDDLETON DITCH CO.

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.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Comments:	Date:	User-ID:	Subject:	COPIED FROM REMARKS
	02/18/1997	CORR1		

AJ5809NP
No. R63-04684

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/21/98
PAGE: 5

Comments: Date: 02/18/1997 User-ID: CORR1 Subject: COPIED FROM REMARKS
EXP. LOT 7, BLK 3 Star Township

Audit: 02/18/97 CORR1 02/20/97 CORR5

DATE: 08/21/98
PAGE: 4

DIVERSION
VOLUME

0.070 CFS

Stage: STATUTORY CLAIM

ADA County

ES

:	NESE	NWSE	SWSE	SESE
:	Lt AC	Lt AC	Lt AC	Lt AC
:	----	----	----	----

44

01/01/1971

Field Exam Fee:

01/17/86 05/01/88 CONVERT

WATER RIGHT NUMBER - A63-04684

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

LAST NAME FIRST NAME ADDRESS STATE- ID ZIP- 83669

*** C - CURRENT OWNER ***
MARKHAM

ERVIN E.

1 - 11525 3RD

2 -

3 -

CITY- STAR
PHONE - 208-286-7872

1 - 11525 3RD

2 -

3 -

CITY- STAR
PHONE - 208-286-7872

JIMMY D.

MARKHAM

PRIORITY DATE REGION RFLG COUNTY POINT OF DIVERSION STREAM INDEX (BLANK IF NO INDEX CODE) STATUS

08/19/1971 14 WESTERN

J - BENEFICIAL USE

SOURCE TRIBUTARY

GROUNDWATER

TWN RNG SEC TRACT LOT RFLG COUNTY POINT OF DIVERSION STREAM INDEX (BLANK IF NO INDEX CODE) STATUS

04N 01W 7 NW SE SE (1) ADA

CODE DESCRIPTION PERIOD FROM PERIOD TO WATER USE DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC
04 - STOCKWATER

01/01 12/31
01/01 12/31

0.040
0.020

TOTAL DIV. RATE TOTAL DIV. VOLUME TOTAL DIV. CAPACITY TOTAL CONSUMPTIVE USE KW USAGE

0.060

TWN RNG SEC TRACT LOT ACRES PLACE OF USE CODE DESCRIPTION COUNTY

04N 01W 7 SE SE
04N 01W 7 SE SE

04 STOCKWATER
43 DOMESTIC

(1) ADA
(1) ADA

DIVERSION MEANS - WELL, 6" CASING, 222' DEEP, 5 HP SUBMERSIBLE PUMP

NON-IRRIGATION USE - D/ DOMESTIC; S/S RANGE

OTHER RIGHTS FOR SAME USE - MIDDLETON DITCH CO.

REMARKS

LOT 7, BLK 3

OLD WATER RIGHT NUMBERS
NO OLD WATER RIGHT NUMBERS FOUND.

PREFIX TRANSLATION: ADJUDICATION CLAIM

WATER RIGHT NUMBER - A63-04684

NO CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

DEGREE PLAINTIFF - - - - -
DEGREE DATE - - - - -
00/00/0000

AUDIT FIELDS - 01/11/90 SRBA

NO COMMENTS - - - - -
NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	FIELD INSPECTION MADE	CIVIL CASE NUMBER
OBJECTION FILED DATE	FIELD INSPECTION FLAG	CIVIL CASE NUMBER
RESPONSE FILED DATE	VERIFIED DATE	OLD CASE NUMBER
CLAIM RECEIVED DATE	LAST AMENDED DATE	OLD JUDICIAL DISTRICT
PROOF DUE DATE	PROOF MADE DATE	TEMPORARY RIGHT
LICENSED DATE	RECEIPT NUMBER	WATER DISTRICT
CLAIMS TAPE ERROR FLG	POU OWNERSHIP FLAG	FEDERAL/STATE INDICATOR
FEE EXEMPT FLAG	NAME CONNECTOR	PRESUMPTION FLAG

R 8108000 365
Par # 0365 of lot 7
BLK3 Star Townsite

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statemc.it
Project Records
IDWR Records

DATA ENTRY
ENTERED
CHECKED

PROOF
JUN 12 1991

VERIFIED
AUG 05 1991

CERTIFIED
AUG 18 1991
WATER EXAMINER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2190

OCTOBER 10, 1979

VERNON H. PETERMAN
ROUTE #1, BOX 138
STAR

ID 83669

RE: Claim No. 63-4684

Dear Claimant:

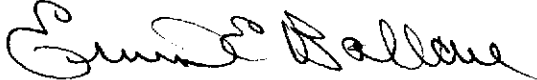
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



^ DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

AUG 20 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Markham

CLAIM IDENT. NO.

A63-04684

DATE RECEIVED

9-11-89 P.M.

CK #

0011528

AMOUNT \$

25

YES

NO

Required Info?

1. Is the name and address complete with zip code?

//

*

2. Is a priority date entered?

USE 8-19-1971//

*

Is the priority date acceptable in view of mandatory filing dates?

See Adjudication Memos #1 and #4 to determine if a Permit is required.

//

*

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 and purpose(s) indicated?

//

*

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 indicated?

//

*

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

//

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

//

*

18. Has the claim been signed, sealed, and dated by a notary?

//

*

19. Was this claim filed on time, or was an extension granted?

//

*

20. Is the fee enclosed correct?

Exempt

//

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

//

*

22. Should this claim be data entered?

//

*

Claim checked by:

hat

Date:

1/9/90

Claim must be returned to claimant:

(Yes) / (No)

Claimant must be notified of modifications:

(Yes) / (No)

Receipt Prepared by:

Claim data entered by:

Jodie

Sent to claimant by:

Date:

Date:

Date:

Checked by:

hatDate: 1/16/90

Comments:

for priority date - use 8-19-1971 (per #5) - modify as perclaim

MICROFILMED

AUG 20 1992