

SRBA Claim Number A63-15137

Date of Photos 11/14/2001

Photographer T. Domicucci

Legal Description T6N R5E S26 SWNE

① Point of Diversion
and GPS measurement
location "15137"



② Place guse.

Photo taken from
southwest portion
of lot, looking
north and east.

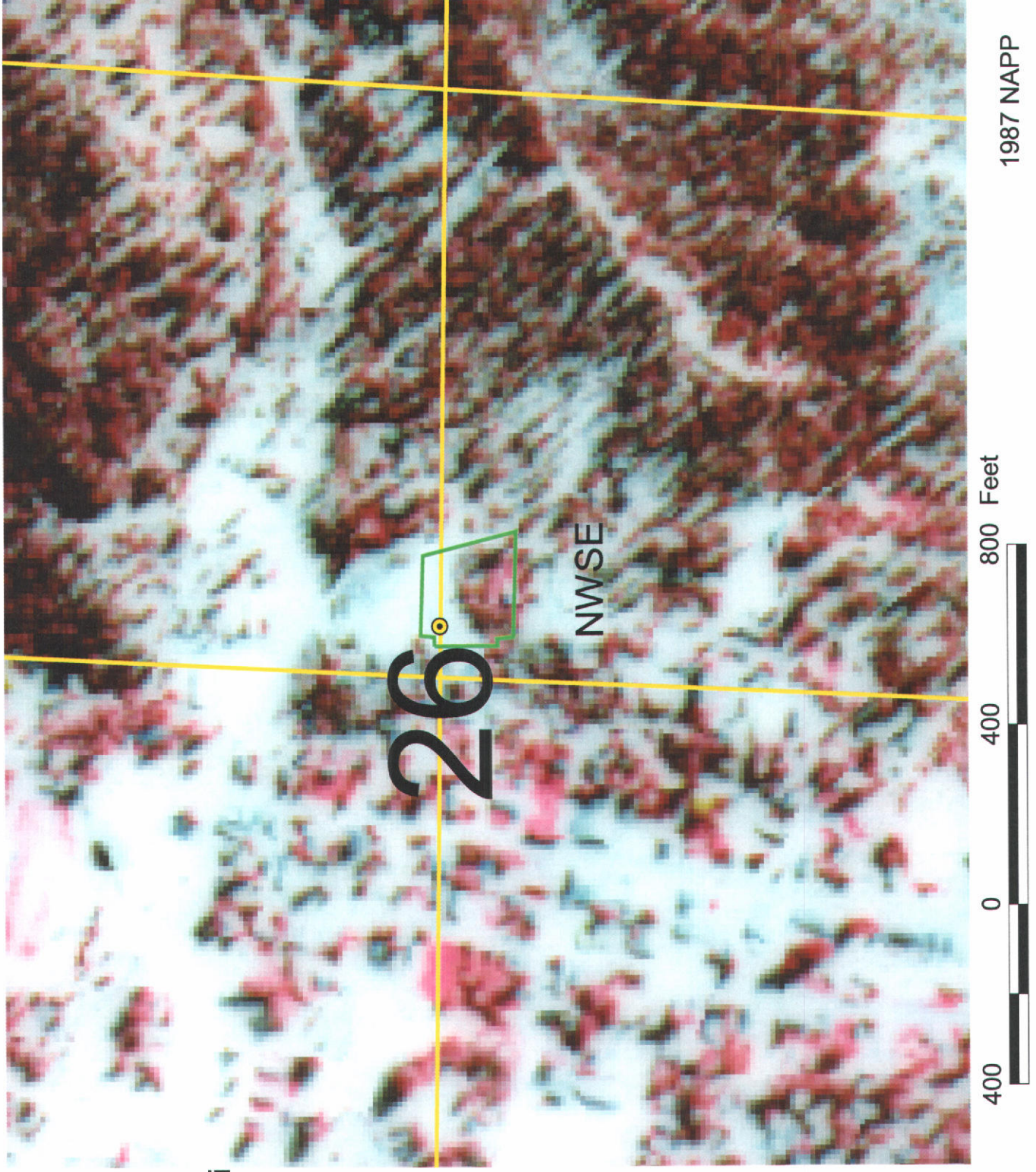
Neighbors' house
on left - located on
north side of property.



IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-15137
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
December 28, 2001

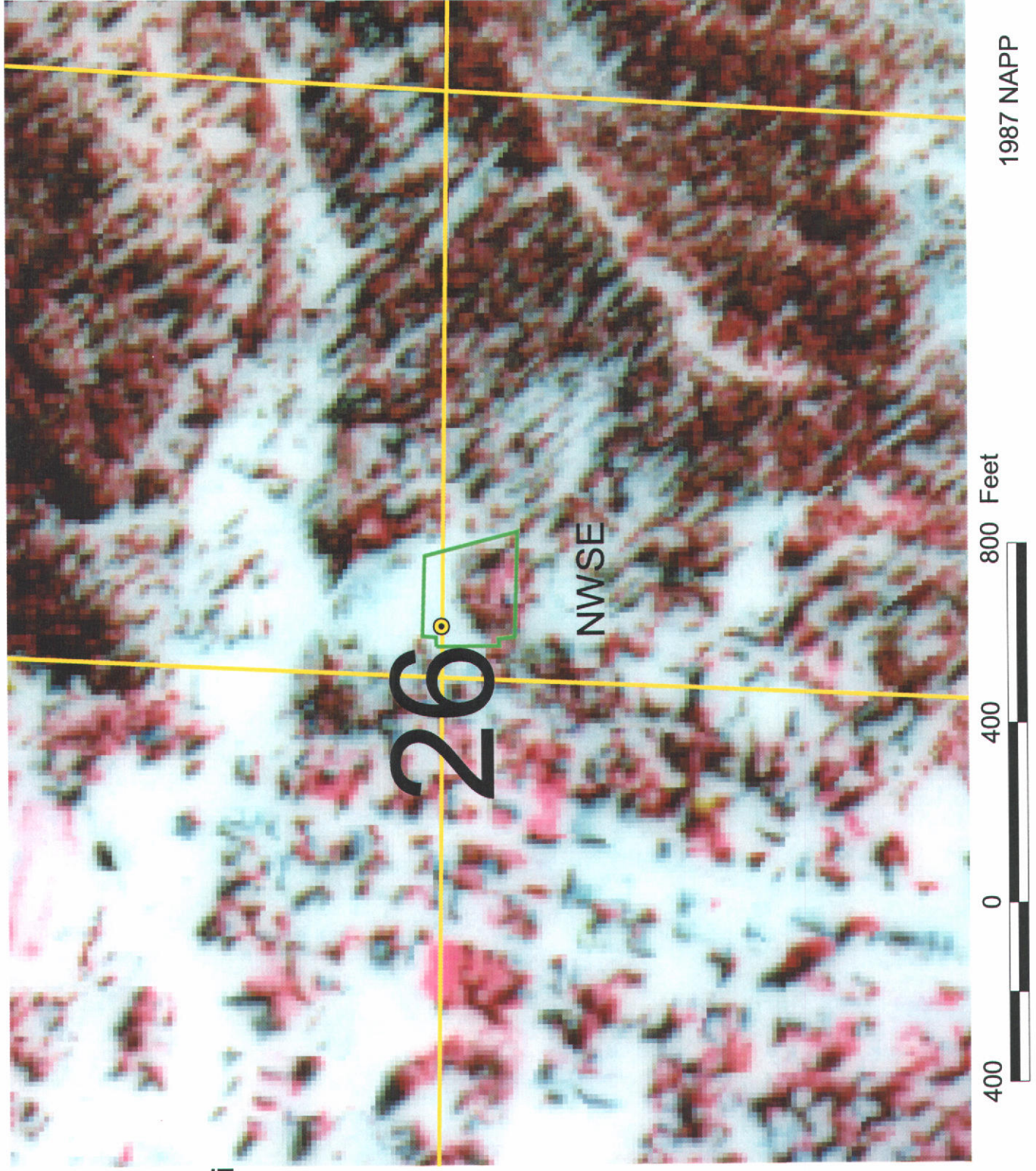
-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-15137
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
December 28, 2001

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines

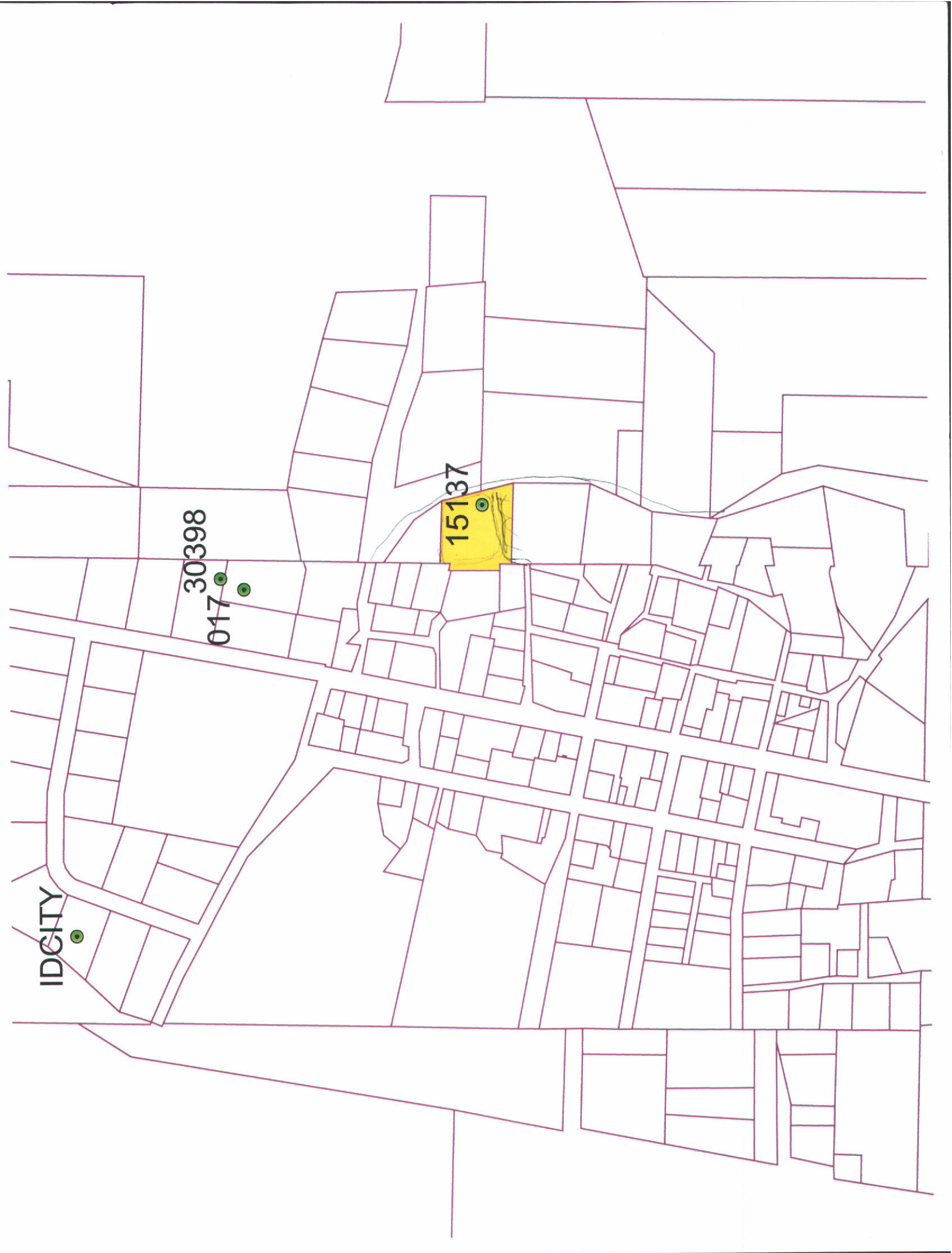


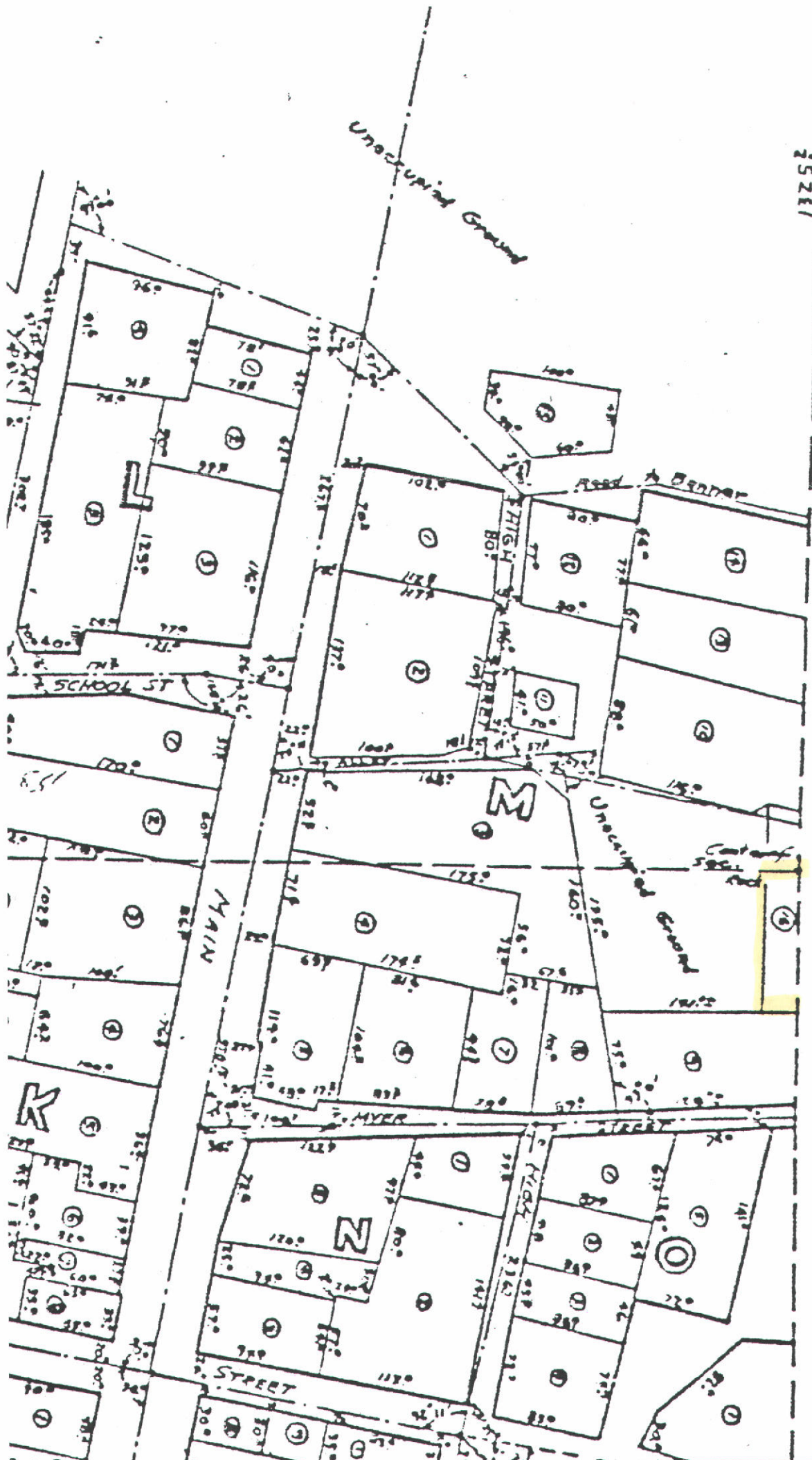
IDCITY

30398

017

15137





13261
13261

A63-15137

T6NR5ES26

NWSE
SWNE

LOT 16

Block M

Idaho City

Townsite

RICHARD MARKLEY AND/or
GAIL SMART

Claim # 63-15137

23-62

EL-7-12



well

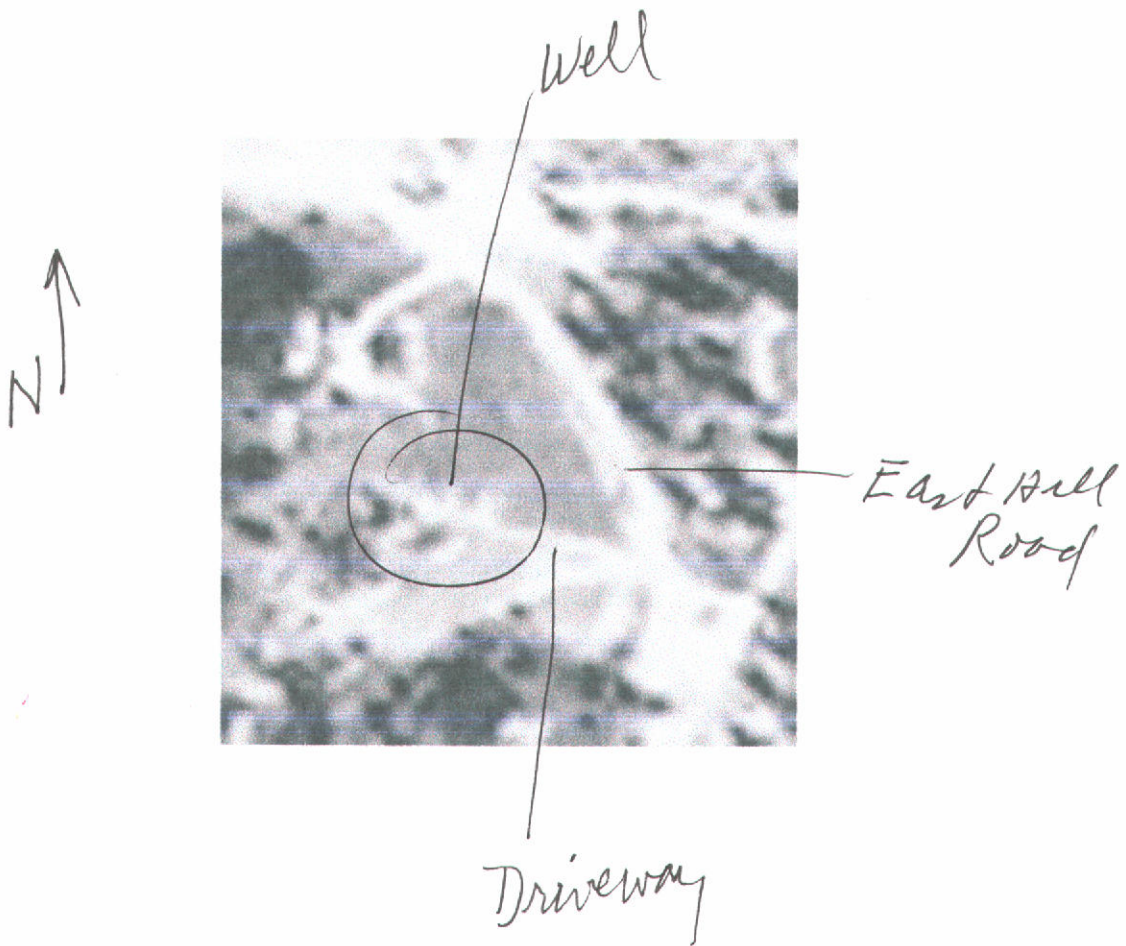
Photo taken 8/23/62

Flight line 40

EL-7-127

Claim # 63-15137

Enlarged copy of aerial photo (ELD-7-127)
dated 8/23/62 (USDA Forest Service).



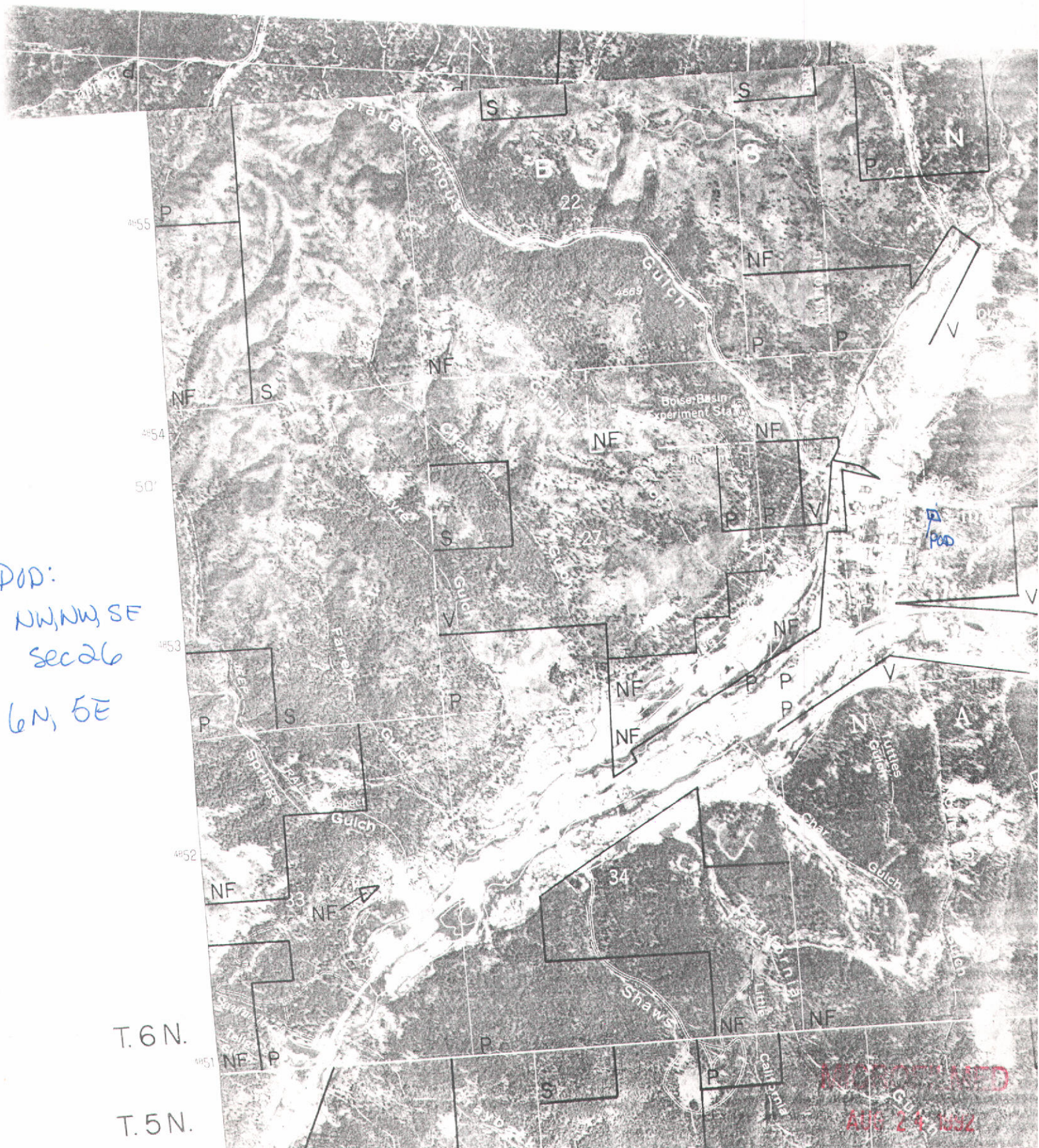
A63-15137

POD:
NW, NW, SE
Sec 26
6N, 5E

T.6N.

T.5N.

MICROFILMED
AUG 24 1992



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 63-15137
Date Received: 3/16/1989
Receipt No: M003024
Received By:

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

1. Name of Claimant(s): RICHARD E MARKLEY
PO BOX 690
IDAHO CITY ID USA 83631

Phone: (208) 392-6766

GAIL L SMART
PO BOX 690
IDAHO CITY ID USA 83631

Phone: (208) 392-6766

2. Date of Priority: 06/01/1939

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	26	NW NW SE	BOISE	

5. Description of diverting works:

WELL, HAND DUG 64' DEEP, PUMP, HOSES AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	26	NW SE		IRRIGATION	0.7
			SW NE		IRRIGATION	0.3
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 2/19/2002

PROPERTY ALSO KNOW AS LOT 16, BLOCK M, IDAHO CITY TOWNSITE

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

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: A63-15137
Date Received: 3/16/1989
Receipt No: M003024
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LORRAINE EARLS 208-344-6684
Address: 5008 SPAULDING
BOISE, ID 83705

2. Date of Priority: JUN 01, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	26	NW	NW	SE		BOISE

5. Description of diverting works:
WELL, HAND DUG 64' DEEP, PUMP, HOSES AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	26	SW	NE		IRR	0.3
			NW	SE		IRR	0.7

Section Acres 1.0

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOT 16, BLOCK M, IDAHO CITY TOWNSITE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Lorraine E. Earls Date: March 16, 1989

Date: _____

State of Idaho)
County of Boise) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of March 19 89

Anna Baumhoff
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 12-7 1994

02/28/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-15137

RICHARD E MARKLEY
PO BOX 690
IDAHO CITY ID 83631

GAIL L SMART
PO BOX 690
IDAHO CITY ID 83631

RECEIVED

APR - 3 2002

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: April 2, 2002 SIGNATURE: Gail L Smart
Please print your name: GAIL L SMART

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED

APR 04 2002

WATER RESOUR.
WESTERN REGION

02/26/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-15137
NAME AND ADDRESS: RICHARD E MARKLEY
PO BOX 690
IDAHO CITY ID 83631

GAIL L SMART
PO BOX 690
IDAHO CITY ID 83631

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.02 CFS
2.1 AFY
PRIORITY DATE: 06/01/1939
POINT OF DIVERSION:

T06N R05E S26 NWNWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS 2.10 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S26	SWNE	0.3	T06N R05E S26	NWSE	0.3
---------------	------	-----	---------------	------	-----

0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 16, BLK M, IDAHO CITY TOWNSITE.

02/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-15137
NAME AND ADDRESS: RICHARD E MARKLEY
PO BOX 690
IDAHO CITY ID 83631

GAIL L SMART
PO BOX 690
IDAHO CITY ID 83631

*GW source
AF needed*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

*ADD
2.1 AF*

PRIORITY DATE: 06/01/1939

POINT OF DIVERSION:

T06N R05E S26 NWNWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

*ADD
2.1 AF*

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S26

SWNE

0.3

T06N R05E S26

NWSE

0.3

0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 16, BLK M, IDAHO CITY TOWNSITE.

02/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-15137

NAME AND ADDRESS: RICHARD E MARKLEY
PO BOX 690
IDAHO CITY ID 83631

GAIL L SMART
PO BOX 690
IDAHO CITY ID 83631

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/01/1939

POINT OF DIVERSION:

T06N R05E S26 NWNWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S26 SWNE 0.3

T06N R05E S26 NWSE 0.3

0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 16, BLK M, IDAHO CITY TOWNSITE.

REFUND REQUEST

TO: S. Sherman to Log In
FOR: D. Shaff/D. Allen
FROM: Denise Buffington - Western Region Date: 2/19/2002
SUBJ: Receipt No. W028727 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Gail Smart
Address PO Box 690
Idaho City ID 83631

Claimant(s) if NOT Payor _____
Refund Amount \$25- Claim Location (Region)/Claimant)
Extension Filed? Y/N NA Copy Attached? Y/N NA
Late Fees Paid? Y/N NA Late Fee Receipt # _____
S.O. Verified Ext. by _____ on _____ D.B. Query by _____
Refund Generated By ☒ Agent () Claimant
Refund Category:
insufficient fees / claim incomplete / withdrawn / o-pmt

Date of Last Correspondence (copy attached) _____

<u>Claim No.</u>	<u>Use*</u>	<u>Fees Paid</u>	<u>Correct Fee</u>	<u>Rec't #</u>
<u>A63-15137</u>	<u>Irrigation</u>	<u>\$ 25-</u>	<u>0</u>	<u>W028727</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		\$ _____	\$ _____	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

No fee required for ownership change. Still pending in SRBA.

Region AJ Spvsr. Approval JS S.O. AJ Spvsr. Approval _____
Don Shaff Approval _____ Hold _____ To Fiscal _____
Data Base Modified? Y/N NA A &/or R Records By _____ Logged _____

Receipt Details for ID W028727

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/8/2002 12:53:02 PM	2/11/2002 2:29:49 PM	WESTERN	\$25.00	Check
Payer		GAIL SMART		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2359			
Card Expiration Date	Credit Card Transaction #		

Comment WATER RIGHT CHANGE OF OWNERSHIP 63-15137

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 19, 2002

RICHARD E MARKLEY
GAIL L SMART
PO BOX 690
IDAHO CITY ID 83631

Re: Notice of Claim to a Water Right No. 63-15137

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

February 6, 2002

Ms. Maria Minicucci, Senior Water Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Snake River Basin Adjudication, Notice of Claim to a Water Right No. A63-15137

Dear Ms. Minicucci:

In response to your letter of January 7, 2002, enclosed is documentation in support of our claim for a water right based on Beneficial Use. Also, enclosed is a Change of Ownership form and the supporting documentation you requested.

If you have any questions or need additional information please do not hesitate to contact either my wife Gail or I at the address below.

Sincerely,


Richard Markley and Gail Smart
P.O. Box 690
Idaho City, ID 83631
(208) 392-6766

RECEIVED

FEB 08 2002

WATER RESOURCES
WESTERN REGION

Evidence in Support of Water Right Claim based on "Beneficial Use"

Water Right No. A63-15137

RECEIVED

FEB 08 2002

WATER RESOURCES
WESTERN REGION

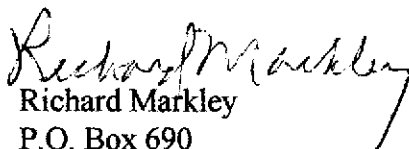
The water right we claim is located in the NW1/4NW1/4SE1/4 of Section 26, T06N, R05E, B.M. in Boise County. The address for the property we own (1 acre) is 111 East Hill Road, Idaho City, ID 83631.

The point of diversion is a well on the property that is approximately 70 feet deep based on information we received from Mrs. Lorraine Earls, the former property owner. In 2001, I measured the depth to the surface of the water in the well at 49 feet. The well is approximately 4 feet in diameter and has a concrete collar. According to Mrs. Earls, the well was present on the property when she bought the property in 1972. The well is hand dug and is of considerable age. I am a professional archaeologist and I estimate that the age of the well is no less than 50 years old, and may be 80-100 years old. The cabin on the property dates to approximately 1915 and appears to be contemporary with the well and associated water pipes and other materials on the property.

In further support of the age of the well and the development of the water right for beneficial use, I have enclosed a copy of an aerial photograph obtained from the USDA Forest Service office in Idaho City. The photograph is dated 8/23/62 (Photo ELD-7-127, Flight Strip 40) and is an official USDA Forest Service aerial photo (Scale 1:20,000). While the details on the copy are difficult to discern, the original photo held by the Forest Service, which I viewed with a magnifying stereoscope, clearly shows the presence of the well on the property on 8/23/62 when the photo was taken.

According to Mrs. Earl, the well was used for irrigating pasture and a garden on the property. The 1962 aerial photo shows the property much as it remains today - open grass covered, with a small cabin and several outbuildings (no longer standing). The dirt driveway to the cabin from East Hill Road is clearly shown on the aerial photo and the well is visible just north of the driveway as it is still today.

Aerial photographs exist that were taken in 1939 by the USDA Forest Service, but I was unable to obtain a copy of the photo that covers my property. I believe that the 1939 aerial photo would also show the well as those photos are 1:15,800 scale.

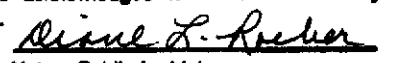

Richard Markley
P.O. Box 690
Idaho City, ID 83631

STATE OF IDAHO

COUNTY OF BOISE

On this 8th day of Feb in the year 2002
before me the Undersigned, a notary public, personally
appeared Richard Markley

known or identified to me to be the person(s) whose name(s)
is (are) subscribed to the within instrument, and being duly
sworn, by me and acknowledged to me that/he/she/they
executed the same.


Notary Public for Idaho
Residing at Idaho City, ID
My commission expires 4-12-03

IDAHO DEPARTMENT OF WATER RESOURCES 01/01/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: LORRAINE EARLS
5008 SPAULDING
BOISE ID 83705

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/01/1939

POINT OF DIVERSION:

T06N R05E S26 NWNWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S26	SWNE	0.3	T06N R05E S26	NWSE	0.3
---------------	------	-----	---------------	------	-----

0.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOT 16, BLK M, IDAHO CITY TOWNSITE.

New owner of 200.
 did they get
 some money 392-9764
 10.8. Had
 7 E.O. submitted

DATE: 12/24/01
 PAGE: 9

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
 No. A63-15137

OWNER CODE: C
 NAME & ADDRESS: LORRAINE EARLS
 5008 SPAULDING
 BOISE ID 83705
 (208) 344-6684

PRIORITY DATE: 06/01/1939
 WATER USE: IRRIGATION

USE PERIOD FROM TO: 05-01-10-01
 DIVERSION RATE: 0.020 CFS
 DIVERSION VOLUME: 0.020 CFS

Water Source: GROUNDWATER
 Tributary to: NW1/4SE

Point(s) of Diversion: T06N R05E S26

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N	05E	26	:	:	:	:	:
.3				.7			
TOTAL ACRES				1.0			

PQU County: BOISE

Other Rights: NONE

Remarks: GEN LOT 16, BLOCK M, IDAHO CITY TOWNSITE

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

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

C18

200+200 link made
 200+200 link made

SRBA Claim Number A63-15137

Date of Photos 11/14/2001

Photographer T. Demicucci

Legal Description T6N R5E S26 SWNE

① Point of Diversion
and GPS measurement
location "15137"



② Place of use.
Photo taken from
southwest portion
of lot, looking
north and east.

Neighbors' house
on left - located on
north side of property.



IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-15137
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
December 28, 2001

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet

1987 NAPP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-15137

1. No Change NAME IS SAME
NEW OWNER: Richard MAARLEY / GAIL SMART *Cgo paperwork*
No Change ADDRESS *@ field exam, letter*
NEW ADDRESS: _____ *sent 01/07/2002.*

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: June 1, 1939
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence requested during field exam (10/23/2001), letter
sent 01/07/2002.

3. No Change — SAME SOURCE
Source is different than that claimed:

Source found: Ground water

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township 6N Range 5E Section 26 1/4 NW 1/4 NW 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

6' diameter well. Measured 50 ft to static H₂O level
No pump currently in/on well.

6. No Change - WATER USES

Different uses, (list uses found):

Use IRR From 4/1 To 10/31 Amount .02 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES: N/A

Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments:

9. No Change — PLACE OF USE: (If changed, list below.)

Use: IRR Township 6N Range 5E Section 26 1/4 SW 1/4 NE
 Use: Township Range Section 1/4 NW 1/4 SE
 Use: Township Range Section 1/4 1/4
 Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

Per claimant, part of lot is located S of Myer street.
POU is top of hill N of Myer St. Wall St. borders
property on the east. IRRIGATION goes to property
border on N side.

SYSTEM DIAGRAM INCLUDED

(NA)

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11/14/2001

FIELD EXAMINER: MARIA MINICUCCI

Print Name

[Signature]
 Signature

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-15137
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
December 28, 2001

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A63-15137

OWNER CODE: C LORRAINE EARLS
NAME & ADDRESS: 5008 SPANGLING
BOISE ID 83705
(208) 344-6684
Now Markley

PRIORITY DATE: 06/01/1939
WATER USE: IRRIGATION
USE PERIOD FROM TO: 05-01 10-01
DIVERSION RATE: 0.020 CFS
DIVERSION VOLUME: 0.020 CFS
TOTAL DIVERSION: 0.020 CFS

Water Source: GROUNDWATER
Tributary to: T06N R05E S26 NW/4SE
Point(s) of Diversion: BOISE County
Stage: BENEFICIAL USE

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE	
NAME	SW/4	NAME	SW/4	NAME	SW/4	NAME	SW/4
T R S	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac
06N 05E 26	: .3	:	:	:	:	:	: .7
				TOTAL ACRES			
				1.0			
				1.0			

POJ County: BOISE

Other Rights: NONE

Remarks: GEN LOT 16, BLOCK M, IDAHO CITY TOWNSITE

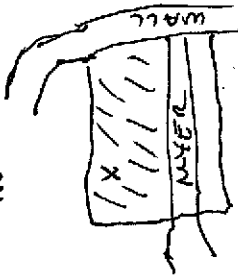
Dates: Exam Made Date:

Misc: Water District Number:

Verified Date:

Field Inspection Flag:
Presumption Flag:

Objection Filed Date:



10/23/2001:

Per IC assessor's office

11/14/2001: w/Gail Smart

Well is level w/ground surface.
Concrete walls for 20' (square).
50' to water.

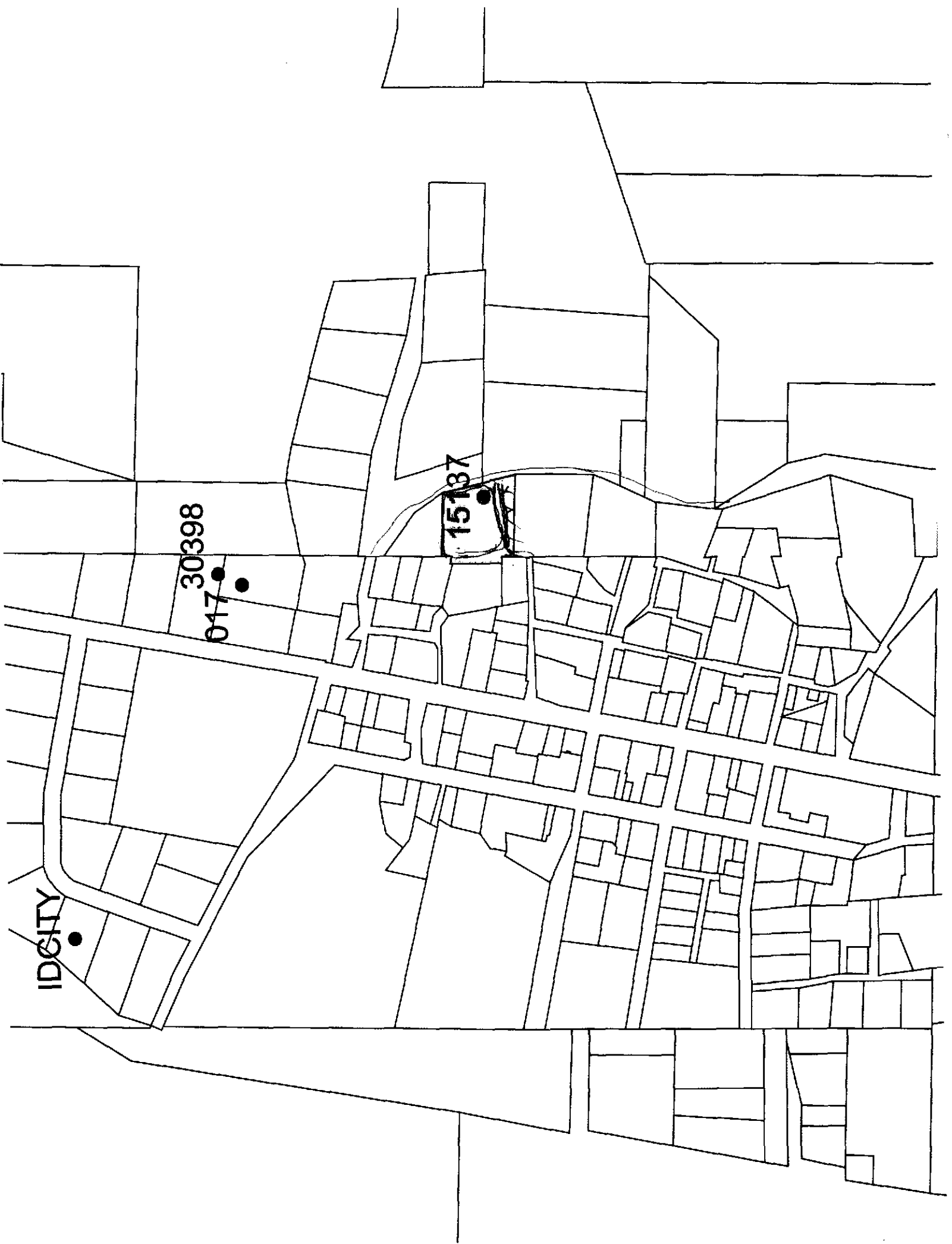
2 6' in diameter

Mrs. Smart will complete GPO + get E.P.

Well has been capped? See note
from A. Burnhoff dated 3/12/1989.

Photo 5: Point of div. + GPS
"15137"
Dreas. location. Elevated
lot. Lot goes right to
neighbors' houses on N side.

Photo 6: Pav from west side

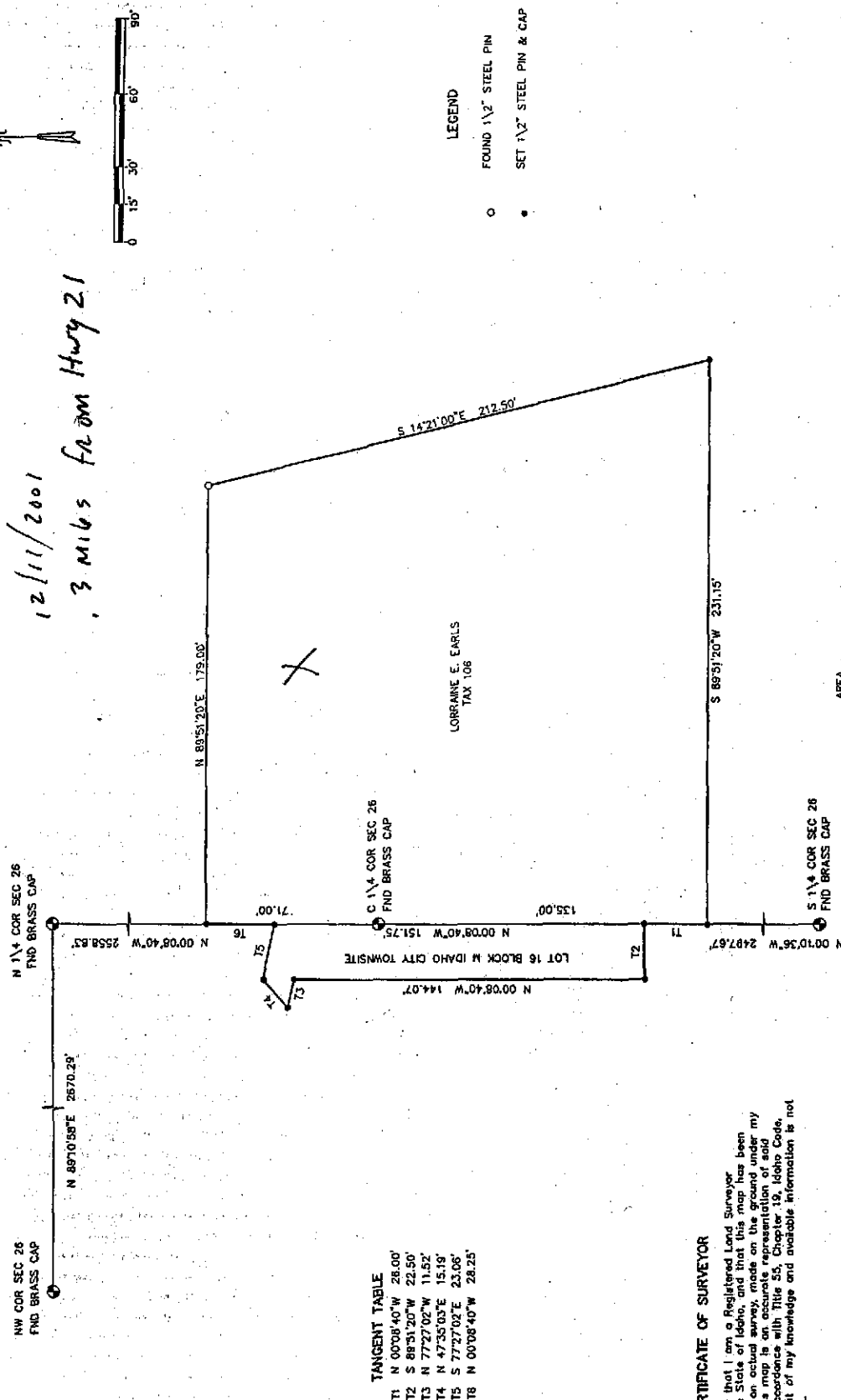


RECORD OF SURVEY
FOR

LORRAINE E. EARLS

SITUATED IN SECTION 26, T6N, R5E, BOISE MERIDIAN, BOISE COUNTY, IDAHO
 _____ ROYLANCE & ASSOCIATES PA 1988 _____

12/11/2001
3 miles from Hwy 21



CERTIFICATE OF SURVEYOR

I hereby certify that I am a Registered Land Surveyor licensed by the State of Idaho, and that this map has been prepared from an actual survey, made on the ground under my supervision. This map is an accurate representation of said survey, is in accordance with Title 55, Chapter 19, Idaho Code, and to the best of my knowledge and available information is not for a land grant.

David H. Roylance Idaho LS NO 3624

RECORDED AS
INSTRUMENT 130142

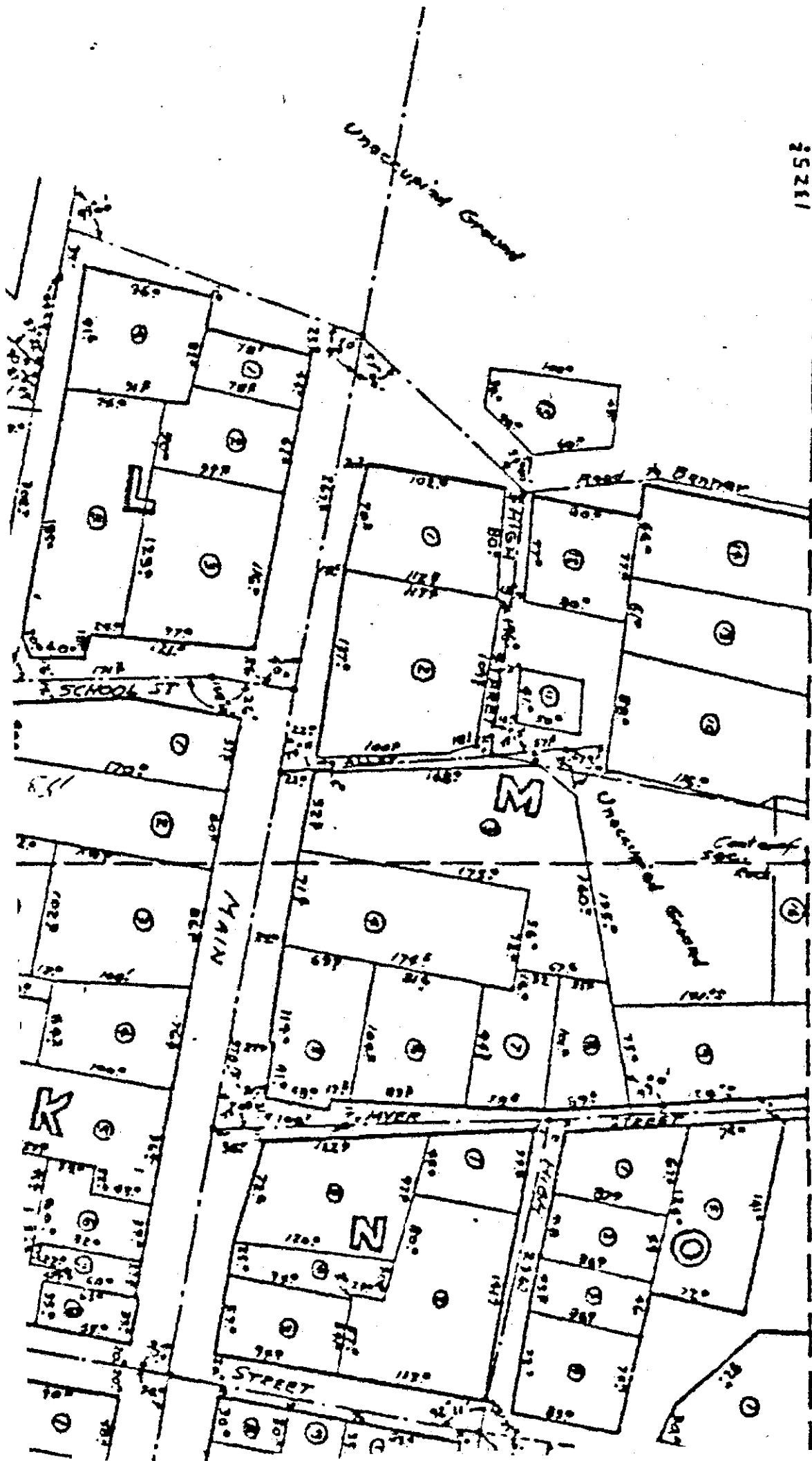
ROYLANCE & ASSOCIATES P.A.
ENGINEERS SURVEYORS LANDPLANNERS
4227 EMERALD BOISE IDAHO 83706
208 336-7390

RECORDED
9-12-1988

Job No 8807-846 Sheet 1 of 1

MICROFILMED

AUG 24 1992



13251

A63-15137

T6NR5ES26

NWSE
SWNG

LOT 16

Block M

Idaho City

Townsite

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-15137

Contact Person Richard Markley? 208 392 6766

Date/Time of Exam Noon 11/14/2001

IDWR Employee/Agent P. Piricucci

CO of Paperwork

Directions to Property

La pass pond (E Hill)

Intersection w/ Myers St.

On left, small cabin

~~Info to determine measurement method~~

11/13/2001: 12:46 left msg on machine

Miscellaneous 11/01/2001: Earl Smart: Dick Markley was told @ IDWR meeting that their use was "no problem." She will contact Mrs. Earls to get evidence of priority + statement of use over the years. P.D.

11/06/2001: left msg for possible field exam 11/07.

10/23/01

PMO100 - PARCEL MASTER INQUIRY

09:14:06

PARCEL: RP I000100M016A A F1=SL

F10=SW

F12=RC

F17=DD F19=SP

F24=LD

*TREND -

LEGAL DESCRIPTION

MARKLEY, RICHARD &
SMART, GAIL L.IC ORIGINAL TOWNSITE
BLK M LOT 16
ANNEX TAX 106

P.O. BOX 690

CODE AREA 100

OWNER CODE

IDAHO CITY ID 83631

PARC TYPE

LOC CODE 100

111 E. HILL RD

EFFDATE 3011997

EXPDATE

PREV PARCEL RPI000100M016AA

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
20	1999	1050	AC	30766				
30	1999			337				

TOTALS

1050

31103

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2002

Richard Markley
Gail Smart
PO Box 690
Idaho City ID 83631

RE: Snake River Basin Adjudication
Notice of Claim to a Water Right No. A63-15137

Dear Mr. Markley and Ms. Smart,

This office is reviewing the above-referenced claim for recommendation to the court for decree. A report that summarizes the claim is enclosed with this letter.

The claim is based on "Beneficial Use" of water. Water rights of this type are established by the historical use of water for beneficial purpose. The priority date listed on the claim is the date that has been claimed as the first use of water at your property for the beneficial use listed in the claim.

The Department of Water Resources is required to gather evidence from claimants that supports the claimed priority date. If no evidence is submitted by **February 8, 2002**, your claim may not be recommended to the Court for decree. This could jeopardize your water use under this right.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence supporting the priority date is necessary, and contains examples of the types of evidence that can be submitted to fulfill this requirement.

In addition, the claim is still in the name of Ms. Lorraine Earls. In order to update our records and accurately recommend the water right, please complete the enclosed Change of Ownership form and return it to this office with the required documentation.

Please contact this office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Minicucci'.

Maria Minicucci
Sr. Water Agent

8-24-01

A63-15137

① Lorraine Earls
Sold property ^{TO} Rec. priority letter
Richard Markley - new owner

② July meeting notice sent to her but
~~forw. to~~ Markley
In Idaho City

③ 111 East Will
Idaho City

Advised her to forward letter to Markley
with instructions to change ownership.

This right may not have been
developed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

LORRAINE EARLS
5008 SPAULDING
BOISE, ID 83705

Re: Claim No(s). 63-15137

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

CC

RECEIVED

FEB 20 2002

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Denise Buffington - Western Region Date: 2/19/2002
 SUBJ: Receipt No. W028727 (Please attach ARQ2 Receipt copy immediately behind blue form)

RECEIVED

RE: PayOR Gail Smart / Markley
 Address PO Box 690
Idaho City ID 83631

MAR 01 2002

WATER RESOURCES
WESTERN REGION

Claimant(s) if NOT Payor _____
 Refund Amount \$ 25- Claim Location (Region) Claimant _____
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt # _____
 S.O. Verified Ext. by _____ on _____ D.B. Query by _____
 Refund Generated By (X) Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / (o-pmt)

Date of Last Correspondence (copy attached) _____

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>A63-15137</u>	<u>Irrigation</u>	<u>\$ 25-</u>	<u>0</u>	<u>W028727</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		\$ _____	\$ _____	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/(N)

No fee required for ownership change. Still pending in SRBA.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval _____
 Don Shaff Approval [Signature] 2/21/02 Hold _____ To Fiscal 2-21-02
 Logged 2-21-02
 Data Base Modified? Y/N (NA) A &/or R Records By _____ on _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

February 21, 2002

KARL J. DREHER
DIRECTOR

GAIL SMART
PO BOX 690
IDAHO CITY ID 83631

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership Fees
Notice of Claim to a Water Right #63-15137

Dear Claimant:

The claim referenced above is still pending in the SRBA; therefore, no fees are due. The refund process has been initiated with the State Auditor's Office for the \$25.00 fee you paid on receipt #W028727. You should receive a check in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a horizontal line.

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:ref

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**FEB 08 2002****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
603-15137					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

LORRINE EARLS
5008 SPAUDLING BOISE ID 83705

4. New Owner/Claimant(s)

RICHARD E. MARKLEY / GAIL L. SMART
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. BOX 1690

City, State and ZIP Code

IDAHO CITY, ID 83631

New Telephone Number

(208) 392-6766

5. Date you acquired the property

JULY 19, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Phil D. Smart Richard E. Markley

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>Janis Fontaine</u>	Date <u>2/8/02</u>	Fee <u>25⁰⁰</u>
Received by <u>Janis Fontaine</u>	Date <u>2/8/02</u>	Receipt No. <u>W028727</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE &
ESCROW CORP.

177737

INST#

REQUEST Alliance

00 JUL 19 PM 3:44

BOISE COUNTY RECORDER

BY Shirley L. Lipp

TYPE 31 FEE \$6.00

READ & APPROVED BY GRANTEE(S): KM

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 00087807 SK

{16AA}

WARRANTY DEED

FOR VALUE RECEIVED LORRAINE E. EARLS, A MARRIED PERSON AS HER SOLE
AND SEPARATE PROPERTY

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto RICHARD MARKLEY
AND GAIL L. SMART, HUSBAND AND WIFE

GRANTEE(S), whose current address is: P.O. BOX 690, IDAHO CITY, IDAHO 83631
the following described real property in BOISE County, State of Idaho, more particularly
described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments; (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: July 18, 2000

Lorraine E. Earls
LORRAINE E. EARLS

STATE OF IDAHO
COUNTY OF ADA

On this 18th day of July, in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared LORRAINE E. EARLS

known or identified to me as the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same.



Signature: Alicia M. Schiffer

Name: Alicia M. Schiffer

Residing at: Boise, ID

My Commission Expires: 01/26/06

2
ncl
146
ORDER
1/20/76
ORDER NO. 00087807 SK

EXHIBIT "A"

PARCEL I

Lot 16, Block M of the IDAHO CITY TOWNSITE.

PARCEL II

BEGINNING at the center of Section 26, Township 6 North,
Range 5 East, Boise Meridian, Boise County, Idaho; thence
North 00 degrees 08'40" West along the North
South One Quarter line of said Section
26, 71.0 feet to a point; thence
North 89 degrees 51'20" East, 179.00 feet to a
point; thence
South 14 degrees 21'00" East, 212.50 feet to a
point; thence
South 89 degrees 51'20" West, 231.15 feet to a
point; thence
North 00 degrees 08'40" West, 135.0 feet to a
POINT OF BEGINNING.

RICHARD MARKLEY AND/OR
GAIL SMART

Claim # 63-15137

23-62

EL-7-12



well

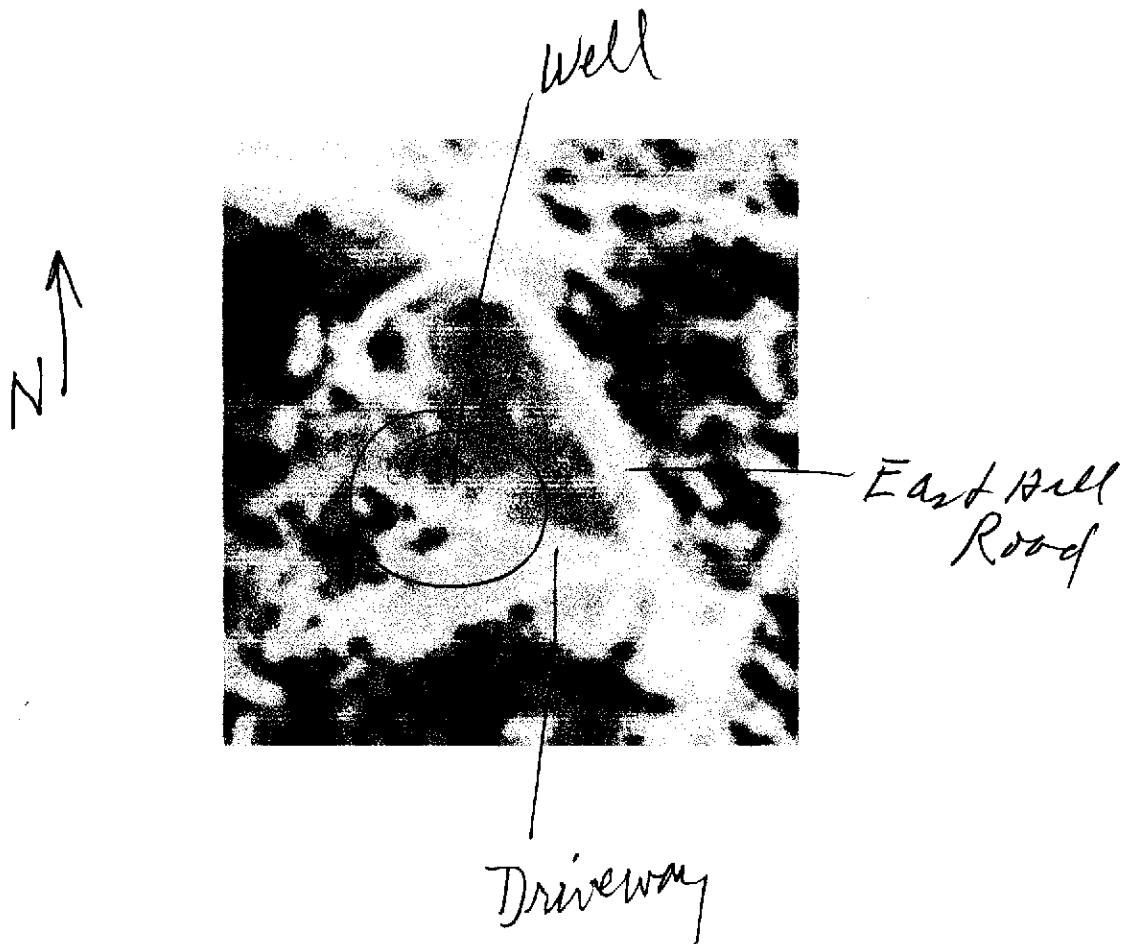
Photo taken 8/23/62

Flight line 46

EL-7-127

Claim # 63-15137

Enlarged copy of aerial photo (ELD-7-127)
dated 8/23/62 (USDA Forest Service).



RECORD OF SURVEY

FOR

LORRAINE E. EARLS

SITUATED IN SECTION 26, T6N, R5E, BOISE MERIDIAN, BOISE COUNTY, IDAHO

— ROYLANCE & ASSOCIATES PA 1988 —

NW COR SEC 26
FND BRASS CAP

N 1/4 COR SEC 26
FND BRASS CAP

N 89°10'58"E 2670.25'

N 00°08'40"W 2558.83'

N 89°31'20"E 179.00'

N 00°08'40"W 151.75'

T1 71.00'

T2 144.07'

T3 135.00'

T4 2497.87'

T5 212.50'

T6 231.15'

T7 179.00'

T8 2558.83'

T9 2670.25'

T10 151.75'

T11 144.07'

T12 135.00'

T13 2497.87'

T14 212.50'

T15 231.15'

T16 179.00'

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T174 135.00'

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T176 212.50'

T177 231.15'

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T181 151.75'

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T199 151.75'

T200 144.07'

T201 135.00'

T202 2497.87'

T203 212.50'

T204 231.15'

T205 179.00'

T206 2558.83'

T207 2670.25'

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T239 212.50'

T240 231.15'

T241 179.00'

T242 2558.83'

A63-15137



Claimant indicated
that the well was
capped and had
been for maybe 8
years.

Anna
Baumhoff
3/17/89

MICROFILMED
AUG 24 1992
~~FEB 24 1988~~