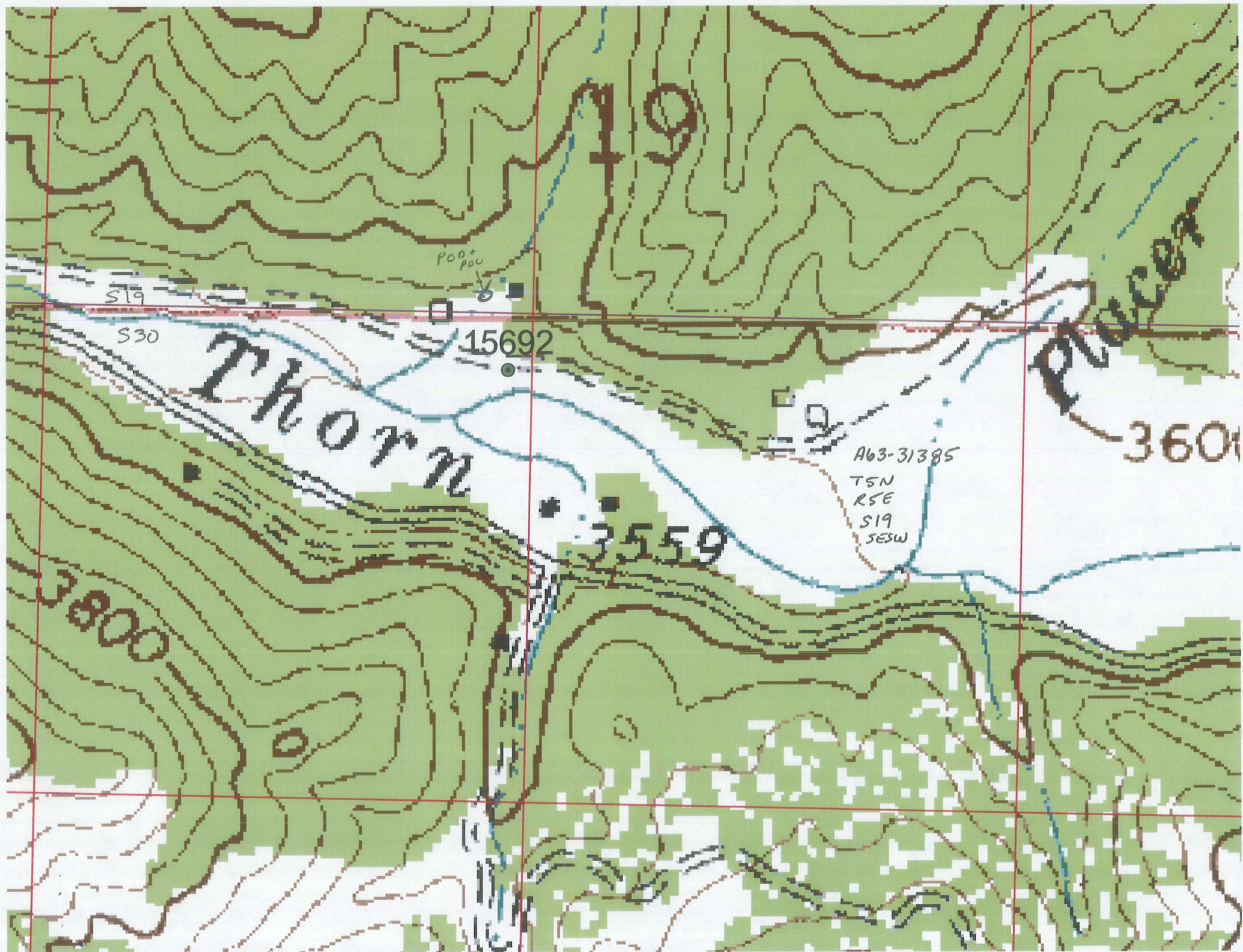




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31385
Date Received: 12/26/2001
Receipt No: W028588
Received By:

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

1. Name of Claimant(s)

STEPHANIE ARTHAUD Phone: (208)392-4444
16 PLACER CREEK RD
BOISE ID USA 83716

DAVID L ARTHAUD Phone: (208)392-4444
16 PLACER CREEK RD
BOISE ID USA 83716

2. Date of Priority: 04/01/1965

3. Source: BRIGGS CREEK Trib. to: THORN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05E	19	SE SW	BOISE	

5. Description of diverting works:

Storage Pond.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
05N	05E	19	SW	SE	DOMESTIC	
			SE	SW	DOMESTIC	

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:

Domestic includes Fire Protection.

We have a .01 cfs water right for the front yard separate from the back yard or fire protection.

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

123-31385

Date Received

12-26-01

Receipt Number

W028588

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

Please type or print clearly

1. Name of Claimant (s) David & Stephanie Arnaud Phone (208) 392-4444

Mailing Address

116 Placer Creek Road, Boise

Zip

83716

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

4/1/65

3. Source of water supply (a)

Briggs Creek

which is tributary to (b)

Thorn Creek4. a. Location of existing point of diversion is: Township 05N Range 05E Section 191/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Boise

Additional points of diversion if any: _____

(b) If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of Boise

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. storage pond

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For ~~irrigation~~ purposes from ~~01/01~~ to ~~12/31~~ amount ~~00~~ or _____

For domestic purposes from 01/01 to 12/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (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.) one (1) household Domestic: includes fire protection

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	
5N	SE	19												D					
5N	SE	19															D		

Total number of acres irrigated _____

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.
_____ or None (X)

14. Remarks:

we have a .01 cfs water right for the front yard separate from the back yard (above) or the stream

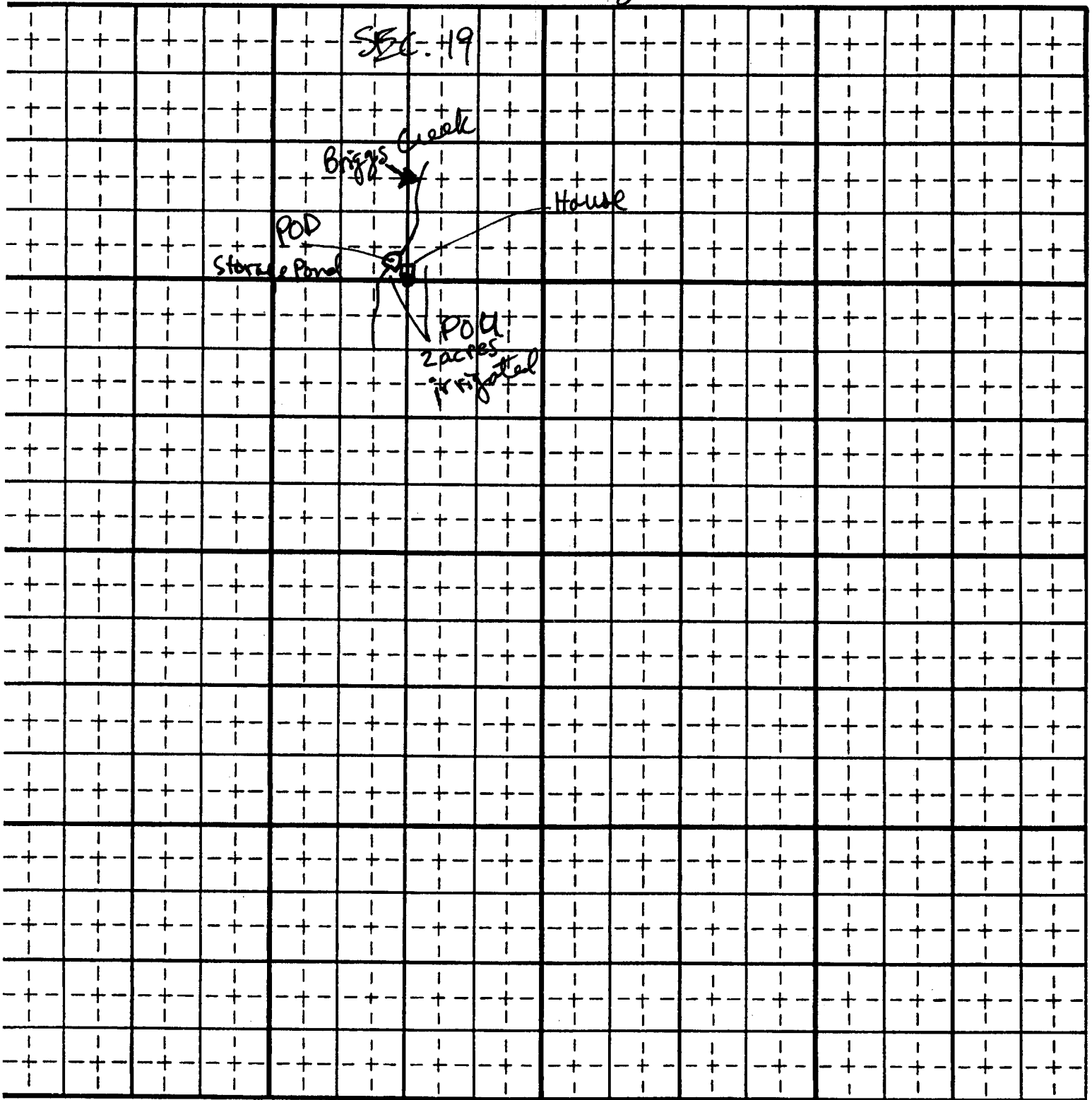
Last Name Arthand Ident No. _____

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

Scale: 2 inches equals 1 mile

TSN R5E

Sec 19



Last Name Arthaud Ident No. _____

15. Basis of Claim (check one) Beneficial Use X 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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

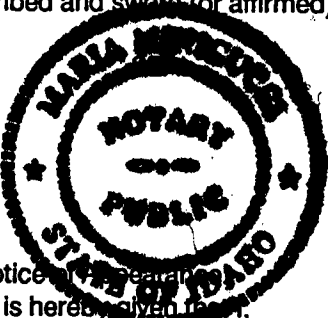
Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) Daniel J. Hachub Date 12/26/01
Stephanie Hachub Date 12/26/01

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 _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 26th day of DECEMBER 19 2001



Notary Public Maria Hachub
Residing at Boise, Idaho
My Commission Expires 06/25/2005

Please Print Name

17. Notice of Appearance
Notice is hereby given that _____ 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 _____ Ident. Number _____

IDAHO DEPARTMENT OF WATER RESOURCES 01/24/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 63-31385

NAME AND ADDRESS: STEPHANIE ARTHAUD
16 PLACER CREEK RD
BOISE ID 83716

DAVID L ARTHAUD
16 PLACER CREEK RD
BOISE ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: THORN CREEK

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1965

POINT OF DIVERSION:
T05N R05E S19 SESESW 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	0.020 CFS

PLACE OF USE: DOMESTIC Within BOISE County
T05N R05E S19 SESW

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
SOURCE IS ALSO KNOWN AS BRIGGS CREEK.

Sue
POX SDE

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

CLAIM NO(s). A63-31385

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: 04/01/1965
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence supports development in the 1960s.
Evidence not req'd

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

Source found: Unnamed stream

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

Township SW Range SE Section 19 1/4 SE 1/4 SE 1/4 SW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

Small dug-out pond in stream

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

Use	<u>Dom</u>	From	<u>01/01</u>	To	<u>12/31</u>	Amount	<u>.02</u>	CFS	<u> </u>	AFA
Use	<u> </u>	From	<u> </u>	To	<u> </u>	Amount	<u> </u>	CFS	<u> </u>	AFA
Use	<u> </u>	From	<u> </u>	To	<u> </u>	Amount	<u> </u>	CFS	<u> </u>	AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount CFS AFA

Changes found, the new total is, Amount CFS AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments: Domestic is fine protection for one home + barn

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

Use:	<u>Dom</u>	Township	<u>5N</u>	Range	<u>5E</u>	Section	<u>19</u>	<u>1/4</u>	<u>SE</u>	<u>1/4</u>	<u>SW</u>
Use:	<u> </u>	Township	<u> </u>	Range	<u> </u>	Section	<u> </u>	<u>1/4</u>	<u> </u>	<u>1/4</u>	<u> </u>
Use:	<u> </u>	Township	<u> </u>	Range	<u> </u>	Section	<u> </u>	<u>1/4</u>	<u> </u>	<u>1/4</u>	<u> </u>
Use:	<u> </u>	Township	<u> </u>	Range	<u> </u>	Section	<u> </u>	<u>1/4</u>	<u> </u>	<u>1/4</u>	<u> </u>

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

Claim A63-15692 is for irrigation of lawn/gardens from
Thoen Creek.

Source known locally as Briggs Creek

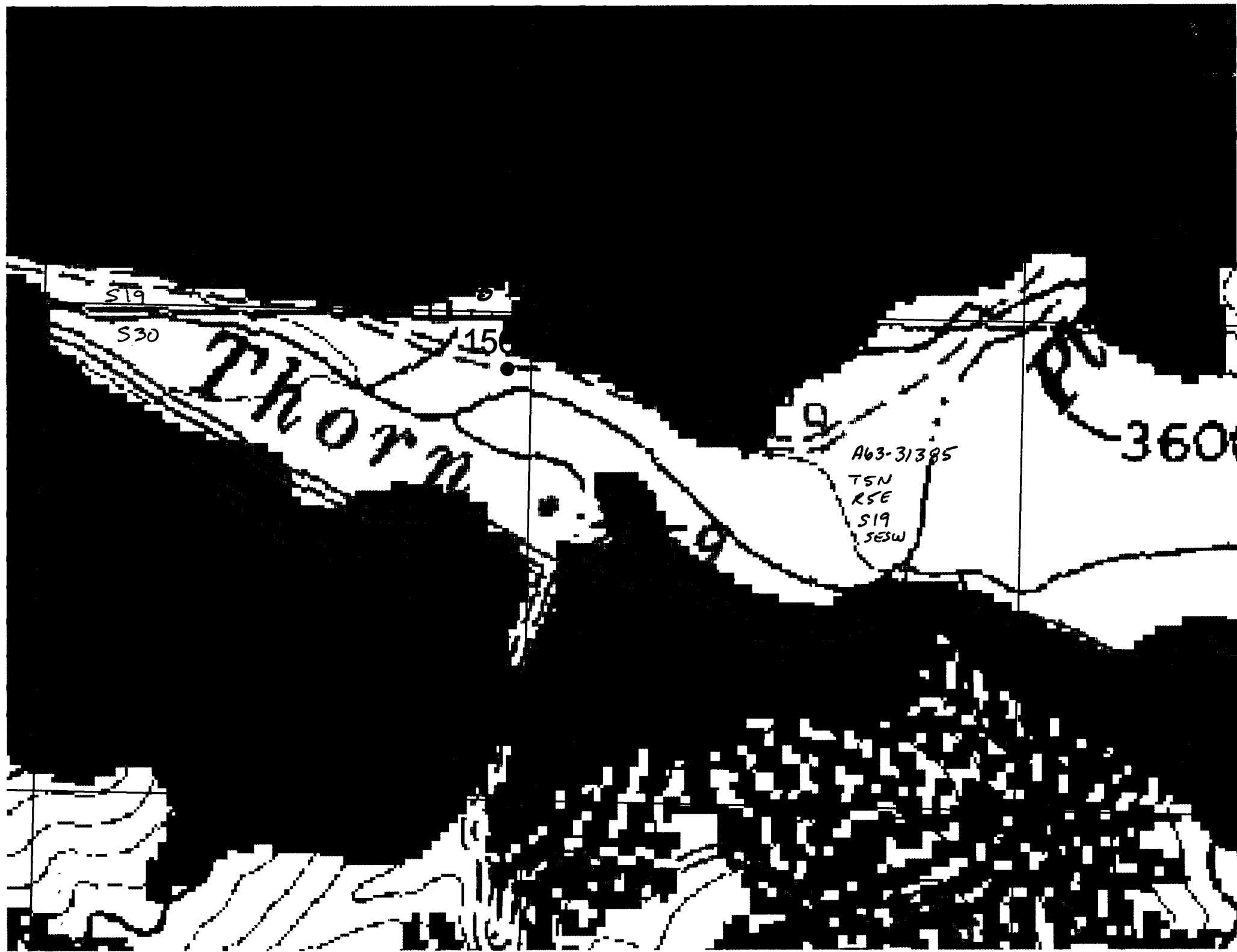
SYSTEM DIAGRAM INCLUDED
Shown on GIS Layout

(NA)

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 11/14/2001 (AS PART OF
A63-15692)

FIELD EXAMINER: MARCA DIMICCI
Print Name

[Signature]
Signature



S19

S30

156

A63-31385

TSN
RSE
S19
SESU

360

DAVID AND STEPHANIE ARTHAUD
16 PLACER CREEK ROAD
BOISE, IDAHO 83716
(208) 392-4444

RECEIVED
DEC 26 2001
WATER RESOURCES
WESTERN REGION

State of Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190 Phone
(208) 334-2348 Fax

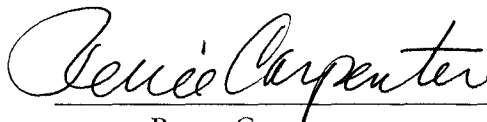
Re: Snake River Basin Adjudication, Notice of Claim to a Water Right No. A63-15692A
Evidence of Priority

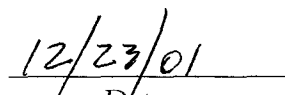
Dear Ms. Minicucci:

Thank you for taking the time to come out to our property for the field exam. Enclosed please find the Change of Ownership form for the above noted Water Right, the Notice of a Claim form for the water usage from the storage pond from Briggs Creek, and two statements supporting these applications.

The first statement is from a Mr. & Mrs. Coker who currently live in Mobile, Alabama, their phone number is (251) 454-8972. We spoke with Mrs. Coker on 12/18/01. She stated the following: Lynn was born in 1942, while his father (Jim Coker) was serving in WWII. After his father returned from WWII, he and Lynn's mother built a cabin on what is now our property. Lynn said that he lived here with his parents who owned this property from 1940-1957. He stated that while they used lanterns for light in the early 40's, that by 1948, they had electricity and were pumping water from Thorn Creek to irrigate the lands around the house site (about 2-3 acres of land.) They were watering grass, fruit trees, and gardens. This supports the priority date you currently have on file.

The other statement is from our neighbor, Renee Carpenter, who's family has owned property on Placer Creek Road for many years, since the late 1940's. She has been vital to us in identifying the previous owners of this property and even locating them on our behalf in order to fulfill the IDWR's requirements. She stated that during the 60's when the Biggers' (and then the Joplin's after them) owned this property. She saw the Bigger's use the water storage pond located in our backyard. This storage pond's source is the instream flow of Briggs Creek and was used to water the yard, in addition to the water pumped from Thorn Creek. She said that during a phone conversation with Mr. Lynn Coker in 11/01, Mr. Coker told her that his parents pumped water from Thorn Creek into storage tanks for fire protection and irrigation.


Renee Carpenter


Date

DAVID AND STEPHANIE ARTHAUD
16 PLACER CREEK ROAD
BOISE, IDAHO 83716
(208) 392-4444

RECEIVED
DEC 26 2001
WATER RESOURCES
WESTERN REGION

David L. Arthaud

David L. Arthaud

12/26/01

Date

Stephanie Arthaud

Stephanie Arthaud

12/26/01

Date