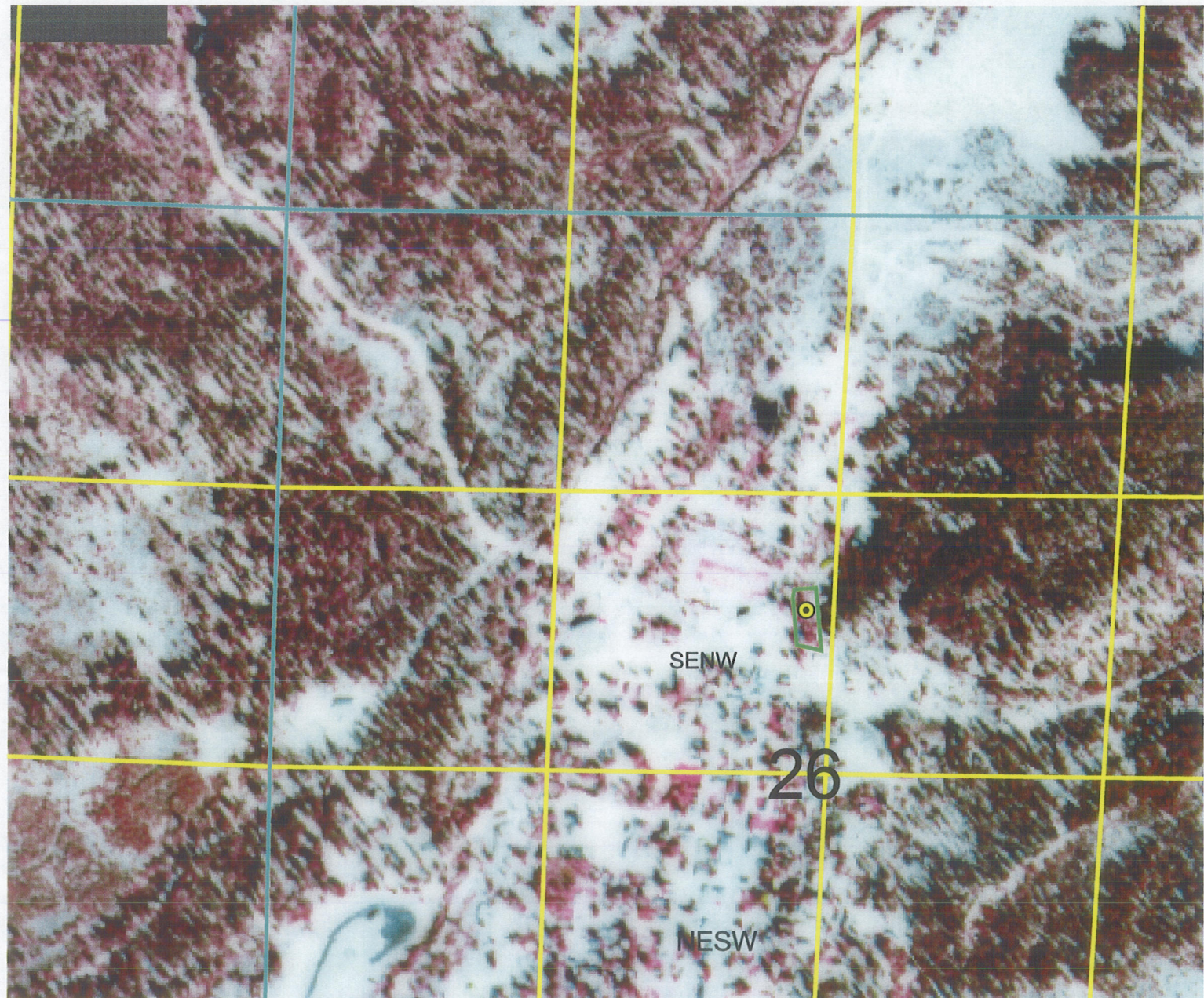


IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-30398
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

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



400 0 400 800 Feet

1987 NAPP

SRBA Claim Number A63-30398

Date of Photos 11/25/2001

Photographer PIPIVICUCCI

Legal Description T6NR5ES26 SENE

① Point of diversion.

"Well" is located
at bottom of
photograph. New
well (not this claim)
is in well house.
"Well" casing is
flush with ground
surface.

Claimant with
shovel.

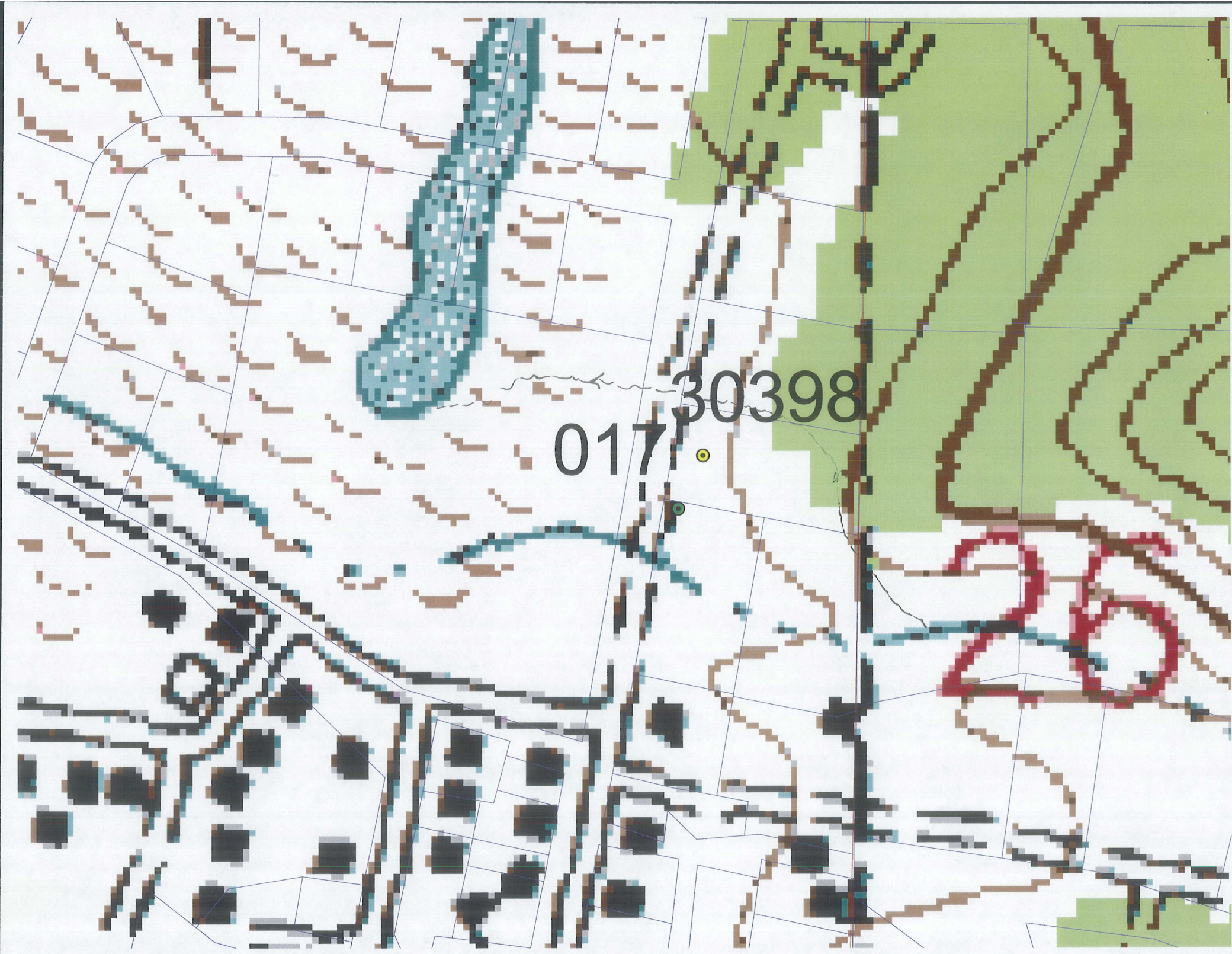
IDWR employee
Vicki Kelly.



② Place of use.

Photo taken from
northwest corner
of property. House
is on other side
of garage.





017 30398

ELK CREEK N 44° 54' 00" E - 668'

202.03'

100.00'

85.57'

102.40'

168.30'

102.40' CITY TOWNSHIP 168.30'

100.00' 40W 379'

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IDAHO CITY TOWNSITE
T6N R5E S26 SENW

RECEIVED

JUL 12 1996

WATER RESOURCES
WESTERN REGION

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: A63-30398
Date Received: 7/ 2/1996
Receipt No: C034712
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JAMES S CANODY 208-392-4486
Address: PO BOX 81
IDAHO CITY ID 83631

OR

Name: CHOLA JOAN CANODY 208-392-4486
Address: PO BOX 81
IDAHO CITY ID 83631

2. Date of Priority: MAY 20, 1961

3. Source: BEAR RUN CREEK Trib. to: ELK CREEK

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.175		

7. Total Quantity Appropriated is:
0.175 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 of	Lot	Use	Acres
06N	05E	26	NW	NW		IRR	0.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	0.5
					Total Acres	0.5

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:

DESCRIPTION OF DIVERSION WORKS: 1 WELL, 18' DEEP WITH A CULVERT PIPE INSTALLED PUMP IS CAPABLE OF DELIVERING 78.92 GALLONS PER MINUTE. FIRST USE OF WATER WAS SPRING OF 1961-AT THAT TIME A HOSE WAS USED FOR A GRAVITY FLOW SYSTEM. IN 1968, I PURCHASED A SMALL USED PUMP, USED BLACK PLASTIC TO BUILD A SMALL RESERVOIR AND PUMPED WATER ON TO YARD. IN SEPTEMBER 1994, I USED A BACKHOE TO DIG GOWN 17 TO 18 FEET AT WHICH TIME I INSTALLLED THE NEW PUMP (78.92 GPM). WELL IS APPROXIMATELY 50' FROM STREAM WHERE I ORIGINALLY PUMPED WATER FROM. WHERE PUMP IS LOCATED NOW WAS ORIGINALLY AN OLD DREDGE POND WHICH WAS FILLED IN ABOUT 1970-1971 BEAR RUN STREAM DOES CROSS MY PROPERTY.

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 AG-30398
Date Received 2-1-96
Receipt Number C034712

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 01 1996

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) JAMES S. CANODY or CHOLA JOAN CANODY Phone (208) 392-4486
Mailing Address P.O. Box 81 Idaho City, ID Zip 83631

2. Date of Priority (Only one (1) per claim) Spring 1961

3. Source of water supply (a) Bear Run Stream
which is tributary to (b) Elk Creek

4. a. Location of existing point of diversion is: Township 6N Range 5E Section 26,
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Boise

Additional points of diversion if any: NONE

b. If instream flow, beginning point of claimed instream flow is:

Township 6N Range 5E Section 13, SE 1/4 of SE 1/4 of SE 1/4,
Govt. Lot B.M., County of Boise
ending point is: Township 6N Range 5E Section 26, SE 1/4 of SE 1/4 of
NW 1/4, Govt. Lot B.M., County of Boise

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 1 well, 18 ft. deep with a culvert pipe
installed Pump is capable of delivering 78.92 gallons per minute. First use of water was
spring of 1961-at that time a hose was used for a gravity flow system. In 1968, I
purchased a small used pump, used black plastic to build a small reservoir & pumped
water on to yard. In Sept., 1994, I used a backhoe to dig down 17 to 18 ft. at which
time I stalled the new pump(78.92 gpm) Well is approximately 50 ft. from stream where
I originally pumped water from. Where pump is located now was originally an old dredge
pond which was filled in about 1970-1971. Bear Run Stream does cross my property.

MICROFILMED
OCT 18 1996

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.

6. Water is claimed for the following purposes: Lawn Irrigation
(both dates are inclusive) (cfs) (acre feet)
- For Irrigation purposes from April 15 to Oct. 15 amount 0.175 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 0.175 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	5E	26						.50											

Total number of acres irrigated .50

11. In which county (ies) are lands listed above as place of use located? Boise County
12. Do you own the property listed above as place of use? Yes XXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Last Name CANODY Ident No. _____

Copies: **MICROFILMED**

OCT 18 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.

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.

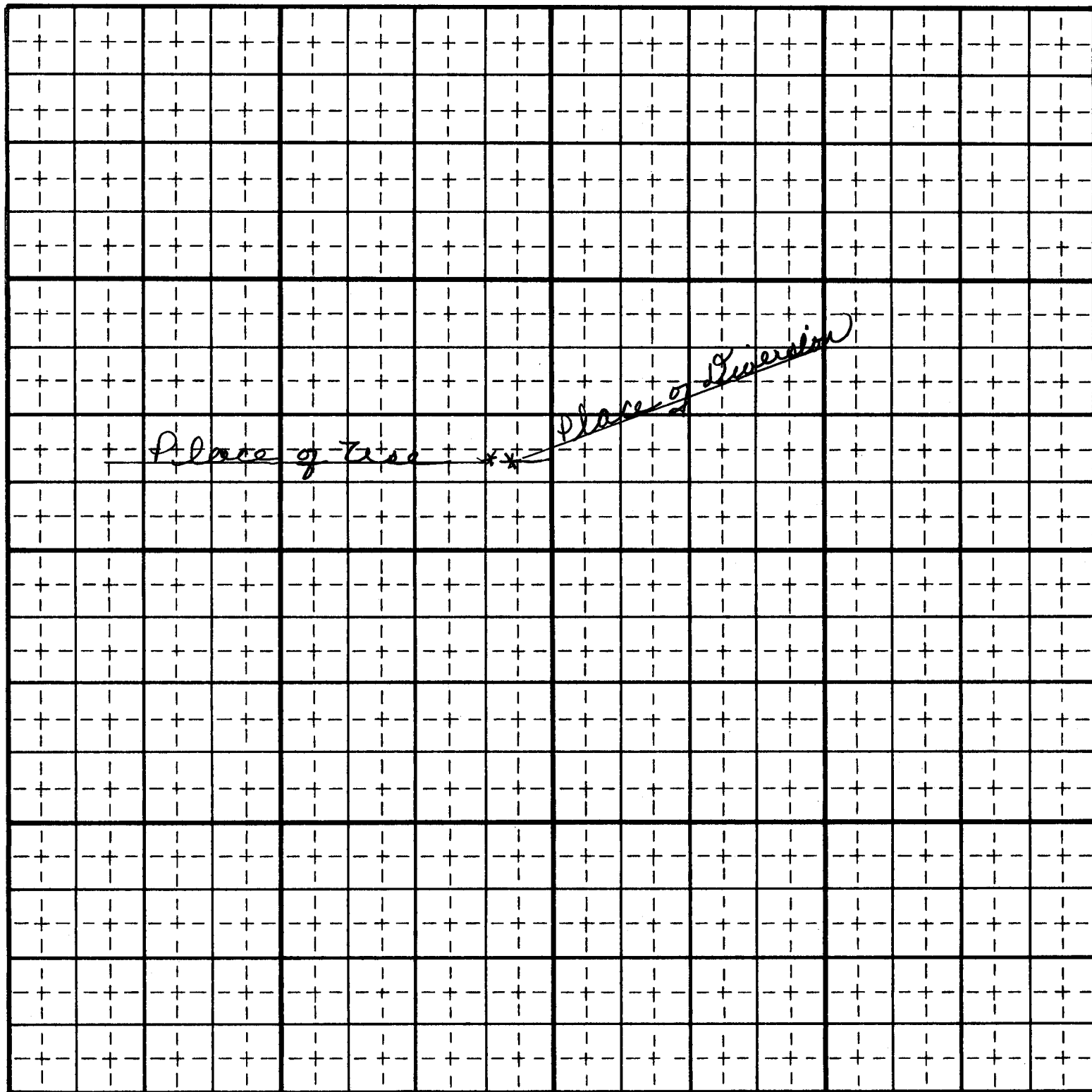
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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

Scale: 2 inches equals 1 mile

PLEASE NOTE: Point of diversion and place of use is approximately 50ft.

T6N R5E SEC 26- NW $\frac{1}{4}$



Last Name CANODY Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XXX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX
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) James L Canody Date 1-31-96
Chela Jean Canody Date 1-31-96

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

RECEIVED

FEB 01 1996

Department of Water Resources

State of Idaho/or _____)
County of Boise) SS.

Subscribed and sworn (or affirmed) before me this 31ST day of January 19 96

SEAL

Notary Public Susanne Naare

Residing at Placerville

My Commission Expires 1-27-2001

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name CANODY Ident. Number _____

MICROFILMED

Copies White-Stats Yellow-Claims
OCT 18 1996

ADJUDICATION CLAIM REVIEW CHECKLIST

1-92

CLAIMANT'S NAME

Canody

CLAIM IDENT. NO.

A63-30398DATE RECEIVED 2-1-96 RECEIPT # 0034717 FEE PAID \$ 101.00 FEE REQ'D \$ 101.00

	YES	NO	Required Info?
Is the name and address complete with zip code?	☒	☐	*
Is a priority date entered? . . . <u>NOV 5-30-1961</u>	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
(a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) . . . N/A	☒	☐	
Is the legal description of the p.d. sufficient?	☒	☐	*
Is there a description of the diverting works?	☒	☐	
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?	☒	☐	*
Is a total quantity claimed entered?	☒	☐	
If required is a consumptive use entered? . . . N/A	☐	☒	
Is the consumptive use correct? . . . N/A	☒	☐	
Are the non-irrigation uses listed showing # of homes, hd. of stock?	<u>npa</u>	☐	*
If multiple domestic, is single ownership indicated?	<u>npa</u>	☐	
Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
Is (are) the county(ies) entered?	☒	☐	
Is the ownership of p.u. checked?	☒	☐	
Are other water rights listed or "none" indicated?	☒	☐	
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	☒	☐	
Is the basis of the claim indicated?	☒	☐	
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?	☐	☐	*
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.			
If the claimant requested a monthly docket sheet, was the fee paid? . . . N/A	☒	☐	
Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
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?	☐	☒	*
Is the fee enclosed correct? . . . Exempt	☒	☐	

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OCT 18 1996

YES	NO
☐	☒
☒	☐
☒	☐
☒	☐

3. Is this claim being rejected and returned to claimant?
4. Can this claim be data entered?
5. Was claim modified?
- 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: RM^c Date 7-2-96

claim data entered by: RM^c Date 7-2-96

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: _____

Lester, Steve

From: Lester, Steve
Sent: Tuesday, October 22, 2002 1:17 PM
To: 'longpine@spro.net'
Subject: Water Rights search for Idaho City

To John Roberts:

You sent an email a couple weeks ago inquiring into water rights in the name of Canody or Plain. It appears you are looking for likely water rights to transfer for limited irrigation of the Boise Basin Community Park planned for Idaho City.

I spoke to at least two different people in recent months about this project ... maybe you were one of them, but I don't recall.

Attached are printouts of water rights found for those owners. The Canody right has been recommended in the Snake River Basin Adjudication (SRBA) for 1/2 acre of irrigation from a surface water source near Idaho City. No objections against this recommendation have been filed at this time, indicating the recommendation is on track to be decreed by the SRBA Court. SRBA objections for the Idaho City area are due by January 31, 2003. The recommendation is presumed to reflect a valid water right at this point in the SRBA process.

The Plain right covers a domestic well in the Boise valley. It has already been decreed by the SRBA Court and is presumed to be a valid water right.

This office has a standard mailing discussing the water rights transfer process. The mailing is not available electronically (yet) but can be sent to you upon request.

The main points to remember for a successful transfer follow.

- 1) The water right must be valid as evidenced by information showing beneficial use of the right within the five year period preceding the transfer filing.
- 2) The proposed transfer cannot expand the use of water, injure other water rights, conflict with the local public interest or be contrary to the conservation of water resources within Idaho (Section 42-222, Idaho Code).
- 3) A transfer must propose a decrease in water use at the current place of use described by the right in order to transfer a like amount of water to a new location.
- 4) Generally speaking, ground water and surface water rights cannot be exchanged in a transfer (can't propose a reduction in use from a well to be replaced by use from a creek, for example).

It is extremely unlikely that Plain's domestic ground water right could be transferred upstream to a surface water source around Idaho City. Plain's right is not a viable solution for the community park.

Canody's right offers more hope provided the transfer meets the previously outlined tests.

I hope this information points you in the right direction. Please contact this office at 334-2190 for more information.

Steve Lester
IDWR Western Region



Canody.doc



Plain.doc

proof report WR 63-30209

proof report AJ Rec'd 63-30398

Lester, Steve

From: longpine@spro.net
Sent: Wednesday, October 16, 2002 10:29 AM
To: slester@idwr.state.id.us
Subject: Water right search for Idaho City

Steve, I am responsible for the development of the Boise Basin Community Park in Idaho City. I know several townspeople have been speaking to IDWR regarding water rights, but I seem to get a couple of versions of every conversation.

It's finally boiled down to the point that we are willing to purchase a right for ½ acre of irrigation from Jim Canody, but I see no decreed right for him. Does Mr. Canody have a right that could be transferred to the City of Idaho City for the purpose of irrigating a baseball field from Mores Creek (within the city limits)?

Also, another citizen has offered to donate a right, but the only right I can find is a domestic right they have in Boise.

Could you research these two "rights" for us?
Jim Canody Warren or Inez Plain

Thanks,

John Roberts
Chair, Idaho City Parks Commission

MEMORANDUM

TO: Claim File No. 63-30398

FROM: Jan Shurte

SUBJECT: Transfer of acres from Canody to Idaho City Parks & Rec

DATE: 8/1/2002

Mr. Canody called today to ask whether he could sell the ½ acre of water he has under 63-30398 with a source of Bear Run to Idaho City for one of their parks.

I informed Mr. Canody that he could do that, however, he would be required to file a transfer in order to change the place of use &/or point of diversion. I also informed him that if there was any other source that irrigated that same ½ acre (such as a groundwater source) that during the transfer process he may be told that he could not continue to irrigate the ½ acre from the well and transfer off the surface water since that would be an expansion. At that point he did not indicate that it would be a problem for him.

That same day, Mr. Tom Mack with the Idaho City Parks and Rec called concerning the same question. I gave him the same answer and he stated that he had that understanding from Steve Lester, IDWR, when he had asked that point before.

This memo is being placed in the file just to document our conversations.

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: 63-30398

CHOLA JOAN CANODY

PO BOX 81

IDAHO CITY ID 83631

Telephone Number: (208)392-4486

JAMES S CANODY

PO BOX 81

IDAHO CITY ID 83631

Telephone Number: (208)392-4486

RECEIVED

MAR 25 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:

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

DATE: 3-18-2002

SIGNATURE:

Please print your name:

JAMES S CANODY

CHOLA JOAN CANODY

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

RECEIVED

MAR 27 2002

WATER RESOURCES
WESTERN REGION

02/21/2002

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

RIGHT NUMBER: 63-30398
NAME AND ADDRESS: CHOLA JOAN CANODY
PO BOX 81
IDAHO CITY ID 83631

JAMES S CANODY
PO BOX 81
IDAHO CITY ID 83631

SOURCE: BEAR RUN TRIBUTARY: ELK CREEK
QUANTITY: 0.02 CFS
PRIORITY DATE: 05/20/1961
POINT OF DIVERSION:

T06N R05E S26 SESENW 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 SENW 0.5

0.5 ACRES TOTAL

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

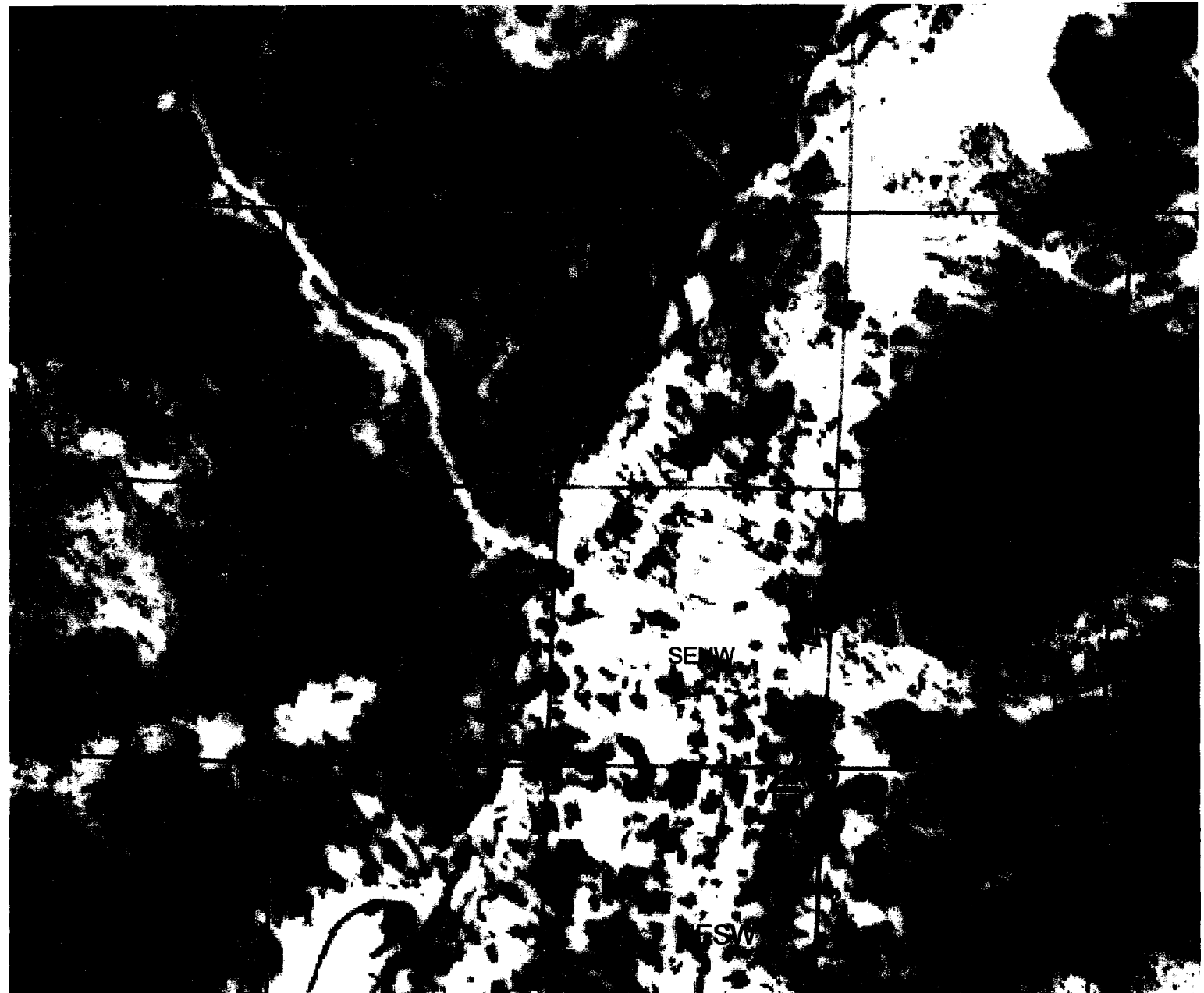
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-30398
T06N, R05E, Sec 26
Prepared by: Maria Minicucci
February 12, 2002

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



400 0 400 800 Feet



1987 NAPP

SRBA Claim Number A63-30398

Date of Photos 11/25/2001

Photographer PDINICUCCI

Legal Description T6NRSE S26 SENE

① Point of diversion.

"Well" is located
at bottom of
photograph. New
well (not this claim)
is in well house.

"Well" casing is
flush with ground
surface.

Claimant with
shovel.
IDWR employee
Vicki Kelly.



② Place of Use.

Photo taken from
northwest corner
of property. House
is on other side
of garage.



AJ5809NP
No. A63-30398

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 122



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES S CANODY	05/20/1961	IRRIGATION	04-01 10-31	0.175 CFS	02
C	CHOLA JOAN CANODY				0.175 CFS	02
	PO BOX 81					
	IDAHO CITY ID 83631					
	(208) 392-4486					
TOTAL DIVERSION:						

Water Source: BEAR RUN CREEK

Tributary to: ELK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T06N R05E S26 SESENW

BOISE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	05E	26	:																	0.5
																			TOTAL ACRES	0.5

POU County: BOISE

Remarks: GEN

DESCRIPTION OF DIVERSION WORKS: 1 WELL, 18' DEEP WITH A CULVERT PIPE INSTALLED PUMP IS CAPABLE OF DELIVERING 78.92 GALLONS PER MINUTE. FIRST USE OF WATER WAS SPRING OF 1961-AT THAT TIME A HOSE WAS USED FOR A GRAVITY FLOW SYSTEM. IN 1968, I PURCHASED A SMALL USED PUMP, USED BLACK PLASTIC TO BUILD A SMALL RESERVOIR AND PUMPED WATER ON TO YARD. IN SEPTEMBER 1994, I USED A BACKHOE TO DIG DOWN 17 TO 18 FEET AT WHICH TIME I INSTALLED THE NEW PUMP (78.92 GPM). WELL IS APPROXIMATELY 50' FROM STREAM WHERE I ORIGINALLY PUMPED WATER FROM. WHERE PUMP IS LOCATED NOW WAS ORIGINALLY AN OLD DREDGE POND WHICH WAS FILLED IN ABOUT 1970-1971 BEAR RUN STREAM DOES CROSS MY PROPERTY.

Dates: Exam Made Date: 10/25/2001

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

GPS Near: "30398"

Photo 10: P20, Well house (dom)
1st back. Not this claim

35 paces from creek 20'-17' deep
(~ 50')

11: P20 from North

Large culvert, perforated, filled w/ large rocks. Well casing driven down the middle (4"), perforated. 1 HP surface pump to SPRINKLERs for yard.

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

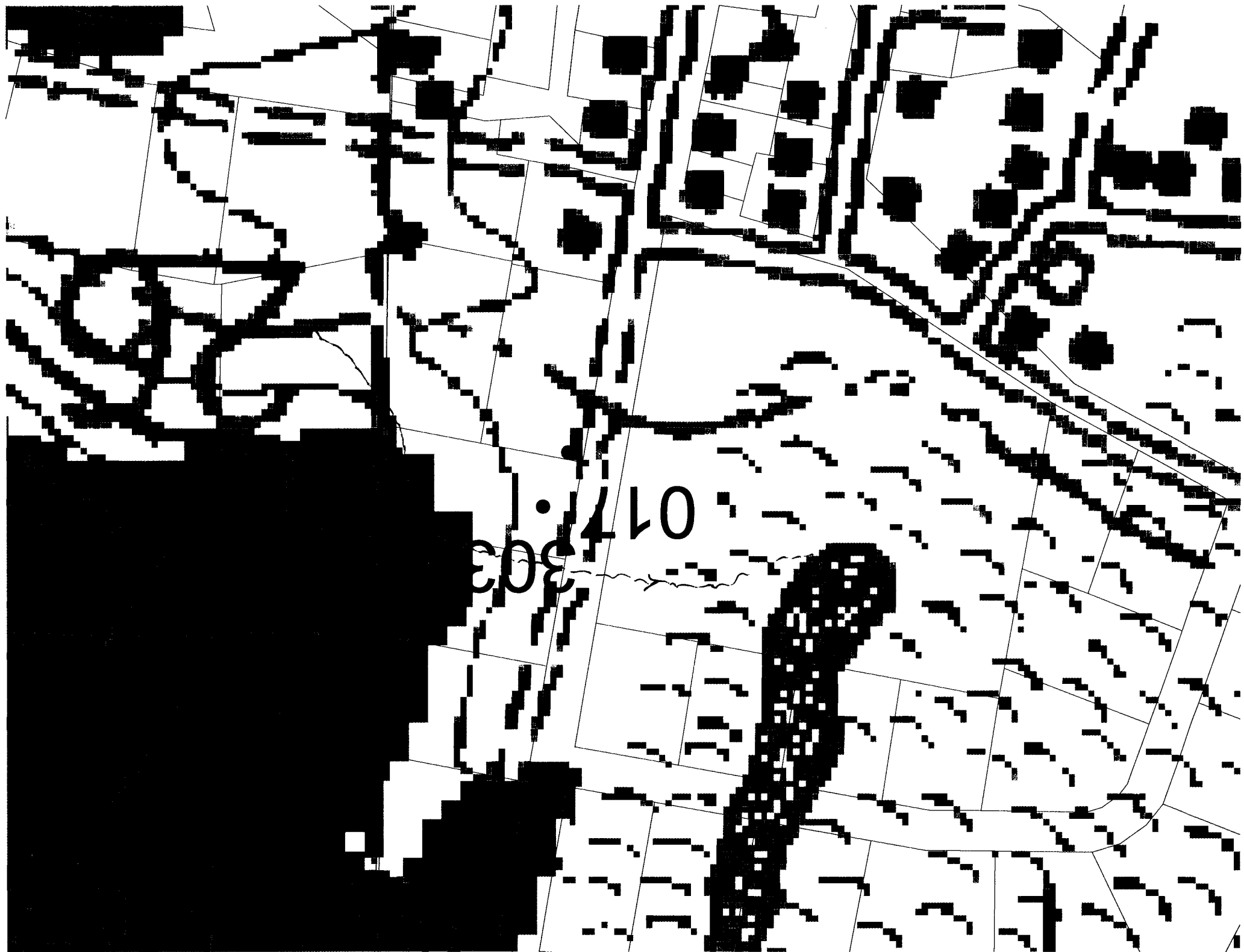
surface H2O

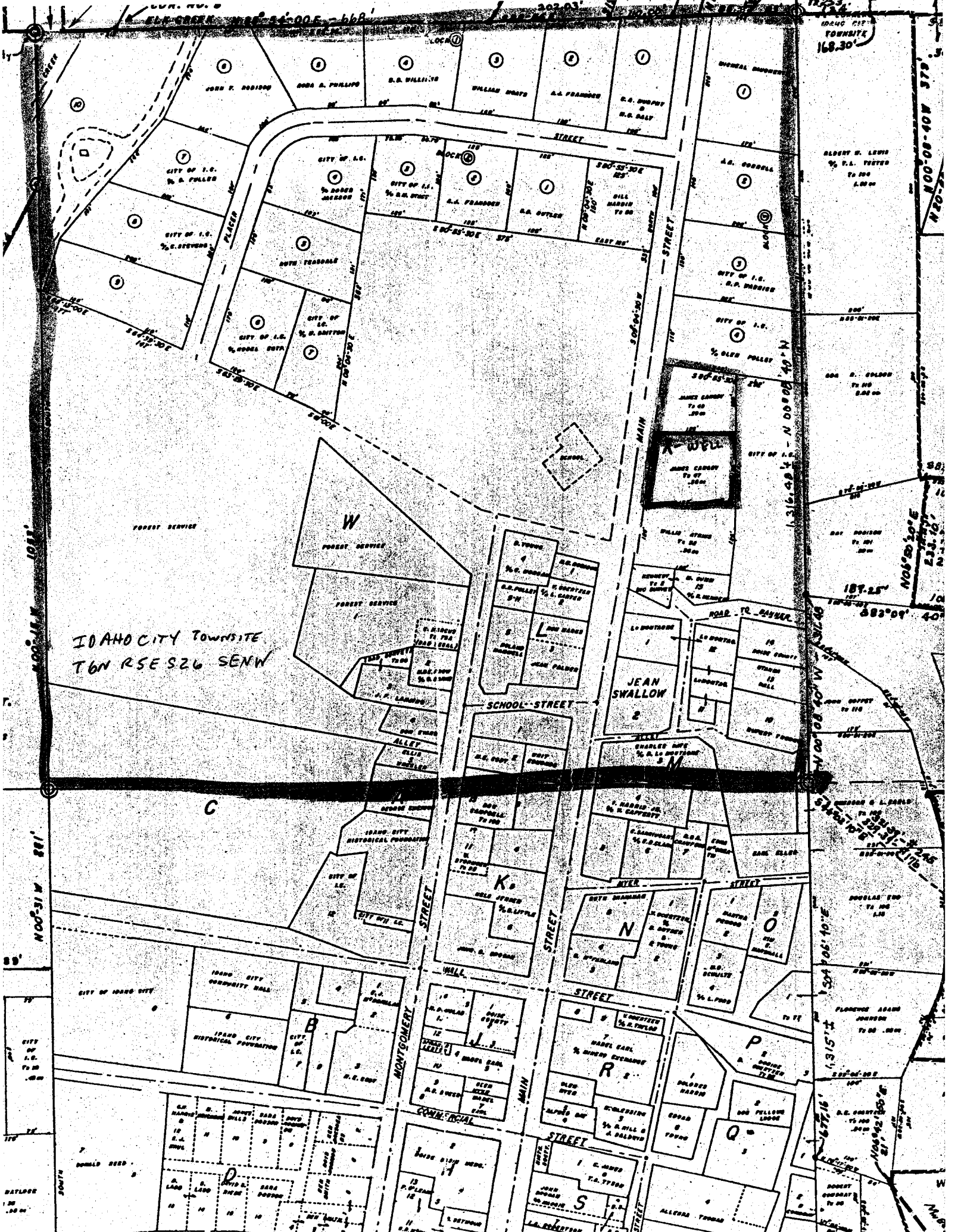
Find
SDE
done

Add
C18

For claimant,
Bear Run Creek has moved
considerably over the years, due
to leveling of some tailings
piles, new holes dug, city
moved, etc. Diversion is
located ~ 50'
south of creek.

10/25/2001:
Culvert buried vertically
in yard. Located SE
of well house ~ 5'
off SE corner of well house.





IDAHO CITY TOWNSITE
T6N R5E S26 SENW

IDAHO CITY
TOWNSITE
168.30'

N00-08-40W 379'
N20-22'

N06°20'30"E
233.10'
N00-08-40W 379'

S84°05'10"E
1315.1'

N04°42'50"E
217'

N00°15'00W 1981'
N00°15'00W 188'

DATLAGE
100
100 W

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63 - 30398

Contact Person James/Chola Canody

Date/Time of Exam 10/25/2001 ~ 10:00

IDWR Employee/Agent M. Minicucci

Directions to Property Directly across from elementary school
Main St.  Jim + Joan Canody sign by
driveway.

Info to determine measurement method

Miscellaneous Well drilled recently. Can file claim
or appl. for permit

Idaho City, Idaho
Jan. 30, 1996

RECEIVED
FEB 01 1996

Department of Water Resources

To Whom It May Concern:

I, Roger B. Jackson, know from my personal knowledge that James S. Canody did use water from Bear Run Stream to irrigate his lawn beginning in the early 1960's.

Roger B. Jackson
signature

1-30-96
date

MICROFILMED
OCT 18 1996



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

CHOLA JOAN CANODY
JAMES S CANODY
706 ELK CREEK RD
IDAHO CITY ID 83631

Re: Claim No(s). 63-30398

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

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Snake River Basin Adjudication
Change in Address of Notice of Claim

Claim Number(s): 63-30398

Previous Mailing Address: P.O. Box 81
Id. City, Id. 83631

New Mailing Address: No changes necessary.

Dr 7-17-01

Telephone Number: (208) 392-4486

Signature of Claimant(s): C Rola Jean Canody
(CHOLA JOAN CANODY)

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177