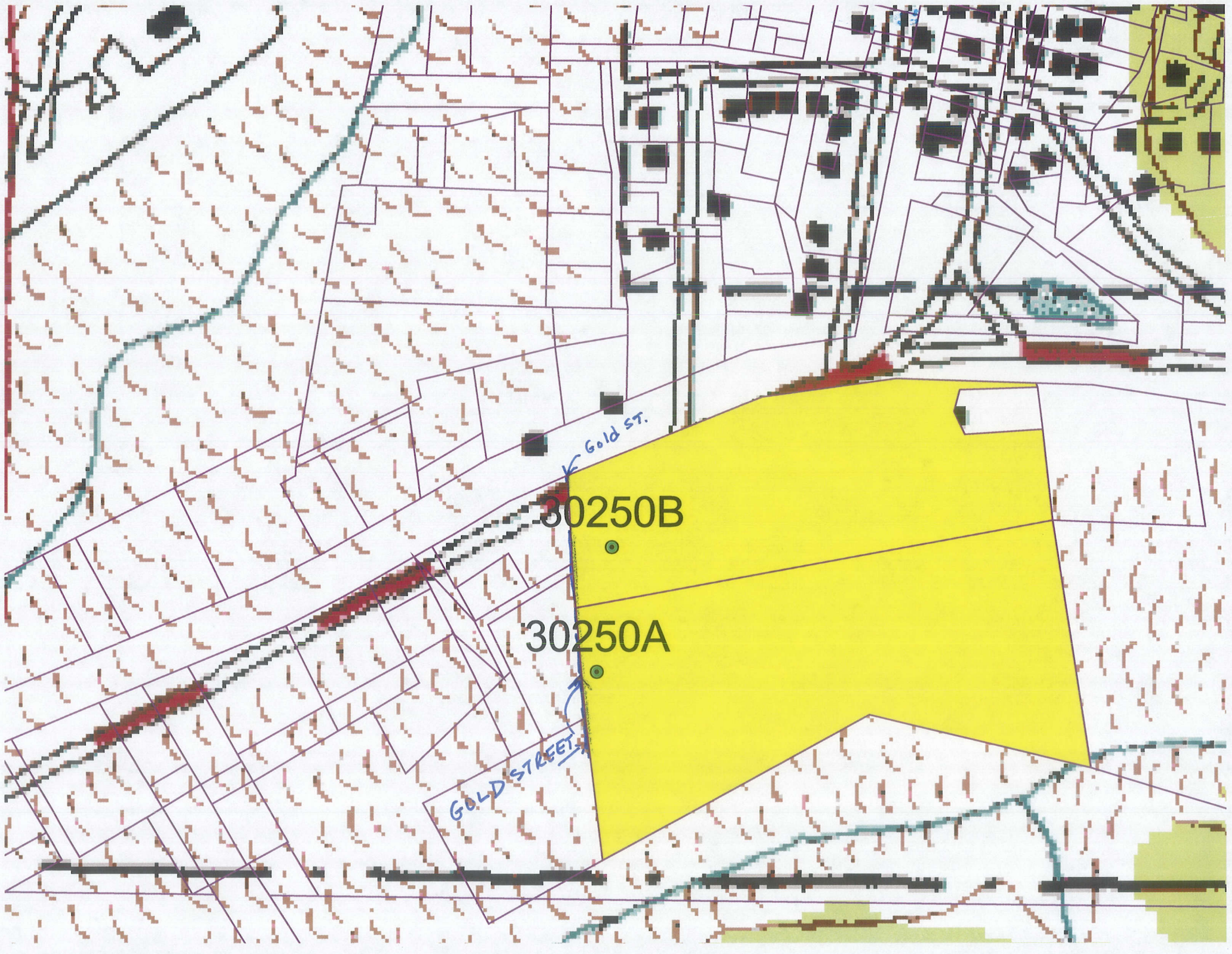




30250B

30250A

Gold ST.

GOLD STREET

9/27/2001

A63 30250

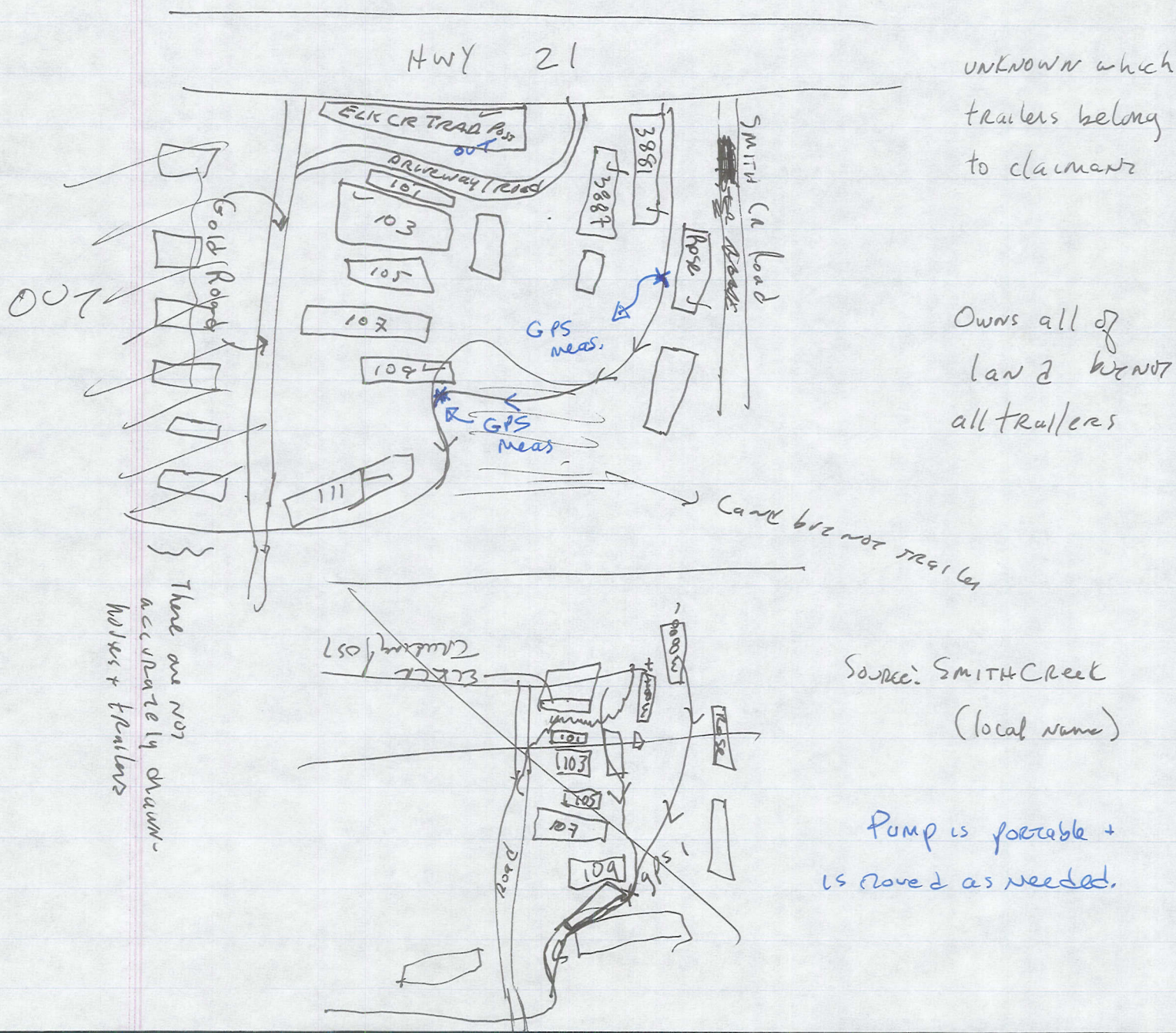
Brady

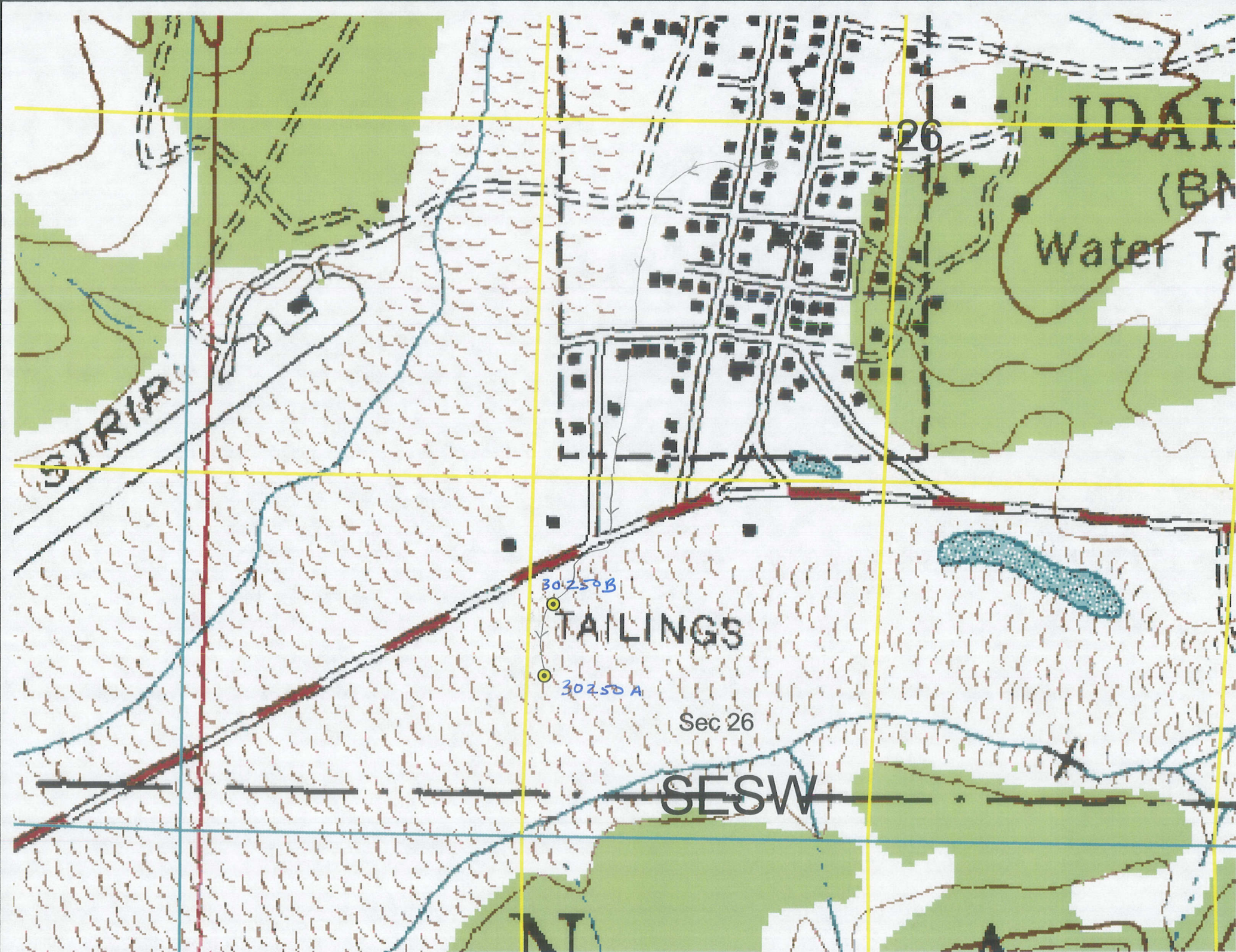
Photo 9: 1st GPS meas. site. POB per claimant
Next To Trailer #109 Gold Rd "30250A"

Photo 10: POB: gold st FROM Hwy

Photo 11: 2nd GPS location POB per claimant "30250B"

Very small pump set in 5 gal bucket
set in stream. hoses to small lawn area.





SRBA Claim Number A63-30250

Date of Photos 09/27/2001

Photographer P. DiNicucci

Legal Description T6NR5E26 SE3W

① Point of
Diversion

GPS measurement

location

"30250B"



② Point of
Diversion

GPS Measurement

location

"30250A"



SRBA Claim Number A63-30250

Date of Photos 09/27/2001

Photographer D. DiNicucci

Legal Description T6NR5E S26 SESW

⊙ Road through
trailer park.
POV on left side.



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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. _____

Date Received 7-26-90Receipt Number 2012578NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

JUL 26 1990

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes Department of Water Resources
Where Daily Use is less than 13,000 gallons per day. Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Warren D PLAINOR ^{Inez J. PLAIN} Phone (208) 392-4494
Mailing Address PO Box 188 Idaho City, ID Zip 83631
2. Date of Priority (Only one per claim) 6-30-86 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other () (a) Unnamed
Beaver Run Drainage Di
which is tributary to (b) Mores Creek Name or kind of source

4. Location of point of diversion is: Township Idaho City Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Boise - 1C Sec 26 SWSW (T49, 103)

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. Ditch: culvert 1988 increase pump size 1989

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

For Domestic purposes from 1/2/81 to 12/31 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)
8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) _____

MICROFILMED

OCT 17 1996

10. Place of use is: Township: Twaho City Range _____

Section _____, _____ 1/4 of _____ 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? Boise

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.

(X) None or _____

14. Remarks: Highway 21 @ Mile marker 38.7 legal is noted
at question # 4.

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) _____ Date _____

Date 5/10/96
6/20/90

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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 Boise) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 20th day of June 19 90

SEAL

Notary Public Deborah J. Reule

Residing at Boise, Idaho

My Commission Expires 4/24/91

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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OCT 17 1996

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: **A63-30250**
Date Received: 5/ 8/1995
Receipt No: W012578
Received By: _____

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

1. Name: KATHLEEN M BRADY 208-392-4440
Address: PO BOX 280
IDAHO CITY ID 83631

2. Date of Priority: FEB 28, 1971

3. Source: UNNAMED DRAIN Trib. to: MORES CREEK

4. Point of Diversion:

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

5. Description of diverting works:
DITCH, CULVERT, 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		
FIRE PROTECTION	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, MOBILE HOMES; FIRE PROTECTION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	26	SW	SW		DOMEST	
			SW	SW		FIRE	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	26	SE	SW		DOMEST	
			SE	SW		FIRE	

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:

THIS IS A MOBILE HOME COURT WHICH I OWN SEVERAL MOBILE HOMES.
THIS IS MAINLY FOR FIRE PROTECTION, NO OTHER WATER SOURCE
AVAILABLE.

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

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

MAY 30 1995

WATER RESOURCES
WESTERN REGION

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. AL63-30250
Date Received 5-8-95
Receipt Number 2012578

**NOTICE 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) KATHLEEN M. BRADY Phone (208) 392-4440
Mailing Address P.O. Box 280 IDAHO CITY, ID Zip 83631
2. Date of Priority (Only one per claim) Feb 1971 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other (X) (a) DRAINAGE
which is tributary to (b) MORES CREEK Name or kind of source
4. Location of point of diversion is: Township 6N Range 5E B.M.
Section 26, SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, B.M.,
County of BOISE
Additional points of diversion if any: Sec 26, T. 6N., R 5E., B.M. SE 1/4, SW 1/4.
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. DITCH: Culvert 1988 increased pump size 1989
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)
For Fire Protection purposes from 1/1 (Both dates are inclusive) to 12/31 amount .04
7. Total quantity claimed .08 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic, Fire Protection

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OCT 17 1996

RECEIVED

MAY 3 8 1988

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.

RECEIVED

MAY 11 1988

10. Place of use is: Township: 6N Range 5E Sec 26, T 6N R 5E
Section 26, SW 1/4 of SW 1/4, Govt. Lot _____, B.M., 13 m SE 1/4, SW 1/4.

for (Circle One) Domestic Stock FIRE Domestic and Stock PROTECTION
Additional places of use, if any _____

RECEIVED
MAY 30 1995
WATER RESOURCES
WESTERN REGION

11. In which county (ies) are lands listed above as place of use located? Boise
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.
X None or _____

14. Remarks: This is a mobile Home Court which I own several
mobile Homes - This is mainly for Fire Protection - No other
water source available.

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) Kathleen M. Brady Date 5/25/95

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
document in the space below as _____ Organization
_____ Title _____ of _____ 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 Boise)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 26th day of May, 19 95

SEAL

Notary Public Shirley A. Leong
Residing at Idaho City
My Commission Expires 5-25-99

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant.
MICROFILMED
OCT 17 1996

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.

RECEIVED MAY 3 8 1988 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.

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Plain, Warren & Sons

CLAIM IDENT. NO.

DATE RECEIVED 7-26-90 RECEIPT # 0012518 FEE PAID \$ 50.00 FEE REQ'D \$ 25.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
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 D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
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 showing # of homes, hd. of stock?	☐	☒	*
If multiple domestic, is single ownership indicated?			
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 basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A	☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?			
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A	☒	☐	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time?	☒	☐	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?			
22. Is the fee enclosed correct? Exempt	☐	☐	

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OCT 17 1996

23. Is this claim being rejected and returned to claimant?
24. Can this claim be data entered?
25. Was claim modified?

YES

NO

☒☒☐☐

If yes, do modifications require notification to claimant?

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: JAD Date 3-16-94

Claim data entered by: _____ Date _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Insufficient legals, surface water use after 1971.
Rate fee would not be required, address different
than on ML 3.

February 11, 2002

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Att: Maria
2735 Airport Way
Boise, ID. 83705

RE: Water Rights

Dear Ms. Maria:

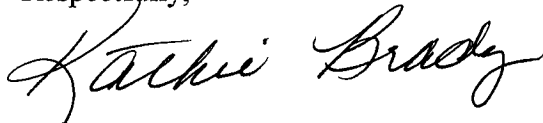
This is to serve as notice that I have personal knowledge that a mobile homed park was created on the property that I now own approximately 1971.

The water from "Smith Creek" has been used for small yard irrigation and fire protection from that date and is still used as such.

For this reason, water rights were applied for and are still being pursued.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Kathie Brady".

Kathie Brady
P.O. Box 128
Idaho City, Idaho

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

For Value Received FORREST DON READ and MILDRED E. READ, husband

and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

ARCHIE A. TURNER or UNA A. TURNER, husband and wife,

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

That certain parcel of land located in the southwest quarter of the south west quarter of Section 26, Township 6 North, Range 5 East, Boise Meridian, and within the boundaries of the Bullion Placer Mining Claim, included in Mineral Survey No. 1483, in Moores Creek Mining District, Boise County, State of Idaho, to wit:

Commencing at the southwest corner of the Idaho City Townsite and the southeast corner of the northwest quarter of the southwest quarter of Section 26, Township 6 North, Range 5 East, Boise Meridian, thence South 8 degrees and 25 minutes East 335.42 feet to a point, which point is on the south boundary of the right-of-way of State Highway 21, thence South 8 degrees and 25 minutes East 225.8 feet to the real point of beginning,

Thence South 58 degrees, 57 minutes and 30 seconds West 100.0 feet to a point,
Thence North 31 degrees, 02 minutes and 30 seconds West 95.0 feet to a point,
Thence North 58 degrees, 57 minutes and 30 seconds East 139.6 feet to a point,
Thence South 8 degrees and 35 minutes East 102.0 feet to the real point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, 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 incumbrances except taxes and assessments for the year 1972, reservations in federal patents and easements of record or apparent by observation.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: this 27th day of March, 1972.

Forrest Don Read

Mildred E. Read

STATE OF IDAHO, COUNTY OF

On this 27th day of March, 1972, before me, a notary public in and for said State, personally appeared

FORREST DON READ and MILDRED E. READ, husband and wife,

known to me to be the person s who se name s subscribed to the within instrument, and acknowledged to me that they executed the same.

William J. Dalton

Residing at
Gann: Expire

Notary Public
130-20, Idaho

STATE OF IDAHO, COUNTY OF Boise

I hereby certify that this instrument was filed for record at the request of Archie A. Turner

at 45 minutes past 10 o'clock a.m.,
this 25 day of April,
1972, in my office, and duly recorded in Book 63
of Deeds at page 113

Robert J. Tuffield
Ex-Officio Recorder

By *Ruth M. Shanks* Deputy.
Fees \$ 1.00
Mail to:

INSTRUMENT NO. 77662

05/22/2002

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

RIGHT NUMBER: 63-30250

NAME AND ADDRESS: KATHLEEN M BRADY
PO BOX 280
IDAHO CITY ID 83631

SOURCE: UNNAMED STREAM TRIBUTARY: MORES CREEK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 02/28/1971

POINT OF DIVERSION:

T06N R05E S26 SESWSW Within BOISE County

T06N R05E S26 NWSESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T06N R05E S26	SWSW	T06N R05E S26	SESW
---------------	------	---------------	------

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

DOMESTIC USE IS FOR 14 TRAILERS AND LESS THAN 1/2 ACRE
IRRIGATION.

SOURCE IS ALSO KNOWN AS SMITH CREEK

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-30250 V1

WATER RIGHT NUMBER: 63-30250 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHLEEN M BRADY PO BOX 280 IDAHO CITY, ID 83631 (208)392-4440

Priority Date: 02/28/1971
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4SW1/4	Sec. 26, Twp 06N, Rge 05E, B.M.
BOISE County		
UNNAMED STREAM	SE1/4SW1/4SW1/4	Sec. 26, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

DOMESTIC Within BOISE County

T06N R05E S26	SWSW	T06N R05E S26	SESW
---------------	------	---------------	------

Conditions of Approval:

1. C18 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.
2. N06 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. U42 PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

Remarks:

1. Explanatory DOMESTIC USE IS FOR 14 TRAILERS AND LESS THAN 1/2 ACRE IRRIGATION.
2. Explanatory SOURCE IS ALSO KNOWN AS SMITH CREEK

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-30250 V1

Comments:

1. lharris 1/10/2002 GPS
Comment: GPS measurement 30250A & 30250B.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/7/2001 11:26:46 AM	mminicuc			Active
POD	12/7/2001 11:26:53 AM	mminicuc			Active
POU	12/7/2001 11:26:54 AM	mminicuc			Active
Source	12/7/2001 11:26:56 AM	mminicuc			Active
Season	12/7/2001 11:26:57 AM	mminicuc			Active
Use	12/7/2001 11:26:57 AM	mminicuc			Active
Quantity	12/7/2001 11:26:58 AM	mminicuc			Active
POU	1/10/2002 2:57:32 PM	lharris			Active
Summary			01/10/2002	lharris	Active
Summary			02/25/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	2/25/2002 11:34:24 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30250 V1

Priority Date	12/7/2001 11:26:46 AM	mminicuc	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly?
POD	12/7/2001 11:26:53 AM	mminicuc	(No) 1. Is the basis of this claim a Decree or License?
POU	12/7/2001 11:26:55 AM	mminicuc	(No) 1. Is the basis of this claim a Decree or License?
Source	12/7/2001 11:26:56 AM	mminicuc	(No) 1. Is the basis of claim decree or license?
Use	12/7/2001 11:26:57 AM	mminicuc	(No) 1. Is the basis of this claim a Decree or License?
Season	12/7/2001 11:26:58 AM	mminicuc	(No) 1. Is the basis of claim decree or license?
POD	12/7/2001 11:26:58 AM	mminicuc	(No) 1. Is the basis of this claim a Decree or License?
Contacts	12/7/2001 11:23:01 AM	mminicuc	(Yes) 1. Do you want to schedule an appointment? Contact Person: KATHLEEN M BRADY - Contact Phone Number: 392-2293 Date of Field Exam: 09/27/2001 10:00 AM Directions to Property: Hwy 21 to Idaho City. Trudi's Cafe on left just before Main Street - red building across the street. Property abuts service station on Hwy 21. Gold Road is on the west end of the red building. 109 Gold Road is one pump location. Gardens at 103 Gold Road. Mauve trailer is location of second pump. 14 trailer spaces. Pumps are 1 hp gasoline powered.
POD	1/10/2002 12:15:49 PM	sbock	Edited point location
POD	1/10/2002 12:16:06 PM	sbock	Edited point location
POU	1/10/2002 2:57:32 PM	lharris	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? Description for Question 13 - Field exam 9/27/01.
Summary	1/10/2002 3:12:05 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

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

CLAIM NO(s). A03-30256

1. No Change NAME IS SAME ✓
NEW OWNER: _____
No Change ADDRESS ✓
NEW ADDRESS: _____

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: Feb 28 1971
(If the priority date, based on your exam, seems questionable, explain below.)

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

Source found: Unnamed stream, Trib to Mores Creek

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 1/4 SE 1/4 SW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

Portable pumps in stream. Garden hoses to POU.

6. No Change - WATER USES
Different uses, (list uses found):

Use Domestic From 4/1 To 10/31 Amount .04 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 .04 CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found: No Fire Protection. Provided by City of Idaho City

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: PART B 2500 gpd

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

Use: Dorr Township 6N Range 5E Section 2E 1/4 SW 1/4 SW
Use: _____ Township _____ Range _____ Section _____ 1/4 SE 1/4 SW
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

Total Irrigation < 1/2 acre. External use only

Source AKA Smith Creek and Shit Creek

01/29/2002: Tel Conv. with Ms. Brady: She will research property

development and write statement That describes + supports
SYSTEM DIAGRAM INCLUDED (NA) priority date.
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 09/27/2001

FIELD EXAMINER: MARIA MENCIOCCI

Print Name

[Signature]
Signature



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

KATHLEEN M BRADY
PO BOX 280
IDAHO CITY, ID 83631

Re: Claim No(s) 63-30250

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

AJ5809NP
No. A63-30250

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 119

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHLEEN M BRADY PO BOX 280 IDAHO CITY ID 83631 (208) 392-4440	02/28/1971	DOMESTIC FIRE PROTECTION	01-01 12-31 ~~01-01 12-31~~	0.040 CFS ~~0.040 CFS~~	
TOTAL DIVERSION:					0.080 CFS	0.04 cfs

Water Source: UNNAMED DRAIN

Point(s) of Diversion: T06N R05E S26
Place of use Legal Description for: DOMESTIC
Tributary to: MORES CREEK
Stage: BENEFICIAL USE
BOISE County

Place of use Legal Description for: DOMESTIC
NE
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 :
06N 05E 26 : : : : : D D : :

Place of use Legal Description for: FIRE PROTECTION
NE
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 :
06N 05E 26 : : : : : F F : :

POU County: BOISE

Non-Irrigation Uses: DOMESTIC, MOBILE HOMES; FIRE PROTECTION

Other Rights: NONE

Remarks: GEN THIS IS A MOBILE HOME COURT WHICH I OWN SEVERAL MOBILE HOMES.
THIS IS MAINLY FOR FIRE PROTECTION, NO OTHER WATER SOURCE AVAILABLE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Make pet links done

C18
N11
A13
N06

EXP-Ram
B01 Smith Creek
Shatt Creek

W Domestic use
14 trailers?

2500 gpd

Domestic use
= < 1/2 acre irrigation

Source AKA Smith Creek
Shatt Creek yes

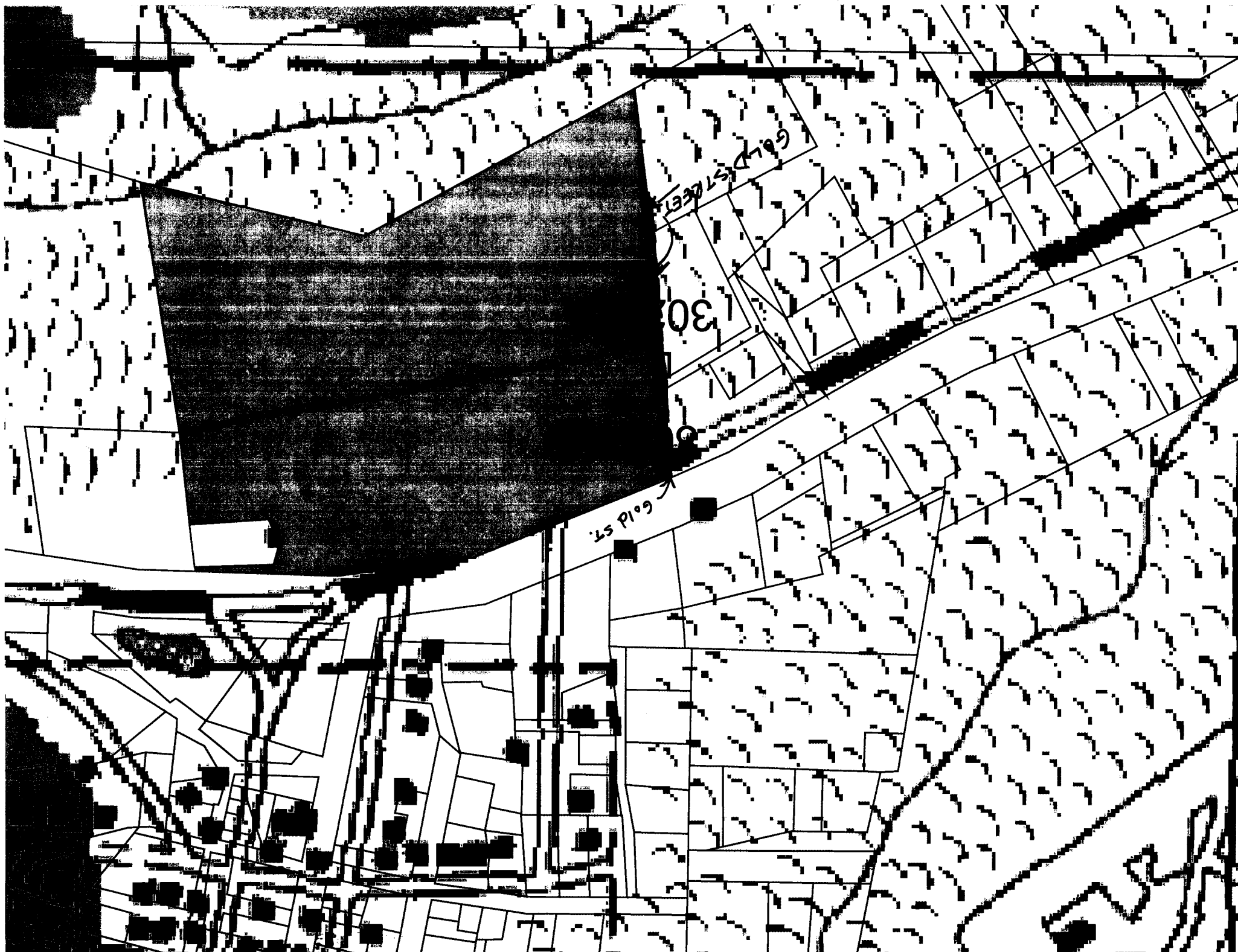
E.O.P. verbal?
Leave Fire protection?

FP now provided by
City of
Idaho City

Marisa stated the evidence of when Truster Park was put in place would be sufficient evidence

National® Brand

Made in U.S.A.

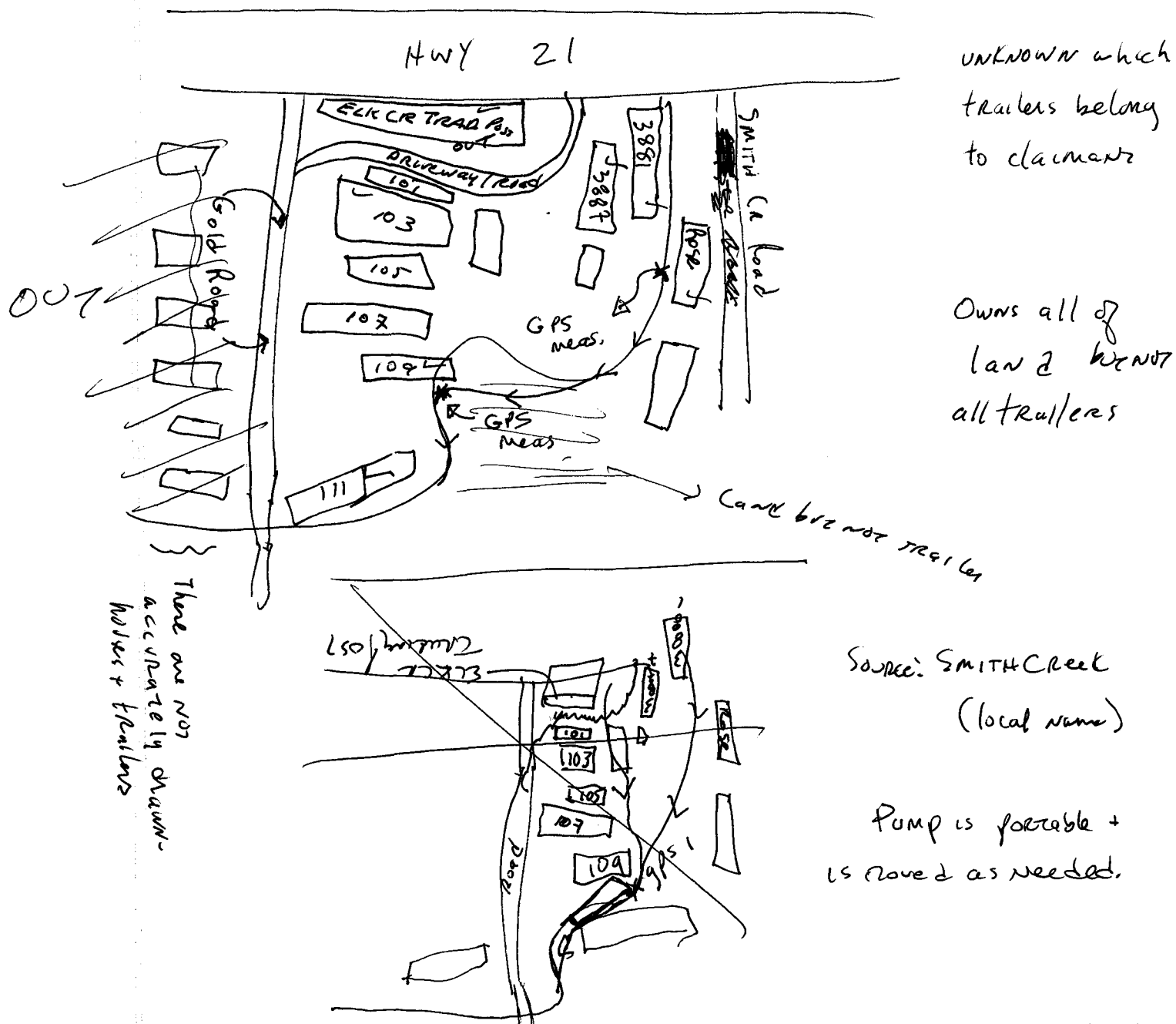


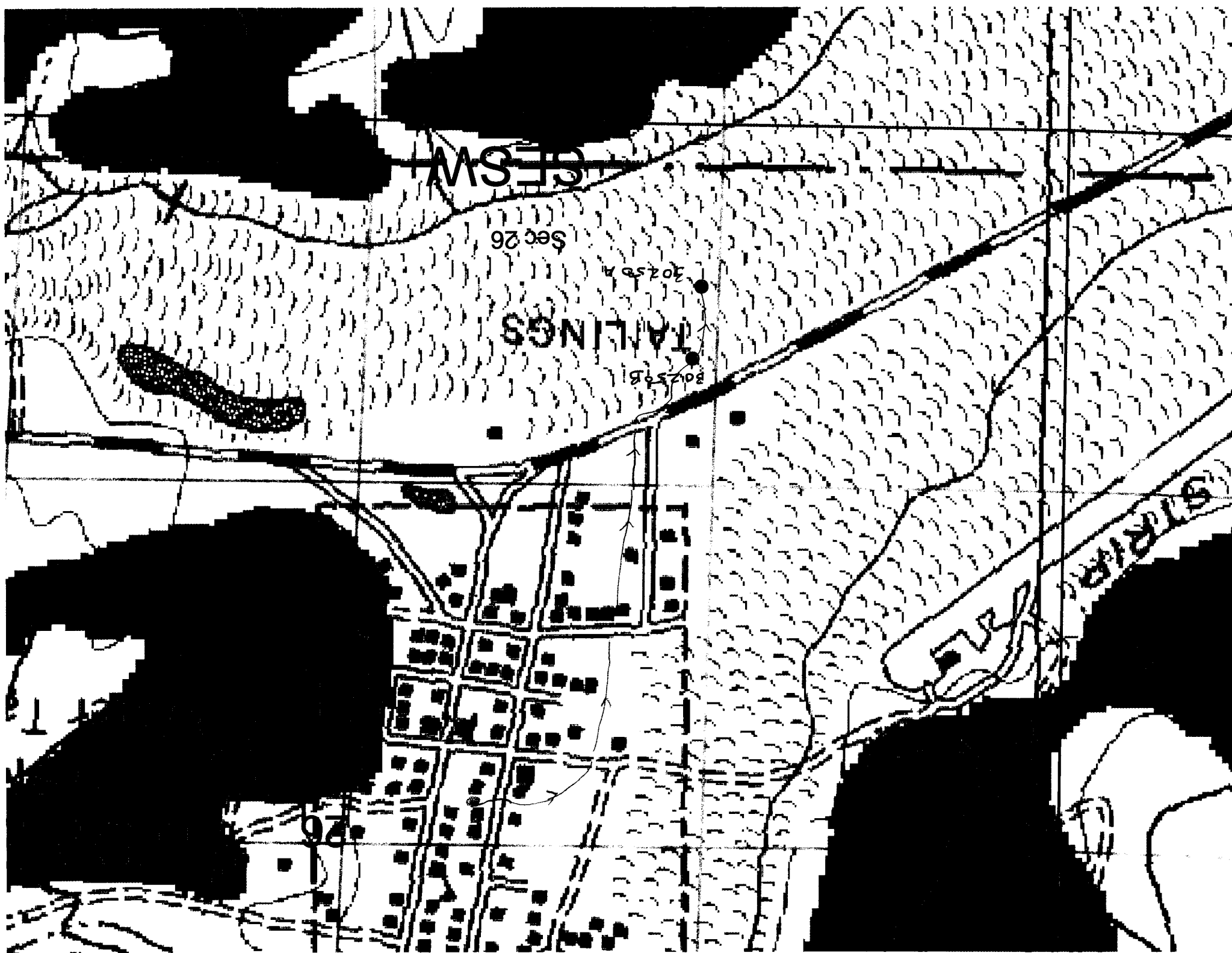
Brady

Ph2010: POW: gold st from Hwy

Photo 11: 2nd GPS location for claimant "302508"

Very small pump set in 5 gal bucket
set in stream. hoses to small lawn area.





S. 26

T. 12 N.

R. 10 E.

S. 12 E.

26

30250 A

30250 B

SRBA Claim Number A63-30250

Date of Photos 09/27/2001

Photographer P. DiNicucci

Legal Description T6NR5E26 SESW

① Point of
Diversion

GPS Measurement

Location

"30250B"

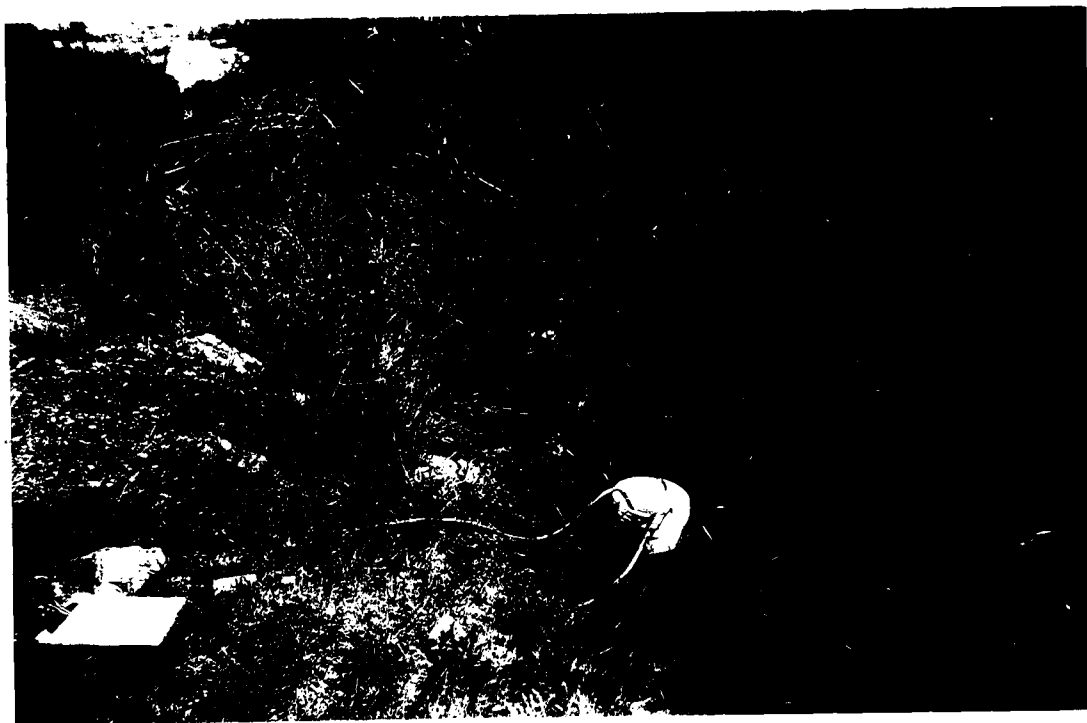


② Point of
Diversion

GPS Measurement

Location

"30250A"



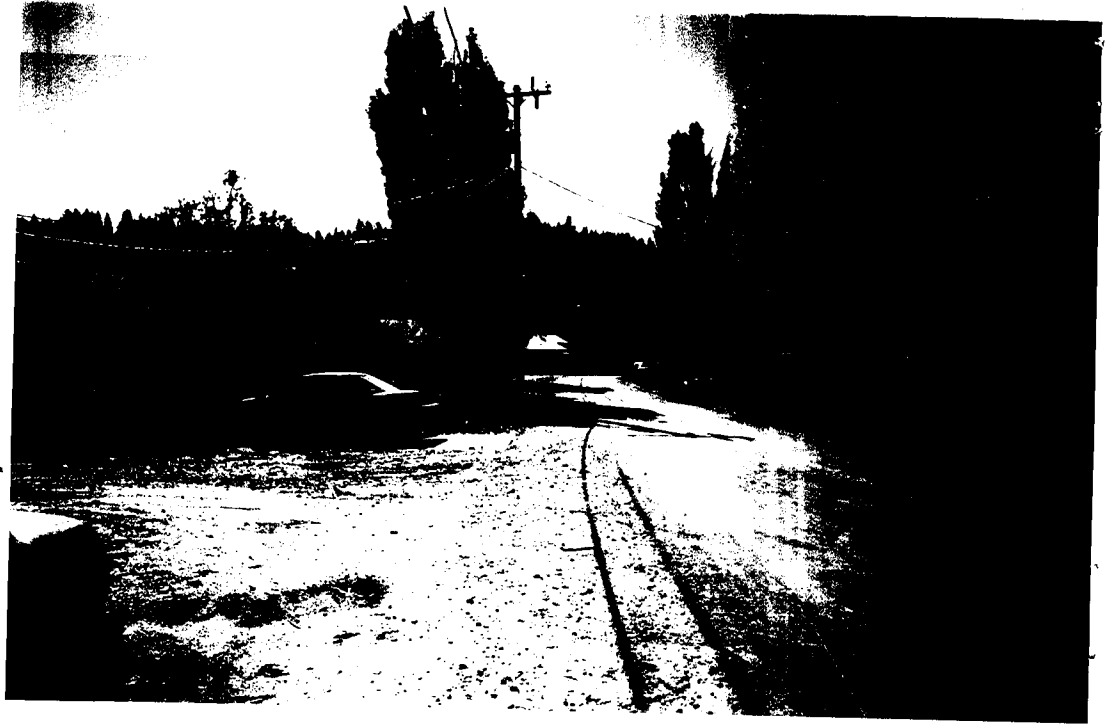
SRBA Claim Number A63-30250

Date of Photos 09/27/2001

Photographer TTINICUCCI

Legal Description T6NR5E S26 SESW

③ Road through
trailer park.
POV on left side.



6/9/94

Important Message



This form is
The form is
claim or c
available to

Time: 8:55 Date: 9-25
For: Marie
From: Kathy Brady
Idaho City
Telephone: 392-2293 work

TION

o. A63-30250

rding any SRBA claim or claims.
nformation regarding any SRBA
erification report is not readily
aim files or a central office file.

IDWR Er ☐ Telephoned ☒ Please call
Contact ☐ Wants to see you ☐ Will call again
☐ Returned your call ☐ URGENT
☐ Was here to see you

Date 9/14/2001

392 2293 (w)

Message: Planning & Zoning
Nature of ADMINISTRATOR for Boise County

Taken by: _____

Post-it® 7679-4 ©3M 1993

Substance of Communication 9/14: left msg on machine

9/25/2001 Pump in creek for lawn/gardens
Now fire hydrants in area

Trudi's Cafe - X street is red building

Creek is btwn Service station

SMITH CR Drive crosses the Creek

Property above Service station

Gold Road on west end of building

109 Gold Road (Trailer) pump location. has gardens

SMITH Creek: Mauve trailer - another pump

✓ 14 Trailer spaces

location

1 HP gasoline

Mobile home park set up in 1971

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A63-30250

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent MMewicucci Date 9/14/2001

Contact Person(s) Kathleen Brady 392-4440 392 2293 (w)

Home address is 103 Gold Rd

Nature of Contact Field Exam Appt

Substance of Communication 9/14: left msg on machine

9/25/2001 Pump in creek for lawn/gardens
Now fire hydrants in area

Trudi's Cafe - X street is red building
Creek is btwn service station

Smith Cr Drive crosses ~~the~~ Creek
Property abuts service station

Gold Road on west end of building
109 Gold Road (Trailer) pump location. has gardens

Smith Creek: Mauve trailer - another pump

✓ 14 Trailers spaces location

1 HP gasoline

Mobile home park set up in 1971



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

JUNE 1, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[KATHLEEN M BRADY
PO BOX 280
IDAHO CITY ID 83631]

[]

Dear Claimant(s):

We have processed your Notice(s) of Claim to a Water Right filed in the Snake River Basin Adjudication.

In the initial review of this claim(s) 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 previously submitted are enclosed. **ONLY THE ITEM(S) 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).**

X 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.

 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.

MICROFILMED

OCT 17 1996

_____ 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.

_____ 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 have 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- 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

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.**

MICROFILMED

OCT 17 1996

REFUND REQUEST

5-10

TO: S. Sherman to Log In
 FOR: D. Shaff/D. Allen
 FROM: Western Region Date: 4-17-95
 SUBJ: Receipt No. W012518 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Plain, Inez RECEIVED
 Address P.O. Box 188 APR 19 1995
Idaho City, ID 83631 Department of Natural Resources

Claimant(s) if NOT Payor Warren or Inez Plain
 Refund Amount \$ 75.00 Claim Location Region (Claimant)
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? (Y/N) NA Late Fee Receipt # W012518
 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) 3-13-95

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>N/A</u>	<u>Domestic</u>	<u>\$ 75.00</u>	<u>\$25.</u>	<u>W012518</u>
		\$		
		\$		
		\$		
		\$		
		\$		
Total		<u>\$ 75.00</u>	<u>\$25.00</u>	

*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
Returned for surface water priority after 1971, legal description. Original claim has not been returned.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval -
 Don Shaff Approval [Signature] Hold 2w/3s To Fiscal 4-21-95
 Logged 04-20-95

Data Base Modified? Y/N (NA) A &/or R Records By _____ on _____
5/8/95 INEZ PLAIN CALLED. NEW OWNER OF BOISE CO PROPERTY IS KATHY BRADY WHO WORKS FOR THE COUNTY. 392-4440. WHEN INEZ SPOKE TO HER THIS MORNING, KATHY WASN'T SURE WHETHER SHE WOULD FILE W/R CLAIM OR NOT. SENT HER NEW PROP OWNER LETTER 5/9/95.

ALSO, INEZ JUST SOLD LAST WEEK HER PROP WITH DOMESTIC WELL ON 308 W BOISE AVE TO JOHN ANDERSON. INEZ LEAVING STATE TO GO BACK TO AZ, WILL RETURN TO IDAHO CITY IN ONE WEEK. SAID PHONE AND ADDRESS ON HER INCOMPLETE CLAIM HAS NOT CHANGED.

> 3-30-95 Lori Harris requested act ptg. Brady Submitted Claim. Sent to Lori Harris 5-30-95.

05/19/94

MICROFILMED

OCT 17 1996



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 8, 1995

KATHY BRADY
C/O BOISE COUNTY
IDAHO CITY ID 83631

RECEIVED

MAY 31 1995

WATER RESOURCES
WESTERN REGION

RE: Snake River Basin Adjudication (SRBA)
Boise County - Notice of Claim to a Water Right

Dear Ms. Brady:

We felt you should be aware you may not have the recorded water rights you thought you were obtaining when you purchased your home. The former owner, Inez Plain, did not complete the filing process of a claim to a water right on the domestic well presumably located on your property. As such, if you choose to file a claim, you may do so, using the \$25.00 filing fees previously paid by Mrs. Plain.

I have enclosed a copy of the incomplete Notice of Claim form filed by Mrs. Plain, a copy of IDWR's letter returning the incomplete claim form, a blank Notice of Claim form with instructions and some general literature on the Adjudication. Please follow the instructions exactly, so your claim form will be complete. We will proceed to refund the filing fees paid by the former owner if we do not receive a Notice of Claim from you within 30 days.

Please contact us if you have any questions.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:state:tf

Enclosures:

Copy of Former Owner's Incomplete Notice of Claim Form
Copy of IDWR's Letter Returning Incomplete Claim Form
Short Form w/Instructions
Newspaper Insert
Water Rights Primer
D&S Quick Guide

MICROFILMED



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

PHILIP E. BATT
GOVERNOR

April 24, 1995

R. KEITH HIGGINSON
DIRECTOR

WARREN OR INEZ PLAIN
PO BOX 188
IDAHO CITY ID 83631

RE: Snake River Basin Adjudication (SRBA)
Boise County - Receipt #W012578

Dear Claimant:

In our letter to you of March 13, 1995, you were offered some options to record the water right for your property in Boise county. Since we have not received anything further from you, the refund process has been initiated with the State Auditor's Office for the fees you paid. You should receive your check in the near future.

If you wish to continue the filing process, please call us immediately at 208/327-7862.

If you later decide to refile, a new claim must be completed within one year with filing fees and appropriate late fees included at the time of submittal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:ref

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

3-13-95

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[Warren or Inez Plain]

PO Box 188

[Idaho City ID 83631]

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the item(s) checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you either because we need you to complete an item or items on your claim form, or because the claim cannot be filed at all and it is being rejected or because you may need to file a different claim form or other additional forms. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINANT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim.

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it was computed.

_____ Item No. 2 - Date of Priority - month/day/year that water was first put to a beneficial use, regardless of ownership. If the month or day is unknown the Department will recommend 12/31 of the year designated.

✓ _____ Priority Date Additional Note - If the first date of beneficial use for your water right was after March 25, 1963 from a groundwater source, or after May 20, 1971 from a surface water source, the enclosed application for permit may need to be filed instead of this claim. See the enclosed pamphlet entitled "Idaho Water Rights A Primer" under the "How is a water right established?" section for further explanation of these dates. A surface or groundwater claim filed with a priority date after the respective dates mentioned above, for the water use(s) you have claimed, will likely be recommended for disallowal to the court since an application for permit was required to be filed at the time the water was first developed and no previously filed permit was found in our records. You may withdraw this claim by completing the Request for Withdrawal form enclosed and receive a refund of the filing fees if you decide to file the application for permit instead. The refund can also be transferred to pay the filing fee for the application if you designate this on the Withdrawal form. You may also decide to pursue this claim with the court for a priority date after the dates mentioned above. If so, return the claim form, completing the items indicated, with a note stating you still wish to file the claim.

_____ Item No. 3 - Source of Water

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✓ Item No. 4 - Point of Diversion -The point of diversion listed on this claim is not in the correct form for legal descriptions. Diversion points must be listed by quarter-quarter(40 acre tract), section, township, and range. This legal can be found either on your deed, sales contract or tax notice. If not, then the county assessor may be helpful. Lot and Block for a subdivision are not acceptable, however, please include this information in the remarks section of your claim.

Please enter
township
and
range

Item No. 6 - Uses of Water

✓ Item No. 9 - Non-irrigation Uses

✓ Item No. 10 - Place of Use - The place of use listed on this claim is not in the correct form for legal descriptions. Places of use points must be listed by quarter-quarter(40 acre tract), section, township, and range. This legal can be found either on your deed, sales contract or tax notice. If not, then the county assessor may be helpful. Lot and Block for a subdivision are not acceptable, however, please include this information in the remarks section of your claim.

Please
enter town
and range.

Item No. 12 - Ownership of Place of Use.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed on this item.

Adjudication Claim Form No. 42-1409(2)a., needs to be filed instead of Claim Form No. 42-1409(2)b., due to the following reasons: _____

Enclosed is the correct claim form with instructions for completion. The fee schedule is also in the instruction sheets to help you figure the fee needed for filing this type of claim form.

This claim was filed based on an existing permit which has lapsed for failure of the permit holder to submit proof of beneficial use. Unless this permit is reinstated, your claim cannot be accepted. In order to reinstate the permit, proof must be submitted showing that the water had been developed prior to the date proof of beneficial use was originally due for this permit which was _____. This proof can be in the form of dated power bills for a pump, dated ASCS crop reports indicating irrigation and the source of water used, or a notarized statement from a neighbor or previous owner who was aware of the date the water was developed. The enclosed proof of beneficial use form must also be submitted along with the proof mentioned above. Note that there is a filing fee required to file this proof of beneficial use form. If water was not developed prior to the above proof due date, then an application for permit form must be filed. This form and instructions are enclosed for your review and possible completion. Idaho is presently under a moratorium on approval of applications for permit for new uses. The exception to this moratorium are applications for permit filed on uses developed prior to the commencement of the adjudication, November 19, 1987. If your water use was developed prior to this date, and you

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submit the same type of proof mentioned above documenting the development date, and no protests are submitted, then this application for permit could be approved. If the development took place after the 1987 date, then your application for permit will be held pending the outcome of this winter's snowpack.

_____ An adjudication claim cannot be filed when no water use or development has taken place. An application for permit is the form to file at the time you decide to begin development. Claims are required only on water uses developed prior to the commencement of the adjudication, November 19, 1987. Enclosed is an application for permit form with instructions to be completed at the time development will begin.

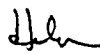
_____ An adjudication claim cannot be filed on an application for permit which has not been approved. Therefore, we are returning your Notice of Claim to you. An application for permit must be approved in order to establish a water right to file on.

_____ Other: _____

_____ If you are returning your claim form(s), please complete the item(s) checkmarked in this letter, initial and date any changes or additions made to the claim form(s), and return the form(s), with the requested fee (if one is required), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee(if one was paid previously) will be refunded. Please contact our office at the address listed below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return either your claim(s), any other form or information requested in this letter, and the fee requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning the items checked in this letter.

Sincerely,


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

HHT:h
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 THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

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